

Calendar No. 680

106TH CONGRESS
2^D SESSION

S. 2247

[Report No. 106-341]

To establish the Wheeling National Heritage Area in the State of West Virginia, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 9, 2000

Mr. BYRD (for himself and Mr. ROCKEFELLER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JULY 12, 2000

Reported by Mr. MURKOWSKI, with amendments

[Omit the part struck through and insert the part printed in italics]

A BILL

To establish the Wheeling National Heritage Area in the State of West Virginia, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wheeling National
5 Heritage Area Act of 2000”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—The Congress finds that—

3 (1) the area in an around Wheeling, West Vir-
4 ginia, possesses important historical, cultural, and
5 natural resources, representing major heritage
6 themes of transportation, commerce and industry,
7 and Victorian culture in the United States;

8 (2) the City of Wheeling has played an impor-
9 tant part in the settlement of this country by serving
10 as—

11 (A) the western terminus of the National
12 Road of the early 1800's;

13 (B) the “Crossroads of America” through-
14 out the nineteenth century;

15 (C) one of the few major inland ports in
16 the nineteenth century; and

17 (D) the site for the establishment of the
18 Restored State of Virginia, and later the State
19 of West Virginia, during the Civil War and as
20 the first capital of the new State of West Vir-
21 ginia;

22 (3) the City of Wheeling has also played an im-
23 portant role in the industrial and commercial herit-
24 age of the United States, through the development
25 and maintenance of many industries crucial to the
26 Nation's expansion, including iron and steel, textile

1 manufacturing, boat building, glass manufacturing,
2 and stogie and chewing tobacco manufacturing fa-
3 cilities, many of which are industries that continue
4 to play an important role in the national economy;

5 (4) the city of Wheeling has retained its na-
6 tional heritage themes with the designations of the
7 old custom house (now Independence Hall) and the
8 historic suspension bridge as National Historic
9 Landmarks; with five historic districts; and many in-
10 dividual properties in the Wheeling area listed or eli-
11 gible for nomination to the National Register of His-
12 toric Places;

13 (5) the heritage themes and number and diver-
14 sity of Wheeling's remaining resources should be ap-
15 propriately retained, enhanced, and interpreted for
16 the education, benefit, and inspiration of the people
17 of the United States; and

18 (6) in 1992 a comprehensive plan for the devel-
19 opment and administration of the Wheeling National
20 Heritage Area was completed for the National Park
21 Service, the City of Wheeling, and the Wheeling Na-
22 tional Task Force, including—

23 (A) an inventory of the national and cul-
24 tural resources in the City of Wheeling;

1 (B) criteria for preserving and interpreting
2 significant natural and historic resources;

3 (C) a strategy for the conservation, preser-
4 vation, and reuse of the historical and cultural
5 resources in the City of Wheeling and the sur-
6 rounding region; and

7 (D) an implementation agenda by which
8 the State of West Virginia and local govern-
9 ments can coordinate their resources as well as
10 a complete description of the management enti-
11 ty responsible for implementing the comprehen-
12 sive plan.

13 (b) PURPOSES.—The purposes of this Act are—

14 (1) to recognize the special importance of the
15 history and development of the Wheeling area in the
16 cultural heritage of the Nation;

17 (2) to provide a framework to assist the City of
18 Wheeling and other public and private entities and
19 individuals in the appropriate preservation, enhance-
20 ment, and interpretation of significant resources in
21 the Wheeling area emblematic of Wheeling's con-
22 tributions to the Nation's cultural heritage;

23 (3) to allow for limited Federal, State and local
24 capital contributions for planning and infrastructure
25 investments to complete the Wheeling National Her-

1 itage Area, in partnership with the State of West
2 Virginia, the City of Wheeling, and other appro-
3 priate public and private entities; and

4 (4) to provide for an economically self-sus-
5 taining National Heritage Area not dependent on
6 Federal financial assistance beyond the initial years
7 necessary to establish the heritage area.

8 **SEC. 3. DEFINITIONS.**

9 As used in this Act—

10 (1) the term “city” means the City of Wheeling;

11 (2) the term “heritage area” means the Wheel-
12 ing National Heritage Area established in section 4;

13 (3) the term “plan” means the “Plan for the
14 Wheeling National Heritage Area” dated August,
15 1992;

16 (4) the term “Secretary” means the Secretary
17 of the Interior; and

18 (5) the term “State” means the State of West
19 Virginia.

