

Union Calendar No. 216

108TH CONGRESS
1ST SESSION

H. R. 1862

[Report No. 108-366]

To establish the Oil Region National Heritage Area.

IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 2003

Mr. PETERSON of Pennsylvania (for himself, Mr. GREENWOOD, Mr. ENGLISH, Mr. DOYLE, Mr. MURPHY, Mr. KANJORSKI, Mr. MURTHA, Ms. HART, Mr. PLATTS, Mr. HOEFFEL, Mr. BRADY of Pennsylvania, Mr. GERLACH, Mr. FATTAH, Mr. HOLDEN, and Mr. SHERWOOD) introduced the following bill; which was referred to the Committee on Resources

NOVEMBER 17, 2003

Additional sponsors: Mr. WELDON of Pennsylvania, and Mr. CANNON

NOVEMBER 17, 2003

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 29, 2003]

A BILL

To establish the Oil Region National Heritage Area.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; DEFINITIONS.**

2 (a) *SHORT TITLE.*—*This Act may be cited as the “Oil*
3 *Region National Heritage Area Act”.*

4 (b) *DEFINITIONS.*—*For the purposes of this Act, the*
5 *following definitions shall apply:*

6 (1) *HERITAGE AREA.*—*The term “Heritage*
7 *Area” means the Oil Region National Heritage Area*
8 *established in section 3(a).*

9 (2) *MANAGEMENT ENTITY.*—*The term “manage-*
10 *ment entity” means the Oil Heritage Region, Inc., or*
11 *its successor entity.*

12 (3) *SECRETARY.*—*The term “Secretary” means*
13 *the Secretary of the Interior.*

14 **SEC. 2. FINDINGS AND PURPOSE.**

15 (a) *FINDINGS.*—*The Congress finds the following:*

16 (1) *The Oil Region of Northwestern Pennsyl-*
17 *vania, with numerous sites and districts listed on the*
18 *National Register of Historic Places, and designated*
19 *by the Governor of Pennsylvania as one of the State*
20 *Heritage Park Areas, is a region with tremendous*
21 *physical and natural resources and possesses a story*
22 *of State, national, and international significance.*

23 (2) *The single event of Colonel Edwin Drake’s*
24 *drilling of the world’s first successful oil well in 1859*
25 *has affected the industrial, natural, social, and polit-*
26 *ical structures of the modern world.*

1 (3) *Six national historic districts are located*
2 *within the State Heritage Park boundary, in*
3 *Emlenton, Franklin, Oil City, and Titusville, as well*
4 *as 17 separate National Register sites.*

5 (4) *The Allegheny River, which was designated*
6 *as a component of the national wild and scenic rivers*
7 *system in 1992 by Public Law 102–271, traverses the*
8 *Oil Region and connects several of its major sites, as*
9 *do some of the river’s tributaries such as Oil Creek,*
10 *French Creek, and Sandy Creek.*

11 (5) *The unspoiled rural character of the Oil Re-*
12 *gion provides many natural and recreational re-*
13 *sources, scenic vistas, and excellent water quality for*
14 *people throughout the United States to enjoy.*

15 (6) *Remnants of the oil industry, visible on the*
16 *landscape to this day, provide a direct link to the*
17 *past for visitors, as do the historic valley settlements,*
18 *riverbed settlements, plateau developments, farmlands,*
19 *and industrial landscapes.*

20 (7) *The Oil Region also represents a cross section*
21 *of American history associated with Native Ameri-*
22 *cans, frontier settlements, the French and Indian*
23 *War, African Americans and the Underground Rail-*
24 *road, and immigration of Swedish and Polish indi-*
25 *viduals, among others.*

1 (8) *Involvement by the Federal Government shall*
2 *serve to enhance the efforts of the Commonwealth of*
3 *Pennsylvania, local subdivisions of the Common-*
4 *wealth of Pennsylvania, volunteer organizations, and*
5 *private businesses, to promote the cultural, national,*
6 *and recreational resources of the region in order to*
7 *fulfill their full potential.*

8 (b) *PURPOSE.—The purpose of this Act is to enhance*
9 *a cooperative management framework to assist the Com-*
10 *monwealth of Pennsylvania, its units of local government,*
11 *and area citizens in conserving, enhancing, and inter-*
12 *preting the significant features of the lands, water, and*
13 *structures of the Oil Region, in a manner consistent with*
14 *compatible economic development for the benefit and inspi-*
15 *ration of present and future generations in the Common-*
16 *wealth of Pennsylvania and the United States.*

17 **SEC. 3. OIL REGION NATIONAL HERITAGE AREA.**

18 (a) *ESTABLISHMENT.—There is hereby established the*
19 *Oil Region National Heritage Area.*

