

Calendar No. 411

103^D CONGRESS
2^D SESSION

S. 1341

[Report No. 103-249]

A BILL

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

APRIL 14 (legislative day, APRIL 11), 1994

Reported with an amendment

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

IN THE SENATE OF THE UNITED STATES

AUGUST 3 (legislative day, JUNE 30), 1993

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

APRIL 14 (legislative day, APRIL 11), 1994

Reported by Mr. JOHNSTON, with an amendment

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

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 1993”.

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

2 (a) FINDINGS.—Congress finds that:

3 (1) The community of Wheeling, West Virginia,
4 and vicinity, possess important historical, cultural,
5 and natural resources, representing major heritage
6 themes of transportation and commerce and indus-
7 try and Victorian culture in the United States.

8 (2) The City of Wheeling played an important
9 part in the settlement of this country by serving as
10 the western terminus of the National Road in the
11 early 1800's, by serving as the Crossroads of Amer-
12 ica throughout the nineteenth century, by serving as
13 one of the few major inland ports in the nineteenth
14 century, by hosting the establishment of the Re-
15 stored State of Virginia, and later the State of West
16 Virginia during the Civil War years and serving as
17 the first capital of the new State of West Virginia,
18 through the development and maintenance of many
19 industries crucial to the Nation's expansion, includ-
20 ing iron and steel, and textile manufacturing facili-
21 ties, boat building facilities, glass manufacturing fa-
22 cilities, stogie and chewing tobacco manufacturing
23 facilities, many of which are industries that continue
24 to play an important role in the Nation's economy.

25 (3) The City of Wheeling has retained its na-
26 tional heritage themes with the designations of the

1 old custom house, now Independence Hall, as a Na-
2 tional Historic Landmark; with the designation of
3 the historic suspension bridge as a National Historic
4 Landmark; with five historic districts, and many in-
5 dividual properties in the Wheeling area listed or eli-
6 gible for nomination to the National Register of His-
7 toric Places.

8 (4) The heritage themes and number and diver-
9 sity of Wheeling's remaining resources should be ap-
10 propriately retained, enhanced, and interpreted for
11 the education, benefit, and inspiration of the people
12 of the United States.

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

14 (1) Recognize the special importance of the his-
15 tory and development of the Wheeling area in the
16 cultural heritage of the Nation.

17 (2) 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 resources in the Wheel-
21 ing area emblematic of Wheeling's contributions to
22 that cultural heritage.

23 (3) Create a new concept and model for des-
24 ignation of a National Heritage Area by allowing for
25 limited Federal, State and local capital contributions

1 for planning and infrastructure investments to cre-
2 ate the Wheeling National Heritage Area, in part-
3 nership with the State of West Virginia and the City
4 of Wheeling, West Virginia and its designees; and to
5 provide for an economically self-sustaining National
6 Heritage Area not dependent on Federal assistance
7 beyond the initial years necessary to establish the
8 National Heritage Area.

9 **SEC. 3. DEFINITIONS.**

10 As used in this Act:

11 (1) The term “Corporation” refers to the
12 Wheeling National Heritage Area Corporation
13 (WNHAC) as described in section 5 of this Act.

14 (2) The term “Plan” refers to the Plan for the
15 Wheeling National Heritage Area, prepared for the
16 Wheeling National Heritage Area Task Force, the
17 City of Wheeling, and the National Park Service,
18 published in August 1992, which Plan includes—

19 (A) an inventory of the natural and cul-
20 tural resources in the City of Wheeling;

21 (B) criteria for preserving and interpreting
22 significant natural and historic resources;

23 (C) a strategy for the conservation, preser-
24 vation, and reuse of the historical and cultural

1 resources in the City of Wheeling and the re-
2 gion; and

3 (D) an implementation agenda by which
4 the State of West Virginia and local govern-
5 ments can program their resources as well as a
6 complete description of the management entity
7 responsible for implementing the Plan.

8 **SEC. 4. DESIGNATION OF NATIONAL HERITAGE AREA.**

9 In furtherance of the purposes of this Act, there is
10 hereby established the Wheeling National Heritage Area
11 in the State of West Virginia (hereinafter referred to as
12 the "Area"). The Area shall include those lands and wa-
13 ters within the boundary generally depicted on the map
14 entitled, "Boundary Map, Wheeling National Heritage
15 Area, West Virginia", which shall be on file and available
16 for public inspection in the offices of the National Park
17 Service, Department of the Interior.

