

Calendar No. 657

107TH CONGRESS
2D SESSION

S. 2744

To establish the National Aviation Heritage Area, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 17, 2002

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

OCTOBER 8, 2002

Reported by Mr. BINGAMAN, with amendments

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

A BILL

To establish the National Aviation Heritage Area, 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 **TITLE I—NATIONAL AVIATION**

4 **HERITAGE AREA**

5 SECTION 101. SHORT TITLE.

6 This title may be cited as the “National Aviation
7 Heritage Area Act”.

1 **SEC. 102. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) Few technological advances have transformed the world or our Nation's economy, society, 4 culture, and national character as the development 5 of powered flight.

6 (2) The industrial, cultural, and natural heritage 7 legacies of the aviation and aerospace industry 8 in the State of Ohio are nationally significant.

9 (3) Dayton, Ohio, and other defined areas 10 where the development of the airplane and aerospace 11 technology established our Nation's leadership in 12 both civil and military aeronautics and astronautics 13 set the foundation for the 20th Century to be an 14 American Century.

15 (4) Wright-Patterson Air Force Base in Dayton, 16 Ohio, is the birthplace, the home, and an integral 17 part of the future of aerospace.

18 (5) The economic strength of our Nation is connected 19 integrally to the vitality of the aviation and 20 aerospace industry, which is responsible for an estimated 21 11,200,000 American jobs.

22 (6) The industrial and cultural heritage of the 23 aviation and aerospace industry in the State of Ohio 24 includes the social history and living cultural traditions 25 of several generations.

20 (9) An aviation heritage area centered in
21 Southwest Ohio is a suitable and feasible manage-
22 ment option to increase collaboration, promote herit-
23 age tourism, and build on the established partner-
24 ships among Ohio's historic aviation resources and
25 related sites.

7 (11) The Aviation Heritage Foundation, Incor-
8 porated, would be an appropriate management entity
9 to oversee the development of the National Aviation
10 Heritage Area.

11 (12) Five National Park Service and Dayton
12 Aviation Heritage Commission studies and planning
13 documents “Study of Alternatives: Dayton’s Aviation
14 Heritage”, “Dayton Aviation Heritage National His-
15 torical Park Suitability/Feasibility Study”, “Dayton
16 Aviation Heritage General Management Plan”,
17 “Dayton Historic Resources Preservation and Devel-
18 opment Plan”, and Heritage Area Concept Study (in
19 progress) demonstrated that sufficient historical re-
20 sources exist to establish the National Aviation Her-
21 itage Area.

(13) With the advent of the 100th anniversary of the first powered flight in 2003, it is recognized that the preservation of properties nationally signifi-

1 cant in the history of aviation is an important goal
2 for the future education of Americans.

3 (14) Local governments, the State of Ohio, and
4 private sector interests have embraced the heritage
5 area concept and desire to enter into a partnership
6 with the Federal Government to preserve, protect,
7 and develop the Heritage Area for public benefit.

8 (15) The National Aviation Heritage Area
9 would complement and enhance the aviation-related
10 resources within the National Park Service, espe-
11 cially the Dayton Aviation Heritage National Histor-
12 ical Park, Ohio, and the Wright Brothers National
13 Memorial, Kitty Hawk, North Carolina.

14 (b) PURPOSE.—The purpose of this title is to estab-
15 lish the Heritage Area to—

16 (1) encourage and facilitate collaboration
17 among the facilities, sites, organizations, govern-
18 mental entities, and educational institutions within
19 the Heritage Area to promote heritage tourism and
20 to develop educational and cultural programs for the
21 public;

22 (2) preserve and interpret for the educational
23 and inspirational benefit of present and future gen-
24 erations the unique and significant contributions to
25 our national heritage of certain historic and cultural

1 lands, structures, facilities, and sites within the Na-
2 tional Aviation Heritage Area;

3 (3) encourage within the National Aviation
4 Heritage Area a broad range of economic opportuni-
5 ties enhancing the quality of life for present and fu-
6 ture generations;

7 (4) provide a management framework to assist
8 the State of Ohio, its political subdivisions, other
9 areas, and private organizations, or combinations
10 thereof, in preparing and implementing an inte-
11 grated Management Plan to conserve their aviation
12 heritage and in developing policies and programs
13 that will preserve, enhance, and interpret the cul-
14 tural, historical, natural, recreation, and scenic re-
15 sources of the Heritage Area; and

16 (5) authorize the Secretary to provide financial
17 and technical assistance to the State of Ohio, its po-
18 litical subdivisions, and private organizations, or
19 combinations thereof, in preparing and implementing
20 the private Management Plan.

