

108TH CONGRESS
2D SESSION

S. 180

AN ACT

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,*

1 **SECTION 1. TABLE OF CONTENTS.**

2 The table of contents of this Act is as follows:

Sec. 1. Table of contents.

TITLE I—NATIONAL AVIATION HERITAGE AREA

Sec. 101. Short title.

Sec. 102. Definitions.

Sec. 103. National Aviation Heritage Area.

Sec. 104. Management plan.

Sec. 105. Administration.

Sec. 106. Technical and financial assistance; other Federal agencies.

Sec. 107. Authorization of appropriations.

Sec. 108. Termination of authority.

TITLE II—WRIGHT COMPANY FACTORY STUDY

Sec. 201. Definitions.

Sec. 202. Study.

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3 **TITLE I—NATIONAL AVIATION**
4 **HERITAGE AREA**

5 **SEC. 101. SHORT TITLE.**

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

8 **SEC. 102. DEFINITIONS.**

9 In this title:

10 (1) HERITAGE AREA.—The term “Heritage
11 Area” means the National Aviation Heritage Area
12 established by section 103(a).

13 (2) MANAGEMENT ENTITY.—The term “man-
14 agement entity” means the Aviation Heritage Foun-
15 dation, Incorporated, a nonprofit corporation estab-
16 lished under the laws of the State of Ohio.

1 (3) MANAGEMENT PLAN.—The term “manage-
2 ment plan” means the management plan for the
3 Heritage Area developed under section 104.

4 (4) PARTNER.—The term “partner” means—

5 (A) a Federal, State, or local governmental
6 entity; or

7 (B) an organization, private industry, or
8 person involved in promoting the conservation
9 and preservation of the cultural and natural re-
10 sources of the Heritage Area.

11 (5) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

13 **SEC. 103. NATIONAL AVIATION HERITAGE AREA.**

14 (a) ESTABLISHMENT.—There is established in the
15 States of Ohio and Indiana the National Aviation Heritage
16 Area.

17 (b) BOUNDARIES.—

18 (1) IN GENERAL.—The Heritage Area shall
19 include—

20 (A) a core area consisting of resources in
21 Montgomery, Greene, Warren, Miami, Clark,
22 Shelby, Auglaize, and Champaign Counties in
23 the State of Ohio;

24 (B) the Neil Armstrong Air & Space Mu-
25 seum, Wapakoneta, Ohio;

1 (C) the Wilbur Wright Birthplace and Mu-
 2 seum, Millville, Indiana; and

3 (D) any sites, buildings, and districts with-
 4 in the core area described in subparagraph (A)
 5 that are recommended for inclusion in the Her-
 6 itage Area in the management plan.

7 (2) MAP.—

8 (A) IN GENERAL.—The Secretary shall
 9 prepare a map of the Heritage Area for inclu-
 10 sion in the management plan.

11 (B) AVAILABILITY.—The map shall be on
 12 file and available for public inspection in the
 13 appropriate offices of the National Park Serv-
 14 ice.

15 **SEC. 104. MANAGEMENT PLAN.**

16 (a) IN GENERAL.—Not later than 3 years after the
 17 date of enactment of this Act, the management entity shall
 18 submit to the Secretary for approval a management plan
 19 for the Heritage Area.

20 (b) REQUIREMENTS.—The management plan shall—

21 (1) incorporate an integrated and cooperative
 22 approach for the protection, enhancement, and inter-
 23 pretation of the natural, cultural, historic, scenic,
 24 and recreational resources of the Heritage Area;

1 (2) take into consideration Federal, State, and
2 local plans;

3 (3) involve residents, public agencies, and pri-
4 vate organizations in the Heritage Area;

5 (4) include—

6 (A) an assessment of cultural landscapes
7 in the Heritage Area;

8 (B) provisions for the protection, interpre-
9 tation, and enjoyment of the resources of the
10 Heritage Area that are consistent with the pur-
11 poses of this title;

12 (C) an interpretation plan for the Heritage
13 Area;

14 (D) a program for the implementation of
15 the management plan by the management enti-
16 ty that includes—

17 (i) provisions for facilitating ongoing
18 collaboration among the partners to—

19 (I) promote heritage tourism;
20 and

21 (II) develop educational and cul-
22 tural programs for the public;

23 (ii) provisions for assisting partners in
24 plans for restoration and construction of
25 the Heritage Area; and

1 (iii) to the maximum extent prac-
 2 ticable, specific commitments from part-
 3 ners for the first 5 years of operation of
 4 the Heritage Area; and

5 (E) an inventory of the resources con-
 6 tained in the core area of the Heritage Area,
 7 including—

8 (i) the Dayton Aviation Heritage His-
 9 torical Park;

10 (ii) the sites, buildings, and districts
 11 listed in section 202 of the Dayton Avia-
 12 tion Heritage Preservation Act of 1992
 13 (Public Law 102–419); and

14 (iii) any other property that—

15 (I) is related to the themes of the
 16 Heritage Area; and

17 (II) should be preserved, re-
 18 stored, managed, or maintained be-
 19 cause of the significance of the prop-
 20 erty;

21 (5) identify sources of funding for the imple-
 22 mentation of the management plan; and

23 (6) describe and evaluate the management enti-
 24 ty, including a description and evaluation of—

1 (A) the membership of the management
2 entity; and

3 (B) the organizational structure of the
4 management entity.