20 **SEC. 4. WHEELING NATIONAL HERITAGE AREA.**

21 (a) ESTABLISHMENT.—In furtherance of the pur-
22 poses of this Act, there is established in the State of West
23 Virginia the Wheeling National Heritage Area, as gen-
24 erally depicted on the map entitled “Boundary Map,
25 Wheeling National Heritage Area, Wheeling, West Vir-

1 ginia” and dated March, 1994. The map shall be on file
2 and available for public inspection in the appropriate of-
3 fices of the National Park Service.

4 (b) **MANAGEMENT ENTITY.**—(1) The management
5 entity for the heritage area shall be the Wheeling National
6 Heritage Corporation, a non-profit corporation chartered
7 in the State of West Virginia.

8 (2) To the extent consistent with this Act, the man-
9 agement entity shall manage the heritage area in accord-
10 ance with the plan.

11 **SEC. 5. DUTIES OF THE MANAGEMENT ENTITY.**

12 (a) **MISSION.**—The primary mission of the manage-
13 ment entity shall be—

14 (A) to implement and coordinate the rec-
15 ommendations contained in the plan;

16 (B) ensure integrated operation of the heritage
17 area; and

18 (C) conserve and interpret the historic and cul-
19 tural resources of the heritage area.

20 (2) The management entity shall also direct and co-
21 ordinate the diverse conservation, development, program-
22 ming, educational, and interpretive activities within the
23 heritage area.

24 (b) **RECOGNITION OF PLAN.**—The management enti-
25 ty shall work with the State of West Virginia and local

1 governments to ensure that the plan is formally adopted
2 by the City and recognized by the State.

3 (c) IMPLEMENTATION.—To the extent practicable,
4 the management entity shall—

5 (1) implement the recommendations contained
6 in the plan in a timely manner pursuant to the
7 schedule identified in the plan—

8 (2) coordinate its activities with the City, the
9 State, and the Secretary;

10 (3) ensure the conservation and interpretation
11 of the heritage area’s historical, cultural, and nat-
12 ural resources, including—

13 (A) assisting the City and the State in a
14 the preservation of sites, buildings, and objects
15 within the heritage area which are listed or eli-
16 gible for listing on the National Register of
17 Historic Places;

18 (B) assisting the City, the State, or a non-
19 profit organization in the restoration of any his-
20 toric building in the heritage area;

21 (C) increasing public awareness of and ap-
22 preciation for the natural, cultural, and historic
23 resources of the heritage area;

24 (D) assisting the State or City in design-
25 ing, establishing, and maintaining appropriate

1 interpretive facilities and exhibits in the herit-
2 age area;

3 (E) assisting in the enhancement of public
4 awareness and appreciation for the historical,
5 archaeological, and geologic resources and sites
6 in the heritage area; and

7 (F) encouraging the City and other local
8 governments to adopt land use policies con-
9 sistent with the goals of the plan, and to take
10 actions to implement those policies;

11 (4) encourage intergovernmental cooperation in
12 the achievement of these objectives;

13 (5) develop recommendations for design stand-
14 ards within the heritage area; and

15 (6) seek to create public-private partnerships to
16 finance projects and initiatives within the heritage
17 area.

18 (d) AUTHORITIES.—The management entity may, for
19 the purposes of implementing the plan, use Federal funds
20 made available by this Act to—

21 (1) make ~~loans or~~ grants to the State, City, or
22 other appropriate public or private organizations, en-
23 tities, or persons;

24 (2) enter into cooperative agreements with, or
25 provide technical assistance to Federal agencies, the

1 State, City or other appropriate public or private or-
2 ganizations, entities, or persons;

3 (3) hire and compensate such staff as the man-
4 agement entity deems necessary;

5 (4) obtain money from any source under any
6 program or law requiring the recipient of such
7 money to make a contribution in order to receive
8 such money;

9 (5) spend funds on promotion and marketing
10 consistent with the resources and associated values
11 of the heritage area in order to promote increased
12 visitation; and

13 (6) ~~to~~ contract for goods and services.