21 **SEC. 103. DEFINITIONS.**

22 For purposes of this title:

23 (1) **BOARD.**—The term “Board” means the
24 Board of Directors of the Foundation.

5 SEC. 104. NATIONAL AVIATION HERITAGE AREA.

6 (a) ESTABLISHMENT.—There is established in the
7 State of Ohio, and other areas as appropriate, the Na-
8 tional Aviation Heritage Area.

9 (b) BOUNDARIES.—The Heritage Area shall include
10 the following:

14 (2) The Neil Armstrong Air & Space Museum,
15 Wapakoneta, Ohio, and the Wilbur Wright Birth-
16 place and Museum, Millville, Indiana.

20 (c) MAP.—A map of the Heritage Area shall be in-
21 cluded in the Management Plan. The map shall be on file
22 in the appropriate offices of the National Park Service,
23 Department of the Interior.

1 (d) MANAGEMENT ENTITY.—The management entity
2 for the Heritage Area shall be the Aviation Heritage
3 Foundation.

4 **SEC. 105. AUTHORITIES AND DUTIES OF THE MANAGEMENT**
5 **ENTITY.**

6 (a) AUTHORITIES.—For purposes of implementing
7 the Management Plan, the management entity may use
8 Federal funds made available through this Act to—

9 (1) make grants to, and enter into cooperative
10 agreements with, the State of Ohio and political sub-
11 divisions of that State, private organizations, or any
12 person;

13 (2) hire and compensate staff; and
14 (3) enter into contracts for goods and services.

15 (b) DUTIES.— The management entity shall—

16 (1) develop and submit to the Secretary for ap-
17 proval the proposed Management Plan in accordance
18 with section 106;

19 (2) give priority to implementing actions set
20 forth in the Management Plan, including taking
21 steps to assist units of government and nonprofit or-
22 ganizations in preserving resources within the Herit-
23 age Area and encouraging local governments to
24 adopt land use policies consistent with the manage-

1 ment of the Heritage Area and the goals of the
2 Management Plan;

3 (3) consider the interests of diverse govern-
4 mental, business, and nonprofit groups within the
5 Heritage Area in developing and implementing the
6 Management Plan;

7 (4) maintain a collaboration among the part-
8 ners to promote heritage tourism and to assist part-
9 ners to develop educational and cultural programs
10 for the public;

11 (5) encourage economic viability in the Heritage
12 Area consistent with the goals of the Management
13 Plan;

14 (6) assist units of government and nonprofit or-
15 ganizations in—

16 (A) establishing and maintaining interpre-
17 tive exhibits in the Heritage Area;

18 (B) developing recreational resources in
19 the Heritage Area;

20 (C) increasing public awareness of and ap-
21 preciation for the historical, natural, and archi-
22 tectural resources and sites in the Heritage
23 Area; and

24 (D) restoring historic buildings that relate
25 to the purposes of the Heritage Area;

6 (8) conduct public meetings at least quarterly
7 regarding the implementation of the Management
8 Plan;

12 (10) for any year in which Federal funds have
13 been received under this Act—

14 (A) submit an annual report to the Sec-
15 retary that sets forth the accomplishments of
16 the management entity and its expenses and in-
17 come;

18 (B) make available to the Secretary for
19 audit all records relating to the expenditure of
20 such funds and any matching funds; and

21 (C) require, with respect to all agreements
22 authorizing expenditure of Federal funds by
23 other organizations, that the receiving organiza-
24 tions make available to the Secretary for audit

1 all records concerning the expenditure of such
2 funds.

3 (c) USE OF FEDERAL FUNDS.—

4 (1) IN GENERAL.—The management entity
5 shall not use Federal funds received under this Act
6 to acquire real property or an interest in real prop-
7 erty.

8 (2) OTHER SOURCES.—Nothing in this Act pre-
9 cludes the management entity from using Federal
10 funds from other sources for authorized purposes.

11 **SEC. 106. MANAGEMENT PLAN.**

12 (a) PREPARATION OF PLAN.—Not later than 3 years
13 after the date of enactment of this Act, the management
14 entity shall submit to the Secretary for approval a pro-
15 posed Management Plan that shall take into consideration
16 State and local plans and involve residents, public agen-
17 cies, and private organizations in the Heritage Area.