18 **SEC. 5. ESTABLISHMENT OF WHEELING NATIONAL HERIT-**
19 **AGE AREA CORPORATION.**

20 (a) ESTABLISHMENT.—To achieve the purposes of
21 this Act, and to carry out the implementation of the Plan,
22 there is hereby established the Wheeling National Herit-
23 age Area Corporation (WNHAC) which—

24 (1) will be structured as a 501(c)(3) tax exempt
25 entity;

1 (2) shall consist of a Board of Directors of not
2 less than 9 nor more than 11 members, including
3 the executive committee;

4 (3) shall include an executive committee of 5
5 members; and

6 (4) shall include the Secretary of the Interior,
7 or his designate, the Governor of West Virginia, or
8 his designate, and the Mayor of the City of Wheel-
9 ing, or his designate.

10 The details of the Corporation's administrative operations,
11 staff needs, Board composition (except as specified in sec-
12 tion 5(a)(4)), affiliate organizations, financial forecast,
13 and membership shall be specified in the business plan for
14 the Wheeling National Heritage Area Corporation.

15 (b) MISSION.—(1) The Corporation's primary mis-
16 sion will be to implement and coordinate the recommenda-
17 tions contained in the Plan, accomplish the goals of the
18 Heritage Area planning initiative, ensure integrated oper-
19 ation of the project, and become a financially self-sustain-
20 ing entity. The Corporation shall be structured as a pri-
21 vate nonprofit organization, an umbrella organization to
22 accomplish the primary mission by itself, in partnership
23 with other local organizations, or on the behalf of other
24 entities, particularly the National Park Service and the
25 State of West Virginia Division of Culture and History.

1 It will provide coordination, standards, and streamlined fi-
2 nancial and technical assistance for the implementation of
3 the Plan.

4 (2) The primary charitable and educational mission
5 of the Corporation shall be to conserve, interpret, and pro-
6 mote the Wheeling National Heritage Area, and by doing
7 so, to achieve economic development in the historic down-
8 town and riverfront area, and the education and general
9 welfare of the people. The more specific mission of the
10 Corporation shall be to implement the Plan for the Wheel-
11 ing National Heritage Area, to preserve the area's historic
12 and cultural resources, and to establish a structure within
13 which the activities of investment, development, and oper-
14 ation of the Heritage Area can be fulfilled. In support of
15 this primary mission, the Corporation shall also direct and
16 coordinate the diverse conservation, development, pro-
17 gramming, educational, and interpretive activities in the
18 area.

19 (c) CREATION OF THE CORPORATION.—An interim
20 board shall be formed by the Wheeling National Heritage
21 Area Task Force Core Group in existence on the date of
22 the enactment of this Act. This board shall draft interim
23 bylaws, nominate an executive committee and solicit mem-
24 bership. The members of the executive committee shall act
25 as incorporators of the Corporation, nominate the perma-

1 nent board and have the primary roles in the development,
 2 implementation, and operation of the Corporation and the
 3 Heritage Area. A permanent executive committee shall
 4 adopt a charter for the Corporation, and sign its articles
 5 of incorporation, and shall determine the appropriate com-
 6 position for the permanent board of directors. The execu-
 7 tive committee shall appoint the remaining board members
 8 with the exception of the City, State, and Federal rep-
 9 resentatives designated under subsection (a)(4). The exec-
 10 utive committee shall act as the primary vehicle for oper-
 11 ation and policy of the Corporation while the board of di-
 12 rectors shall serve to ensure that the mission of the Cor-
 13 poration is carried out, and serve as a check and balance
 14 to the executive committee while measuring progress and
 15 ensuring equity in the activities of the Corporation.

16 **SEC. 6. POWERS OF THE WHEELING NATIONAL HERITAGE**
 17 **AREA CORPORATION.**

18 (a) ~~POWERS OF THE CORPORATION.~~—The Wheeling
 19 National Heritage Area Corporation shall be chartered
 20 with broad private powers in order to pursue its mission
 21 and implement the Plan. The Corporation shall be empow-
 22 ered to—

23 (1) acquire, encumber, and dispose of such real
 24 and personal property as is necessary to preserve,

1 promote and enhance the heritage and resources of
2 the Area;

3 ~~(2) improve properties to which the Corporation~~
4 ~~holds title, sell, lease, sublease or otherwise dispose~~
5 ~~of real property;~~

