

## Calendar No. 621

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SENATE

{ REPORT  
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### DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK

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SEPTEMBER 8, 2016.—Ordered to be printed

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Ms. MURKOWSKI, from the Committee on Energy and Natural  
Resources, submitted the following

### R E P O R T

[To accompany S. 1007]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1007) to amend the Dayton Aviation Heritage Preservation Act of 1992 to rename a site of the Dayton Aviation Heritage National Historical Park, having considered the same, reports favorably thereon without amendment and an amendment to the title and recommends that the bill do pass.

The amendment is as follows:

1. Amend the title so as to read: “A bill to amend the Dayton Aviation Heritage Preservation Act of 1992, and for other purposes.”.

#### PURPOSE

The purpose of S. 1007 is to amend the Dayton Aviation Heritage Preservation Act of 1992 to rename a site of the Dayton Aviation Heritage National Historical Park.

#### BACKGROUND AND NEED

The Dayton Aviation Heritage National Historical Park, in Dayton, Ohio, is a cooperative effort between the National Park Service and Dayton-based partners Aviation Trail, Inc., Carillon Historical Park, the Ohio Historical Society, and Wright-Patterson Air Force Base. The historical park commemorates three Dayton men—Wilbur and Orville Wright, inventors of manned powered flight, and Paul Laurence Dunbar, childhood friend of the Wright brothers and one of America’s greatest African-American poets.

There are multiple interpretive sites within the historical park to include the John W. Berry, Sr. Wright Brothers Aviation Center, which houses what is believed to be the largest collection of original artifacts associated with the Wright Brothers. Orville Wright designed and oversaw the exhibit installation at the site up until his death in 1948. The collection includes the original 1905 Wright Flyer III, the world's first practical plane built by the Wright brothers, flown at Huffman Prairie Flying Field, and the only plane to earn the title of National Historic Landmark. The center also includes a replica of the Wright Brothers bicycle shop, an original Wright brothers' Van Cleve bicycle, the wind tunnel, and tools the brothers built and used to research and invent successful manned flight. An object theater and various showcases, including the actual camera that took the historic photograph capturing the first successful flight over Kitty Hawk, are also among the many displays at the center.

The contributions of the Wright Brothers go far beyond Dayton, Ohio, as the life and times of these extraordinary individuals helped transform the nation as well as the entire world. The name change will more accurately reflect the national significance of the artifacts, stories, and history of the facility. The John W. Berry, Sr. Wright Brothers Aviation Center is privately owned and managed by Dayton History, a non-profit NPS-partner organization. Dayton History is renaming the site as the "John W. Barry, Sr. Wright Brothers National Museum." S. 1007 simply updates the Dayton Aviation Heritage National Historical Park enabling legislation to reflect the new name of the museum.

#### LEGISLATIVE HISTORY

S. 1007 was introduced in the Senate by Senators Portman and Brown on April 20, 2015. The Subcommittee on National Parks held a hearing on S. 1007 on June 15, 2016.

In the House of Representatives, Representative Turner introduced similar legislation to S. 1007, H.R. 202, on January 7, 2015. The text of S. 1007 was incorporated into H.R. 4909, the National Defense Authorization Act for Fiscal Year 2017, which passed the House of Representatives on May 18, 2016.

The Committee on Energy and Natural Resources met in open business session on July 13, 2016, and ordered S. 1007 favorably reported as amended.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on July 13, 2016, by a majority voice vote of a quorum present, recommends that the Senate pass S. 1007, if amended as described herein.

#### COMMITTEE AMENDMENT

During its consideration of S. 1007, the Committee adopted an amendment to the title of the bill.

## SECTION-BY-SECTION ANALYSIS

*Section 1. Amendment to the Dayton Aviation Heritage Preservation Act of 1992*

Section 1 amends section 101(b)(5) of the Dayton Aviation Preservation Act of 1992 by striking “Aviation Center” and inserting “National Museum”.

## COST AND BUDGETARY CONSIDERATIONS

The following cost estimate of this measure has been provided by the Congressional Budget Office.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, August 29, 2016.*

Hon. LISA MURKOWSKI,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1007, a bill to amend the Dayton Aviation Heritage Preservation Act of 1992, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jacob Fabian.

Sincerely,

MARK P. HADLEY  
(For Keith Hall, Director).

Enclosure.