18 (b) CONTENTS.—The Management Plan shall incor-
19 porate an integrated and cooperative approach for the pro-
20 tection, enhancement, and interpretation of the natural,
21 cultural, historic, scenic, and recreational resources of the
22 Heritage Area and shall include the following:

23 (1) An inventory of the resources contained in
24 the core area of the Heritage Area, including the
25 Dayton Aviation Heritage Historical Park, the sites,

1 buildings, and districts listed in section 202 of the
2 Dayton Aviation Heritage Preservation Act of 1992
3 (Public Law 102–419), and any other property in
4 the Heritage Area that is related to the themes of
5 the Heritage Area and that should be preserved, re-
6 stored, managed, or maintained because of its sig-
7 nificance.

8 (2) Recommendations for inclusion within the
9 Heritage Area of suitable and feasible sites, build-
10 ings, and districts outside the core area of the Herit-
11 age Area. Such recommendations shall be included
12 in the inventory required under paragraph (1) and
13 may include the following:

14 (A) The Wright Brothers National Memo-
15 rial, Kitty Hawk, North Carolina.

16 (B) The Captain Edward V. Rickenbacker
17 House National Historic Landmark, Columbus,
18 Ohio.

19 (C) The NASA Glenn Research Center at
20 Lewis Field, Cleveland, Ohio.

21 (D) The Rocket Engine Test Facility Na-
22 tional Historic Landmark, Sandusky, Ohio.

23 (E) The Zero Gravity Research Facility
24 National Historic Landmark, Cleveland, Ohio.

1 (F) The International Women's Air &
2 Space Museum, Inc., Cleveland, Ohio.

3 (G) The John and Annie Glenn Museum
4 and Exploration Center, New Concord, Ohio.

5 (3) (2) An assessment of cultural landscapes
6 within the Heritage Area.

7 (4) (3) Provisions for the protection, interpreta-
8 tion, and enjoyment of the resources of the Heritage
9 Area consistent with the purposes of this Act.

10 (5) (4) An interpretation plan for the Heritage
11 Area.

12 (6) (5) A program for implementation of the
13 Management Plan by the management entity, in-
14 cluding the following:

15 (A) Facilitating ongoing collaboration
16 among the partners to promote heritage tour-
17 ism and to develop educational and cultural
18 programs for the public.

19 (B) Assisting partners planning for res-
20 toration and construction.

21 (C) Specific commitments of the partners
22 for the first 5 years of operation.

23 (7) (6) The identification of sources of funding
24 for implementing the plan.

1 (8) (7) A description and evaluation of the
2 management entity, including its membership and
3 organizational structure.

4 (c) DISQUALIFICATION FROM FUNDING.—If a pro-
5 posed Management Plan is not submitted to the Secretary
6 within 3 years of the date of the enactment of this Act,
7 the management entity shall be ineligible to receive addi-
8 tional funding under this Act until the date on which the
9 Secretary receives the proposed Management Plan.

10 (d) APPROVAL AND DISAPPROVAL OF MANAGEMENT
11 PLAN.—The Secretary, in consultation with the State of
12 Ohio, shall approve or disapprove the proposed Manage-
13 ment Plan submitted under this Act not later than 90
14 days after receiving such proposed Management Plan.

15 (e) ACTION FOLLOWING DISAPPROVAL.—If the Sec-
16 retary disapproves a proposed Management Plan, the Sec-
17 retary shall advise the management entity in writing of
18 the reasons for the disapproval and shall make rec-
19 ommendations for revisions to the proposed Management
20 Plan. The Secretary shall approve or disapprove a pro-
21 posed revision within 90 days after the date it is sub-
22 mitted.

23 (f) APPROVAL OF AMENDMENTS.—The Secretary
24 shall review and approve substantial amendments to the
25 Management Plan. Funds appropriated under this Act

1 may not be expended to implement any changes made by
2 such amendment until the Secretary approves the amend-
3 ment.