6 ~~(3) enter into contracts, leases, cooperative~~
7 ~~agreements, and other transactions with public agen-~~
8 ~~cies and private individuals and entities;~~

9 ~~(4) receive funds from public agencies and pri-~~
10 ~~ivate individuals and entities; receive gifts of property~~
11 ~~of all kinds, whether made by will, deed, or other-~~
12 ~~wise, and administering the same in carrying out the~~
13 ~~Corporation's mission; collect fees; develop any other~~
14 ~~sources of income commensurate with the laws gov-~~
15 ~~erning nonprofit entities;~~

16 ~~(5) disburse funds to qualified public or private~~
17 ~~individuals and entities for the purposes of achieving~~
18 ~~the goals of the Heritage Area as specified in the~~
19 ~~Plan;~~

20 ~~(6) hire staff and accept personnel from public~~
21 ~~agencies as required to fulfill its mandates and pur-~~
22 ~~poses;~~

23 ~~(7) manage property and develop and operate~~
24 ~~educational, informational, interpretive, and market-~~
25 ~~ing programs, facilities, and linkages; and~~

1 (4) maintain the integrity of those natural and
 2 cultural resources recognized by this Act and ref-
 3 erenced in the Plan through standards and criteria
 4 for the treatment of all properties located within the
 5 Area; and

6 (5) pursue the completion and adoption of all
 7 planning projects recommended by the Plan, includ-
 8 ing, but not limited to, the business plan for the
 9 Wheeling National Heritage Area, an interpretive
 10 master plan which outlines plans for the interpreta-
 11 tion and conservation of Wheeling's cultural and
 12 physical resources, a heritage lighting plan, an inter-
 13 modal transportation plan, and others of a like kind.

14 (c) OPERATIONS OF THE WHEELING NATIONAL
 15 HERITAGE AREA CORPORATION.—In implementing the
 16 Plan, the Corporation may make loans and grants to ap-
 17 propriate public, governmental, or private entities and
 18 enter into contracts with private or public entities using
 19 funds appropriated for that purpose, or from funds do-
 20 nated, or revenue generated from the operation of Area
 21 resources, with these funds being used to—

22 (1) promote the City of Wheeling's significant
 23 heritage and resources;

24 (2) promote future growth for the City of
 25 Wheeling in a manner consistent with its heritage,

1 resources, and the planning goals established for the
2 Heritage Area;

3 (3) ensure successful development of the Herit-
4 age Area and its principal features as specified in
5 the Plan and to undertake further planning and de-
6 sign as necessary to achieve this objective;

7 (4) ensure the conservation of the region's his-
8 torical, cultural, and natural resources;

9 (5) cooperate with and assist entities whose
10 goals and purposes are consistent with the goals and
11 purposes of the Corporation;

12 (6) manage and operate heritage facilities,
13 where appropriate;

14 (7) coordinate and support the activities of the
15 Corporation or its associates and the operation of
16 heritage and cultural tourism attractions in the re-
17 gion so as to create a unified project;

18 (8) encourage intergovernmental and inter-
19 agency cooperation in the achievement of these ob-
20 jectives;

21 (9) market the Heritage Area, the City of
22 Wheeling and its resources as a destination for
23 international, national, and regional visitors;

1 (10) provide technical assistance to cultural
2 heritage efforts and develop design standards for
3 physical sites and educational/interpretive programs;

4 (11) lead in efforts to educate the public about
5 the significance of these resources and the heritage
6 of the City of Wheeling (targeting visitors as well as
7 local residents);

8 (12) promote local and regional development of
9 recreational opportunities, linkages, and facilities;

10 (13) accomplish the above in a way which will
11 promote economic development of the City of Wheel-
12 ing and the surrounding area;

13 (14) create public/private partnerships to fi-
14 nance projects and initiatives of the Heritage Area;
15 and

16 (15) seek funding from public (local, State and
17 Federal) agencies and private individuals, founda-
18 tions and corporations.