14 (e) ACQUISITION OF REAL PROPERTY.—(1) Except
15 as provided in paragraph (2), the management entity may
16 not acquire any real property or interest therein within
17 the heritage area, other than the leasing of facilities.

18 (2)(A) Subject to subparagraph (B), the management
19 entity may acquire real property, or an interest therein,
20 within the heritage area by gift or devise, or by purchase
21 from a willing seller with money which was donated, be-
22 queathed, appropriated, or otherwise made available to the
23 management entity on the condition that such money be
24 used to purchase real property, or interest therein, within
25 the heritage area.

1 (B) Any real property or interest therein acquired by
2 the management entity pursuant to this paragraph shall
3 be conveyed in perpetuity by the management entity to
4 an appropriate public or private entity, as determined by
5 the management entity. Any such conveyance shall be
6 made as soon as practicable after acquisition, without con-
7 sideration, and on the condition that the real property or
8 interest therein so conveyed shall be used for public pur-
9 poses.

10 (f) *REVISION OF PLAN.*—*Within 18 months after the*
11 *date of enactment, the management entity shall submit to*
12 *the Secretary a revised plan. Such revision shall include,*
13 *but not be limited to—*

14 (1) *a review of the implementation agenda for*
15 *the heritage area;*

16 (2) *projected capital costs; and*

17 (3) *plans for partnership initiatives and expan-*
18 *sion of community support.*

19 **SEC. 6. DUTIES OF THE SECRETARY.**

20 (a) **INTERPRETIVE SUPPORT.**—The Secretary may,
21 upon request of the management entity, provide appro-
22 priate interpretive, planning, educational, staffing, exhib-
23 its, and other material or support for the heritage area,
24 consistent with the plan and as appropriate to the re-
25 sources and associated values of the heritage area.

1 (b) TECHNICAL ASSISTANCE.—The Secretary ~~shall~~,
2 *may* upon request of the management entity and con-
3 sistent with the plan, provide technical assistance to the
4 management entity.

5 (c) COOPERATIVE AGREEMENTS; ~~LOANS~~ AND
6 GRANTS.—The Secretary may, in consultation with the
7 management entity and consistent with the management
8 plan, make ~~loans and~~ grants to, and enter into cooperative
9 agreements with the management entity, the State, City,
10 non-profit organization or any person.

11 (d) PLAN AMENDMENTS.—No amendments to the
12 plan may be made unless approved by the Secretary. The
13 Secretary shall consult with the management entity in re-
14 viewing any proposed amendments.

15 **SEC. 7. DUTIES OF OTHER FEDERAL AGENCIES.**

16 Any Federal department, agency, or other entity con-
17 ducting or supporting activities directly affecting the herit-
18 age area shall—

19 (1) consult with the Secretary and the manage-
20 ment entity with respect to such activities.

21 (2) cooperate with the Secretary and the man-
22 agement entity in carrying out their duties under
23 this Act, and to the extent practicable, coordinate
24 such activities directly with the duties of the Sec-
25 retary and the management entity.

1 (3) to the extent practicable, conduct or support
2 such activities in a manner which the management
3 entity determines will not have an adverse effect on
4 the heritage area.

5 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

6 ~~There is authorized to be appropriated such sums as~~
7 ~~may be necessary to carry out this Act.~~

8 (a) *IN GENERAL.*—*There is authorized to be appro-*
9 *priated to carry out this Act \$10,000,000, except that not*
10 *more than \$1,000,000 may be appropriated to carry out*
11 *this Act for any fiscal year.*

12 (b) *MATCHING FUNDS.*—*Federal funding provided*
13 *under this Act shall be matched at least 25 percent by other*
14 *funds or in-kind services.*

15 **SEC. 9. SUNSET.**

16 *The Secretary may not make any grant or provide any*
17 *assistance under this Act after September 30, 2015.*

Calendar No. 680

106TH CONGRESS
2D SESSION

S. 2247

[Report No. 106-341]

A BILL

To establish the Wheeling National Heritage Area
in the State of West Virginia, and for other pur-
poses.

JULY 12, 2000

Reported with amendments