4 **SEC. 107. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER**
5 **FEDERAL AGENCIES.**

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

7 **(1) IN GENERAL.**—Upon the request of the
8 management entity, the Secretary may provide tech-
9 nical assistance, on a reimbursable or nonreimburs-
10 able basis, and financial assistance to the Heritage
11 Area to develop and implement the Management
12 Plan. The Secretary is authorized to enter into coop-
13 erative agreements with the management entity and
14 other public or private entities for this purpose. In
15 assisting the Heritage Area, the Secretary shall give
16 priority to actions that in general assist in—

17 (A) conserving the significant natural, his-
18 toric, cultural, and scenic resources of the Her-
19 itage Area; and

20 (B) providing educational, interpretive, and
21 recreational opportunities consistent with the
22 purposes of the Heritage Area.

23 **(2) OTHER ASSISTANCE.**—Upon request, the
24 Superintendent of Dayton Aviation Heritage Na-
25 tional Historical Park may provide to public and pri-

1 vate organizations within the Heritage Area, includ-
2 ing the management entity, such technical and fi-
3 nancial assistance as appropriate to support the im-
4 plementation of the Management Plan, subject to
5 the availability of appropriated funds. The Secretary
6 is authorized to make grants and enter into coopera-
7 tive agreements with public and private organiza-
8 tions for the purpose of implementing this sub-
9 section.

10 (b) DUTIES OF OTHER FEDERAL AGENCIES.—Any
11 Federal agency conducting or supporting activities directly
12 affecting the Heritage Area shall—
13 (1) consult with the Secretary and the manage-
14 ment entity with respect to such activities;
15 (2) cooperate with the Secretary and the man-
16 agement entity in carrying out their duties under
17 this Act;
18 (3) to the maximum extent practicable, coordi-
19 nate such activities with the carrying out of such du-
20 ties; and
21 (4) to the maximum extent practicable, conduct
22 or support such activities in a manner which the
23 management entity determines will not have an ad-
24 verse effect on the Heritage Area.

1 **SEC. 108. COORDINATION BETWEEN THE SECRETARY AND**
2 **THE SECRETARY OF DEFENSE AND THE AD-**
3 **MINISTRATOR OF NASA.**

4 The decisions concerning the execution of this title
5 as it applies to properties under the control of the Sec-
6 retary of Defense and the Administrator of the National
7 Aeronautics and Space Administration shall be made by
8 such Secretary or such Administrator, in consultation with
9 the Secretary of the Interior.

10 **SEC. 109. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) IN GENERAL.—To carry out this title there is au-
12 thorized to be appropriated \$10,000,000, except that not
13 more than \$1,000,000 may be appropriated to carry out
14 this title for any fiscal year.

15 (b) 50 PERCENT MATCH.—The Federal share of the
16 cost of activities carried out using any assistance or grant
17 under this title shall not exceed 50 percent.

18 (c) OTHER FEDERAL FUNDS.—Other Federal fund-
19 ing received by the management entity for the implemen-
20 tation of this Act shall not be counted toward the author-
21 ized appropriation.

22 **SEC. 110. SUNSET PROVISION.**

23 The Secretary shall not provide any grant or other
24 assistance under this title after September 30, 2017.

1 *The authority of the Secretary to provide assistance*
2 *under this Act terminates on the date that is 15 years after*
3 *the date of enactment of this Act.*

4 **TITLE II—WRIGHT COMPANY**
5 **FACTORY STUDY**

6 **SEC. 201. STUDY.**

7 (a) IN GENERAL.—The Secretary shall conduct a
8 special resource study updating the study required under
9 section 104 of the Dayton Aviation Heritage Preservation
10 Act of 1992 (Public Law 102–419) and detailing alter-
11 natives for incorporating the Wright Company factory as
12 a unit of Dayton Aviation Heritage National Historical
13 Park.

14 (b) CONTENTS.—The study shall include an analysis
15 of alternatives for including the Wright Company factory
16 as a unit of Dayton Aviation Heritage National Historical
17 Park that detail management and development options
18 and costs.

19 (c) CONSULTATION.—In conducting the study, the
20 Secretary shall consult with the Delphi Corporation, the
21 Dayton Aviation Heritage Commission, the Aviation Her-
22 itage Foundation, State and local agencies, and other in-
23 terested parties in the area.

1 SEC. 202. REPORT.

2 Not later than 2 3 years after funds are first made
3 available for this title, the Secretary shall submit to the
4 Committee on Resources of the House of Representatives
5 and the Committee on Energy and Natural Resources of
6 the Senate a report describing the results of the study con-
7 ducted under section 201.

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