19 (d) RESPONSIBILITIES OF THE WHEELING NA-
20 TIONAL HERITAGE AREA CORPORATION.—Priority ele-
21 ments and actions to be carried out by the Corporation
22 include—

23 (1) assisting the State of West Virginia and the
24 City of Wheeling in appropriate preservation treat-
25 ment of the sites, buildings, and objects listed or eli-

1 gible for listing on the National Register of Historic
2 Places;

3 ~~(2) increasing awareness and appreciation of~~
4 ~~the City of Wheeling's cultural heritage and ongoing~~
5 ~~traditions;~~

6 ~~(3) assisting the State of West Virginia or City~~
7 ~~of Wheeling in designing, establishing, and main-~~
8 ~~taining one or more visitor centers and other inter-~~
9 ~~pretive exhibits in the Area;~~

10 ~~(4) assisting in the enhancement of public~~
11 ~~awareness of an appreciation for the historical and~~
12 ~~architectural and geological resources and sites in~~
13 ~~the Area;~~

14 ~~(5) assisting the State of West Virginia or any~~
15 ~~local government or any nonprofit organization in~~
16 ~~the restoration of any historic building in the Area;~~

17 ~~(6) encouraging, by appropriate means, en-~~
18 ~~hanced economic and industrial development in the~~
19 ~~Area in furtherance of the goals of the Plan;~~

20 ~~(7) encouraging the City of Wheeling and other~~
21 ~~local governments to adopt land use policies consist-~~
22 ~~ent with the goals of the Plan and to take actions~~
23 ~~to implement those policies; and~~

1 ~~(8)~~ ensuring that clear, consistent signs identi-
2 fying access points and sites of interest are put in
3 place.

4 **SEC. 8. DUTIES OF THE SECRETARY.**

5 ~~(a)~~ PURPOSE.—To carry out the purposes of this Act,
6 the Secretary of the Interior shall—

7 ~~(1)~~ assist the Corporation in the development of
8 interpretive and educational materials as specified in
9 the Plan or subsequent planning efforts (for exam-
10 ple, the interpretive master plan); and

11 ~~(2)~~ provide funds for capital improvements to
12 projects and initial operating assistance consistent
13 with the Plan.

14 ~~(b)~~ TECHNICAL ASSISTANCE.—The Secretary shall,
15 upon the request of the Corporation and as outlined in
16 the Plan, provide technical assistance to the Corporation
17 in the preparation of any plans or studies and for the im-
18 plementation of any plans as set out in section 7(b).

19 **SEC. 9. DUTIES OF OTHER FEDERAL ENTITIES.**

20 Any Federal department, agency or other entity con-
21 ducting or supporting activities directly affecting the Area
22 shall—

23 ~~(1)~~ consult with the Secretary of the Interior
24 and the Corporation with respect to such activities;

1 (2) cooperate with the Secretary of the Interior
2 and the Corporation in carrying out its duties under
3 this Act and, to the maximum extent practicable, co-
4 ordinate such activities with the carrying out of such
5 duties; and

6 (3) to the maximum extent practicable, conduct
7 or support such activities in a manner which the
8 Corporation determines will not have an adverse af-
9 fect on the Area.

10 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated such sums
12 as may be necessary to carry out the purposes of this Act.

13 **SECTION 1. SHORT TITLE.**

14 *This Act may be cited as the "Wheeling National Her-*
15 *itage Area Act of 1994".*

16 **SEC. 2. FINDINGS AND PURPOSES.**

17 (a) *FINDINGS.*—*The Congress finds that—*

18 (1) *The area in and around Wheeling, West Vir-*
19 *ginia, possesses important historical, cultural, and*
20 *natural resources, representing major heritage themes*
21 *of transportation, commerce and industry, and Vic-*
22 *torian culture in the United States.*

23 (2) *The City of Wheeling has played an impor-*
24 *tant part in the settlement of this country by serving*
25 *as—*

1 (A) *the western terminus of the National*
2 *Road in the early 1800's;*

3 (B) *the "Crossroads of America" throughout*
4 *the nineteenth century;*

5 (C) *one of the few major inland ports in the*
6 *nineteenth century; and*

7 (D) *the site for the establishment of the Re-*
8 *stored State of Virginia, and later the State of*
9 *West Virginia during the Civil War years and as*
10 *the first capital of the new State of West Vir-*
11 *ginia.*

12 (3) *The City of Wheeling has also played an im-*
13 *portant role in the industrial and commercial herit-*
14 *age of the United States, through the development and*
15 *maintenance of many industries crucial to the Na-*
16 *tion's expansion, including iron and steel, textile*
17 *manufacturing, boat building, glass manufacturing,*
18 *and stogie and chewing tobacco manufacturing facili-*
19 *ties, many of which are industries that continue to*
20 *play an important role in the Nation's economy.*