20 (b) *BOUNDARIES.—The boundaries of the Heritage*
21 *Area shall include all of those lands depicted on a map enti-*
22 *tled “Oil Region National Heritage Area”, numbered*
23 *OIRE/20,000 and dated October, 2000. The map shall be*
24 *on file in the appropriate offices of the National Park Serv-*
25 *ice. The Secretary of the Interior shall publish in the Fed-*

1 *eral Register, as soon as practical after the date of the en-*
2 *actment of this Act, a detailed description and map of the*
3 *boundaries established under this subsection.*

4 *(c) MANAGEMENT ENTITY.—The management entity*
5 *for the Heritage Area shall be the Oil Heritage Region, Inc.,*
6 *the locally based private, nonprofit management corpora-*
7 *tion which shall oversee the development of a management*
8 *plan in accordance with section 5(b).*

9 **SEC. 4. COMPACT.**

10 *To carry out the purposes of this Act, the Secretary*
11 *shall enter into a compact with the management entity. The*
12 *compact shall include information relating to the objectives*
13 *and management of the area, including a discussion of the*
14 *goals and objectives of the Heritage Area, including an ex-*
15 *planation of the proposed approach to conservation and in-*
16 *terpretation and a general outline of the protection meas-*
17 *ures committed to by the Secretary and management entity.*

18 **SEC. 5. AUTHORITIES AND DUTIES OF MANAGEMENT**

19 **ENTITY.**

20 *(a) AUTHORITIES OF THE MANAGEMENT ENTITY.—*
21 *The management entity may use funds made available*
22 *under this Act for purposes of preparing, updating, and*
23 *implementing the management plan developed under sub-*
24 *section (b). Such purposes may include—*

1 (1) *making grants to, and entering into coopera-*
2 *tive agreements with, States and their political sub-*
3 *divisions, private organizations, or any other person;*

4 (2) *hiring and compensating staff; and*

5 (3) *undertaking initiatives that advance the pur-*
6 *poses of the Heritage Area.*

7 (b) *MANAGEMENT PLAN.—The management entity*
8 *shall develop a management plan for the Heritage Area*
9 *that—*

10 (1) *presents comprehensive strategies and rec-*
11 *ommendations for conservation, funding, manage-*
12 *ment, and development of the Heritage Area;*

13 (2) *takes into consideration existing State, coun-*
14 *ty, and local plans and involves residents, public*
15 *agencies, and private organizations working in the*
16 *Heritage Area;*

17 (3) *includes a description of actions that units*
18 *of government and private organizations have agreed*
19 *to take to protect the resources of the Heritage Area;*

20 (4) *specifies the existing and potential sources of*
21 *funding to protect, manage, and develop the Heritage*
22 *Area;*

23 (5) *includes an inventory of the resources con-*
24 *tained in the Heritage Area, including a list of any*
25 *property in the Heritage Area that is related to the*

1 *themes of the Heritage Area and that should be pre-*
2 *served, restored, managed, developed, or maintained*
3 *because of its natural, cultural, historic, recreational,*
4 *or scenic significance;*

5 *(6) describes a program for implementation of*
6 *the management plan by the management entity, in-*
7 *cluding plans for restoration and construction, and*
8 *specific commitments for that implementation that*
9 *have been made by the management entity and any*
10 *other persons for the first 5 years of implementation;*

11 *(7) lists any revisions to the boundaries of the*
12 *Heritage Area proposed by the management entity*
13 *and requested by the affected local government; and*

14 *(8) includes an interpretation plan for the Her-*
15 *itage Area.*

16 *(c) DEADLINE; TERMINATION OF FUNDING.—*

17 *(1) DEADLINE.—The management entity shall*
18 *submit the management plan to the Secretary within*
19 *2 years after the funds are made available for this*
20 *Act.*

21 *(2) TERMINATION OF FUNDING.—If a manage-*
22 *ment plan is not submitted to the Secretary in ac-*
23 *cordance with this subsection, the management entity*
24 *shall not qualify for Federal assistance under this*
25 *Act.*

1 (d) *DUTIES OF MANAGEMENT ENTITY.*—*The manage-*
2 *ment entity shall—*

3 (1) *give priority to implementing actions set*
4 *forth in the compact and management plan;*

5 (2) *assist units of government, regional planning*
6 *organizations, and nonprofit organizations in—*

7 (A) *establishing and maintaining interpre-*
8 *tive exhibits in the Heritage Area;*

9 (B) *developing recreational resources in the*
10 *Heritage Area;*

11 (C) *increasing public awareness of and ap-*
12 *preciation for the natural, historical, and archi-*
13 *tectural resources and sites in the Heritage Area;*

14 (D) *the restoration of any historic building*
15 *relating to the themes of the Heritage Area;*

16 (E) *ensuring that clear signs identifying ac-*
17 *cess points and sites of interest are put in place*
18 *throughout the Heritage Area; and*