*S. 1007—A bill to amend the Dayton Aviation Heritage Preservation Act of 1992, and for other purposes*

S. 1007 would change the name of the John W. Berry Sr. Wright Brothers Aviation Center in Dayton, Ohio, to the John W. Berry Sr. Wright Brothers National Museum. Based on information provided by the National Park Service, CBO estimates that implementing the legislation would have no significant impact on the federal budget. CBO expects that the costs associated with replacing or revising signs and interpretive materials to reflect the new name would be done in conjunction with scheduled replacement and other routine maintenance. Enacting S. 1007 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting S. 1007 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

S. 1007 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Jacob Fabian. The estimate was approved by Theresa Gullo, Assistant Director for Budget Analysis.

## REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1007. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1007, as ordered reported.

## CONGRESSIONALLY DIRECTED SPENDING

S. 1007, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

## EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the June 15, 2016, National Parks Subcommittee hearing on S. 1007 follows:

STATEMENT OF DR. STEPHANIE TOOTHMAN, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, PARTNERSHIPS AND SCIENCE, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the views of the Department of the Interior on S. 1007, a bill to amend the Dayton Aviation Heritage Preservation Act of 1992 to rename a site of the Dayton Heritage National Historical Park.

The Department does not object to S. 1007.

This bill would amend the enabling act for the Dayton Aviation Heritage National Historical Park (Park), a unit of the National Park System, to provide that the Park shall include a site known as the “John W. Berry, Sr. Wright Brothers National Museum” rather than the “John W. Berry, Sr. Wright Brothers Aviation Center.”

The John W. Berry, Sr. Wright Brothers Aviation Center is managed by Dayton History, a not-for-profit partner of the NPS, as part of the Dayton Aviation Heritage National Historical Park. The center’s exhibits focus on the Wright brothers’ early printing and bicycle businesses, their family history, and their association with schoolmate, poet and author, Paul Laurence Dunbar. The center also houses the 1905 Wright Flyer III, the only airplane in the United States designated as a National Historic Landmark.

The facility that is the subject of this legislation is a private parcel within the boundary of the Park. It is a major attraction within Carillon Historical Park, a larger attraction owned and managed by Dayton History. Dayton History is planning to change the name of the facility from the John W. Berry, Sr. Aviation Center to the John W.

Berry, Sr. National Museum. This bill would ensure that there is consistency between the actual name of the facility and the name used to identify it in the Park's establishing legislation, which designates the site within the Park.

If the committee moves forward with this legislation, the Department would recommend amending the title of the bill to more accurately reflect the bill's purpose. The bill does not rename the site; rather the bill amends the act to reflect the new name of the site that Dayton History will be giving it. We recommend the bill be titled "to amend the Dayton Aviation Heritage Preservation Act of 1992 to reflect the renaming of a site of the park."

If this bill is enacted, the costs for the National Park Service would be minimal. We would need to modify or replace the park entrance sign and update interpretive materials, but these would be made in the course of normal replacement and updating of these items.

Mr. Chairman, this concludes my testimony. I would be happy to answer any questions you or other members of the subcommittee may have.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill as ordered reported.

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the original bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

### **DAYTON AVIATION HERITAGE PRESERVATION ACT OF 1992**

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### **TITLE I—DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK**

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#### **SEC. 101. ESTABLISHMENT OF THE DAYTON AVIATION HERITAGE NA- TIONAL HISTORICAL PARK**

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(b) **AREAS INCLUDED.**— The park shall consist of the following sites, as generally depicted on a map entitled "Dayton Aviation Heritage National Historical Park", numbered 362–80,010 and dated September 1, 2000:

(1) A core parcel in Dayton, Ohio, which shall consist of the Wright Cycle Company building, Hoover Block, and lands between.

(2) The Setzer building property (also known as the Aviation Trail building property), Dayton, Ohio.

(3) The residential properties at 26 South Williams Street and at 30 South Williams Street, Dayton, Ohio.

(4) Huffman Prairie Flying Field, located at Wright-Patterson Air Force Base, Ohio.

(5) The Wright 1905 Flyer III and Wright Hall, including constructed additions and attached structures, known collectively as the John W. Berry, Sr. Wright Brothers [Aviation Center] *National Museum*, Dayton, Ohio.

(6) The Paul Laurence Dunbar State Memorial, Dayton, Ohio.

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