21 (4) *The City of Wheeling has retained its na-*
22 *tional heritage themes with the designations of the old*
23 *custom house, now Independence Hall, as a National*
24 *Historic Landmark; with the designation of the his-*
25 *toric suspension bridge as a National Historic Land-*

1 *mark; with five historic districts, and many individ-*
2 *ual properties in the Wheeling area listed or eligible*
3 *for nomination to the National Register of Historic*
4 *Places.*

5 *(5) The heritage themes and number and diver-*
6 *sity of Wheeling's remaining resources should be ap-*
7 *propriately retained, enhanced, and interpreted for*
8 *the education, benefit, and inspiration of the people*
9 *of the United States.*

10 *(6) In 1992 a comprehensive plan for the devel-*
11 *opment and administration of the Wheeling National*
12 *Heritage Area was completed for the National Park*
13 *Service, the City of Wheeling, and the Wheeling Na-*
14 *tional Heritage Task Force, including—*

15 *(A) an inventory of the natural and cul-*
16 *tural resources in the City of Wheeling;*

17 *(B) criteria for preserving and interpreting*
18 *significant natural and historic resources;*

19 *(C) a strategy for the conservation, preser-*
20 *vation, and reuse of the historical and cultural*
21 *resources in the City of Wheeling and the region;*
22 *and*

23 *(D) an implementation agenda by which*
24 *the State of West Virginia and local governments*
25 *can program their resources as well as a com-*

1 *plete description of the management entity re-*
2 *sponsible for implementing the plan.*

3 *(b) PURPOSES.—The purposes of this Act are to—*

4 *(1) recognize the special importance of the his-*
5 *tory and development of the Wheeling area in the cul-*
6 *tural heritage of the Nation;*

7 *(2) provide a framework to assist the City of*
8 *Wheeling and other public and private entities and*
9 *individuals in the appropriate preservation, enhance-*
10 *ment, and interpretation of significant resources in*
11 *the Wheeling area emblematic of Wheeling’s contribu-*
12 *tions to the Nation’s cultural heritage.*

13 *(3) allow for limited Federal, State and local*
14 *capital contributions for planning and infrastructure*
15 *investments to create the Wheeling National Heritage*
16 *Area, in partnership with the State of West Virginia*
17 *and the City of Wheeling, and its designees; and*

18 *(4) provide for an economically self-sustaining*
19 *National Heritage Area not dependent on Federal as-*
20 *sistance beyond the initial years necessary to establish*
21 *the heritage area.*

22 **SEC. 3. DEFINITIONS.**

23 *As used in this Act the term—*

1 (1) “Corporation” means the Wheeling National
2 Heritage Area Corporation as described in section 5
3 of this Act;

4 (2) “heritage area” means the Wheeling National
5 Heritage Area established in section 4 of this Act;

6 (3) “plan” refers to the plan for the Wheeling
7 National Heritage Area, prepared for the Wheeling
8 National Heritage Area Task Force, the City of
9 Wheeling, and the National Park Service, published
10 in August 1992; and

11 (4) “Secretary” means the Secretary of the Inte-
12 rior.

13 **SEC. 4. ESTABLISHMENT OF NATIONAL HERITAGE AREA.**

14 In furtherance of the purposes of this Act, there is here-
15 by established the Wheeling National Heritage Area in the
16 State of West Virginia. The heritage area shall include those
17 lands and waters as generally depicted on the map entitled,
18 “Boundary Map, Wheeling National Heritage Area, Wheel-
19 ing, West Virginia”, dated March 1994, which shall be on
20 file and available for public inspection in the appropriate
21 offices of the National Park Service, Department of the Inte-
22 rior.

1 **SEC. 5. WHEELING NATIONAL HERITAGE AREA CORPORA-**
2 **TION.**

3 (a) *ESTABLISHMENT.*—*There is hereby established the*
4 *Wheeling National Heritage Area Corporation. The Cor-*
5 *poration shall be structured as a private, non-profit, tax-*
6 *exempt entity.*

7 (b) *MISSION.*—*The Corporation's primary mission*
8 *shall be to implement and coordinate the recommendations*
9 *contained in the plan, ensure integrated operation of the*
10 *heritage area, conserve and interpret the historic and cul-*
11 *tural resources of the heritage area, and to become a finan-*
12 *cially self-sustaining entity. In support of its primary mis-*
13 *sion, the Corporation shall also direct and coordinate the*
14 *diverse conservation, development, programming, edu-*
15 *cational, and interpretive activities within the heritage*
16 *area.*