19 (F) *carrying out other actions that the*
20 *management entity determines to be advisable to*
21 *fulfill the purposes of this Act;*

22 (3) *encourage by appropriate means economic*
23 *viability in the Heritage Area consistent with the*
24 *goals of the management plan;*

1 (4) *consider the interests of diverse governmental,*
2 *business, and nonprofit groups within the Heritage*
3 *Area; and*

4 (5) *for any year in which Federal funds have*
5 *been provided to implement the management plan*
6 *under subsection (b)—*

7 (A) *conduct public meetings at least annu-*
8 *ally regarding the implementation of the man-*
9 *agement plan;*

10 (B) *submit an annual report to the Sec-*
11 *retary setting forth accomplishments, expenses*
12 *and income, and each person to which any grant*
13 *was made by the management entity in the year*
14 *for which the report is made; and*

15 (C) *require, for all agreements entered into*
16 *by the management entity authorizing expendi-*
17 *ture of Federal funds by any other person, that*
18 *the person making the expenditure make avail-*
19 *able to the management entity for audit all*
20 *records pertaining to the expenditure of such*
21 *funds.*

22 (e) *PROHIBITION ON THE ACQUISITION OF REAL*
23 *PROPERTY.—The management entity may not use Federal*
24 *funds received under this Act to acquire real property or*
25 *an interest in real property.*

1 **SEC. 6. DUTIES AND AUTHORITIES OF THE SECRETARY.**

2 (a) *TECHNICAL AND FINANCIAL ASSISTANCE.*—

3 (1) *IN GENERAL.*—

4 (A) *OVERALL ASSISTANCE.*—*The Secretary*
5 *may, upon the request of the management entity,*
6 *and subject to the availability of appropriations,*
7 *provide technical and financial assistance to the*
8 *management entity to carry out its duties under*
9 *this Act, including updating and implementing*
10 *a management plan that is submitted under sec-*
11 *tion 5(b) and approved by the Secretary and,*
12 *prior to such approval, providing assistance for*
13 *initiatives.*

14 (B) *OTHER ASSISTANCE.*—*If the Secretary*
15 *has the resources available to provide technical*
16 *assistance to the management entity to carry out*
17 *its duties under this Act (including updating*
18 *and implementing a management plan that is*
19 *submitted under section 5(b) and approved by*
20 *the Secretary and, prior to such approval, pro-*
21 *viding assistance for initiatives), upon the re-*
22 *quest of the management entity the Secretary*
23 *shall provide such assistance on a reimbursable*
24 *basis. This subparagraph does not preclude the*
25 *Secretary from providing nonreimbursable as-*
26 *sistance under subparagraph (A).*

1 (2) *PRIORITY.*—*In assisting the management en-*
2 *tity, the Secretary shall give priority to actions that*
3 *assist in the—*

4 (A) *implementation of the management*
5 *plan;*

6 (B) *provision of educational assistance and*
7 *advice regarding land and water management*
8 *techniques to conserve the significant natural re-*
9 *sources of the region;*

10 (C) *development and application of tech-*
11 *niques promoting the preservation of cultural*
12 *and historic properties;*

13 (D) *preservation, restoration, and reuse of*
14 *publicly and privately owned historic buildings;*

15 (E) *design and fabrication of a wide range*
16 *of interpretive materials based on the manage-*
17 *ment plan, including guide brochures, visitor*
18 *displays, audio-visual and interactive exhibits,*
19 *and educational curriculum materials for public*
20 *education; and*

21 (F) *implementation of initiatives prior to*
22 *approval of the management plan.*

23 (3) *DOCUMENTATION OF STRUCTURES.*—*The Sec-*
24 *retary, acting through the Historic American Build-*
25 *ing Survey and the Historic American Engineering*

1 *Record, shall conduct studies necessary to document*
2 *the industrial, engineering, building, and architec-*
3 *tural history of the Heritage Area.*

4 *(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT*
5 *PLANS.—The Secretary, in consultation with the Governor*
6 *of Pennsylvania, shall approve or disapprove a manage-*
7 *ment plan submitted under this Act not later than 90 days*
8 *after receiving such plan. In approving the plan, the Sec-*
9 *retary shall take into consideration the following criteria:*

10 *(1) The extent to which the management plan*
11 *adequately preserves and protects the natural, cul-*
12 *tural, and historical resources of the Heritage Area.*

13 *(2) The level of public participation in the devel-*
14 *opment of the management plan.*

15 *(3) The extent to which the board of directors of*
16 *the management entity is representative of the local*
17 *government and a wide range of interested organiza-*
18 *tions and citizens.*