17 **SEC. 6. DUTIES OF THE CORPORATION.**

18 (a) *RECOGNITION OF PLAN.*—*The Corporation shall*
19 *work with the State of West Virginia and local governments*
20 *to ensure that the plan is formally adopted by the City of*
21 *Wheeling and recognized by the State of West Virginia.*

22 (b) *IMPLEMENTATION.*—*In implementing the plan, the*
23 *Corporation shall, to the extent practicable—*

24 (1) *implement the recommendations contained in*
25 *the plan in a timely fashion pursuant to the schedule*
26 *identified in the plan;*

1 (2) coordinate its activities with those of the City
2 of Wheeling, the State of West Virginia, and the Fed-
3 eral Government;

4 (3) ensure the conservation and interpretation of
5 the heritage area's historical, cultural, and natural
6 resources, including—

7 (A) assisting the State of West Virginia and
8 the City of Wheeling in appropriate preservation
9 treatment of the sites, buildings, and objects list-
10 ed or eligible for listing on the National Register
11 of Historic Places;

12 (B) increasing awareness and appreciation
13 of the City of Wheeling's cultural heritage and
14 ongoing traditions;

15 (C) assisting the State of West Virginia or
16 City of Wheeling in designing, establishing, and
17 maintaining one or more visitor centers and
18 other interpretive exhibits in the heritage area;

19 (D) assisting in the enhancement of public
20 awareness and appreciation for the historical
21 and architectural and geological resources and
22 sites in the heritage area;

23 (E) assisting the State of West Virginia (or
24 a political subdivision thereof) or any nonprofit

1 *organization in the restoration of any historic*
2 *building in the heritage area; and*

3 *(F) encouraging the City of Wheeling and*
4 *other local governments to adopt land use poli-*
5 *cies consistent with the goals of the plan, and to*
6 *take actions to implement those policies;*

7 *(4) cooperate with and assist entities whose goals*
8 *and purposes are consistent with the goals and pur-*
9 *poses of the Corporation;*

10 *(5) encourage intergovernmental and interagency*
11 *cooperation in the achievement of these objectives;*

12 *(6) develop recommendations for design stand-*
13 *ards; and*

14 *(7) seek to create public/private partnerships to*
15 *finance projects and initiatives within the heritage*
16 *area.*

17 *(c) ANNUAL REPORT AND PLAN OF OPERATIONS.—The*
18 *Corporation shall submit an annual report to the Secretary,*
19 *setting forth the Corporation's accomplishments, expenses*
20 *and income, and the entities to which any loans and grants*
21 *were made during the previous year, and a plan of oper-*
22 *ations for the upcoming year.*

1 **SEC. 7. POWERS OF THE CORPORATION.**

2 (a) *STAFF.*—*The Corporation shall have the power to*
3 *appoint and fix the compensation of such staff as may be*
4 *necessary to carry out its duties.*

5 (b) *DETAIL OF FEDERAL PERSONNEL.*—*Upon request*
6 *of the Corporation, the head of any Federal agency may*
7 *detail, on a reimbursable basis, any of the personnel of such*
8 *agency to the Corporation to assist the Corporation in car-*
9 *rying out its duties.*

10 (c) *DETAIL OF STATE PERSONNEL.*—*The Corporation*
11 *may accept the services of personnel detailed from the State*
12 *of West Virginia (or a political subdivision thereof), and*
13 *may reimburse the State (or political subdivision thereof).*

14 (d) *EXPERTS AND CONSULTANTS.*—*The Corporation*
15 *may procure temporary and intermittent services to the*
16 *same extent as is authorized by section 3109(b) of title 5,*
17 *United States Code, but at rates determined by the Corpora-*
18 *tion to be reasonable.*

19 (e) *ADMINISTRATIVE SUPPORT.*—*The Administrator of*
20 *the General Services Administration shall provide to the*
21 *Corporation, on a reimbursable basis, such administrative*
22 *facilities and support services as the Corporation may re-*
23 *quest.*

24 (f) *USE OF FUNDS TO OBTAIN MONEY.*—*The Corpora-*
25 *tion may use its funds to obtain money from any source*
26 *under any program or law requiring the recipient of such*

1 *money to make a contribution in order to receive such*
2 *money.*

3 (g) *PROMOTION AND MARKETING.*—*The Corporation*
4 *may spend funds on promotion and marketing consistent*
5 *with the resources and associated values of the heritage area*
6 *so as to attract and support visitation.*

7 (h) *GIFTS.*—(1) *Except as provided in paragraph*
8 *(k)(B)(ii), the Corporation may, for the purpose of carrying*
9 *out its duties, seek, accept, and dispose of gifts, bequests,*
10 *or donations of money, personal property, or services re-*
11 *ceived from any source.*

12 (2) *For purposes of section 170(c) of the Internal Reve-*
13 *nue Code, any gift to the Corporation shall be deemed to*
14 *be a gift to the United States.*

15 (i) *ACQUISITION OF REAL PROPERTY.*—(A) *Except as*
16 *provided in paragraph (B) and except with respect to the*
17 *leasing of facilities, the Corporation may not acquire any*
18 *real property or interest therein.*

19 (B) *Subject to paragraph (C), the Corporation may*
20 *acquire real property, or interest therein, within the herit-*
21 *age area—*

22 (i) *by gift or devise; or*

23 (ii) *by purchase from a willing seller with*
24 *money which was given, bequeathed, appropriated, or*
25 *otherwise made available to the Corporation on the*

1 *condition that such money be used to purchase real*
2 *property, or an interest therein, within the heritage*
3 *area.*

4 *(C) Any real property or interest therein acquired by*
5 *the Corporation pursuant to paragraph (B) shall be con-*
6 *veyed in perpetuity by the Corporation to an appropriate*
7 *public or private agency, as determined by the Corporation.*
8 *Any such conveyance shall be made as soon as practicable*
9 *after acquisition, without consideration, and on the condi-*
10 *tion that the real property or interest therein so conveyed*
11 *shall be used for public purposes.*

12 **SEC. 8. DUTIES OF THE SECRETARY.**

13 *(a) INTERPRETIVE SUPPORT.—The Secretary may,*
14 *upon request of the Corporation, provide appropriate inter-*
15 *pretive, planning, educational, staffing, exhibits, and other*
16 *materials for the heritage area, consistent with the plan and*
17 *as appropriate to the resources and associated values of the*
18 *heritage area.*

19 *(b) CAPITAL IMPROVEMENTS AND INITIAL OPERATING*
20 *FUNDING.—The Secretary is authorized to provide funds*
21 *for capital improvements to projects within the heritage*
22 *area, and for a period not to exceed 5 years, provide initial*
23 *operating funding for the Corporation, consistent with the*
24 *plan.*

1 (c) *TECHNICAL ASSISTANCE.*—*The Secretary shall,*
2 *upon the request of the Corporation and consistent with the*
3 *plan, provide technical assistance to the Corporation in the*
4 *preparation of any plans or studies and for the implemen-*
5 *tation of any plans as set out in section 7(b).*

6 (d) *COOPERATIVE AGREEMENTS, LOANS AND*
7 *GRANTS.*—*For purposes of assisting in the implementation*
8 *of the plan, the Secretary may, in consultation with the*
9 *Corporation, make loans and grants to, and enter into coop-*
10 *erative agreements with the Corporation, the State of West*
11 *Virginia (or a political subdivision thereof), non-profit or-*
12 *ganizations, or any person.*

13 (e) *AMENDMENTS TO PLAN.*—*No amendments to the*
14 *plan may be made unless approved by the Secretary. The*
15 *Secretary shall consult with the Corporation in reviewing*
16 *any proposed amendments.*

17 ***SEC. 9. DUTIES OF OTHER FEDERAL ENTITIES.***

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

21 (1) *consult with the Secretary and the Corpora-*
22 *tion with respect to such activities;*

23 (2) *cooperate with the Secretary and the Cor-*
24 *poration in carrying out its duties under this Act*
25 *and, to the maximum extent practicable, coordinate*

1 *such activities with the carrying out of such duties;*
2 *and*

3 *(3) to the maximum extent practicable, conduct*
4 *or support such activities in a manner which the Cor-*
5 *poration determines will not have an adverse effect on*
6 *the heritage area.*

7 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

8 *There are authorized to be appropriated such sums as*
9 *may be necessary to carry out this Act. With respect to co-*
10 *operative agreements, loans and grants awarded pursuant*
11 *to section 8(d), the Secretary is authorized to expend not*
12 *more than 50 percent of the aggregate cost.*