19 *(c) ACTION FOLLOWING DISAPPROVAL.—If the Sec-*
20 *retary disapproves a management plan, the Secretary shall*
21 *advise the management entity in writing of the reasons for*
22 *the disapproval and shall make recommendations for revi-*
23 *sions in the management plan. The Secretary shall approve*
24 *or disapprove a proposed revision within 90 days after the*
25 *date it is submitted.*

1 (d) *APPROVING CHANGES.*—*The Secretary shall review*
2 *and approve amendments to the management plan under*
3 *section 5(b) that make substantial changes. Funds appro-*
4 *riated under this Act may not be expended to implement*
5 *such changes until the Secretary approves the amendments.*

6 (e) *EFFECT OF INACTION.*—*If the Secretary does not*
7 *approve or disapprove a management plan, revision, or*
8 *change within 90 days after it is submitted to the Secretary,*
9 *then such management plan, revision, or change shall be*
10 *deemed to have been approved by the Secretary.*

11 **SEC. 7. DUTIES OF OTHER FEDERAL ENTITIES.**

12 *Any Federal entity conducting or supporting activities*
13 *directly affecting the Heritage Area shall—*

14 (1) *consult with the Secretary and the manage-*
15 *ment entity with respect to such activities;*

16 (2) *cooperate with the Secretary and the man-*
17 *agement entity in carrying out their duties under this*
18 *Act and, to the maximum extent practicable, coordi-*
19 *nate such activities with the carrying out of such du-*
20 *ties; and*

21 (3) *to the maximum extent practicable, conduct*
22 *or support such activities in a manner that the man-*
23 *agement entity determines shall not have an adverse*
24 *effect on the Heritage Area.*

1 **SEC. 8. SUNSET.**

2 *The Secretary may not make any grant or provide any*
3 *assistance under this Act after the expiration of the 15-year*
4 *period beginning on the date that funds are first made*
5 *available for this Act.*

6 **SEC. 9. REQUIREMENTS FOR INCLUSION OF PRIVATE**
7 **PROPERTY.**

8 *(a) NOTIFICATION AND CONSENT OF PROPERTY OWN-*
9 *ERS REQUIRED.—No privately owned property shall be pre-*
10 *served, conserved, or promoted by the management plan for*
11 *the Heritage Area until the owner of that private property*
12 *has been notified in writing by the management entity and*
13 *has given written consent for such preservation, conserva-*
14 *tion, or promotion to the management entity.*

15 *(b) LANDOWNER WITHDRAW.—Any owner of private*
16 *property included within the boundary of the Heritage Area*
17 *shall have their property immediately removed from the*
18 *boundary by submitting a written request to the manage-*
19 *ment entity.*

20 **SEC. 10. PRIVATE PROPERTY PROTECTION.**

21 *(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this*
22 *Act shall be construed to—*

23 *(1) require any private property owner to allow*
24 *public access (including Federal, State, or local gov-*
25 *ernment access) to such private property; or*

1 (2) *modify any provision of Federal, State, or*
2 *local law with regard to public access to or use of pri-*
3 *vate property.*

4 (b) *LIABILITY.—Designation of the Heritage Area*
5 *shall not be considered to create any liability, or to have*
6 *any effect on any liability under any other law, of any pri-*
7 *vate property owner with respect to any persons injured*
8 *on such private property.*

9 (c) *RECOGNITION OF AUTHORITY TO CONTROL LAND*
10 *USE.—Nothing in this Act shall be construed to modify the*
11 *authority of Federal, State, or local governments to regulate*
12 *land use.*

13 (d) *PARTICIPATION OF PRIVATE PROPERTY OWNERS*
14 *IN HERITAGE AREA.—Nothing in this Act shall be con-*
15 *strued to require the owner of any private property located*
16 *within the boundaries of the Heritage Area to participate*
17 *in or be associated with the Heritage Area.*

18 (e) *EFFECT OF ESTABLISHMENT.—The boundaries*
19 *designated for the Heritage Area represent the area within*
20 *which Federal funds appropriated for the purpose of this*
21 *Act may be expended. The establishment of the Heritage*
22 *Area and its boundaries shall not be construed to provide*
23 *any nonexisting regulatory authority on land use within*
24 *the Heritage Area or its viewshed by the Secretary, the Na-*
25 *tional Park Service, or the management entity.*

1 **SEC. 11. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

2 *Nothing in this Act shall preclude the management en-*
3 *tity from using Federal funds available under Acts other*
4 *than this Act for the purposes for which those funds were*
5 *authorized.*

6 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

7 *(a) IN GENERAL.—There are authorized to be appro-*
8 *riated to carry out this Act—*

9 *(1) not more than \$1,000,000 for any fiscal year;*

10 *and*

11 *(2) not more than a total of \$10,000,000.*

12 *(b) 50 PERCENT MATCH.—Financial assistance pro-*
13 *vided under this Act may not be used to pay more than*
14 *50 percent of the total cost of any activity carried out with*
15 *that assistance.*

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