5 (c) FAILURE TO SUBMIT.—If the management entity
6 fails to submit the management plan by the date described
7 in subsection (a), the Secretary shall not provide any addi-
8 tional funding under this title to the management entity
9 until the date on which the management entity submits
10 a management plan to the Secretary.

11 (d) APPROVAL AND DISAPPROVAL OF MANAGEMENT
12 PLANS.—

13 (1) IN GENERAL.—Not later than 90 days after
14 the date of the receipt of the management plan
15 under subsection (a), the Secretary, in consultation
16 with the State of Ohio, shall approve or disapprove
17 the plan.

18 (2) DISAPPROVAL AND REVISION.—If the Sec-
19 retary disapproves a management plan under para-
20 graph (1), the Secretary shall—

21 (A) advise the management entity in writ-
22 ing of the reasons for the disapproval;

23 (B) make recommendations for revisions to
24 the management plan; and

1 (C) not later than 90 days after the receipt
 2 of any proposed revision of the management
 3 plan from the management entity, approve or
 4 disapprove the proposed revision.

5 (e) AMENDMENTS.—

6 (1) IN GENERAL.—The Secretary shall review
 7 each amendment to the management plan that the
 8 Secretary determines may make a substantial
 9 change to the management plan.

10 (2) USE OF FUNDS.—Funds made available
 11 under this title shall not be expended to implement
 12 an amendment described in paragraph (1) until the
 13 Secretary approves the amendment.

14 **SEC. 105. ADMINISTRATION.**

15 (a) IN GENERAL.—The management entity shall ad-
 16 minister the Heritage Area in accordance with this title.

17 (b) AUTHORITIES.—The management entity may, for
 18 purposes of implementing the management plan, use Fed-
 19 eral funds made available under this title to—

20 (1) make grants to, and enter into cooperative
 21 agreements with—

22 (A) the State of Ohio (including a political
 23 subdivision of the State);

24 (B) a private organization; or

25 (C) any person;

- 1 (2) hire and compensate staff;
- 2 (3) contract for goods and services; and
- 3 (4) obtain funds from any source (including a
- 4 program that has a cost-sharing requirement).

5 (c) DUTIES OF MANAGEMENT ENTITY.—In addition
 6 to developing the management plan under section 104, in
 7 carrying out this title, the management entity shall—

- 8 (1) give priority to the implementation of ac-
 9 tions set forth in the management plan, including—

10 (A) assisting units of government and non-
 11 profit organizations in preserving the resources
 12 of the Heritage Area; and

13 (B) encouraging local governments to
 14 adopt land use policies that are consistent
 15 with—

16 (i) the management of the Heritage
 17 Area; and

18 (ii) the goals of the management plan;

19 (2) in developing and implementing the man-
 20 agement plan, consider the interests of diverse gov-
 21 ernmental, business, and nonprofit organizations in
 22 the Heritage Area;

23 (3) maintain a collaboration among the part-
 24 ners to promote heritage tourism;

1 (4) assist partners in developing educational
2 and cultural programs for the public;

3 (5) encourage economic viability in the Heritage
4 Area in accordance with the goals of the manage-
5 ment plan;

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

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

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

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

16 (D) installing throughout the Heritage
17 Area, clear, consistent, and environmentally ap-
18 propriate signs that identify access points and
19 sites of interest; and

20 (E) restoring historic buildings that relate
21 to the purposes of the Heritage Area;

22 (7) conduct public meetings at least quarterly
23 regarding the implementation of the management
24 plan;

1 (8) submit to the Secretary for approval sub-
 2 stantial amendments to the management plan; and

3 (9) for any fiscal year for which Federal funds
 4 are made available to carry out this Act under sec-
 5 tion 107—

6 (A) submit to the Secretary a report that
 7 describes, for the fiscal year—

8 (i) any activities conducted by the
 9 management entity with respect to the
 10 Heritage Area; and

11 (ii) any expenses incurred by the man-
 12 agement entity in carrying out this title;

13 (B) make available to the Secretary for
 14 audit all records relating to the expenditure of
 15 the funds and any matching funds; and

16 (C) require, for all agreements authorizing
 17 the expenditure of Federal funds by any entity,
 18 that the receiving entity make available to the
 19 Secretary for audit all records relating to the
 20 expenditure of the funds.

21 (d) PROHIBITION OF ACQUISITION OF REAL PROP-
 22 erty.—

23 (1) USE OF FEDERAL FUNDS.—The manage-
 24 ment entity shall not use Federal funds made avail-

1 able under this title to acquire real property or any
2 interest in real property.

3 (2) FUNDS FROM OTHER SOURCES.—The man-
4 agement entity may acquire real property or an in-
5 terest in real property using non-Federal funds.

6 **SEC. 106. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER**
7 **FEDERAL AGENCIES.**

8 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

9 (1) IN GENERAL.—On the request of the man-
10 agement entity, the Secretary may provide to the
11 Heritage Area technical assistance, on a reimburs-
12 able or nonreimbursable basis, and financial assist-
13 ance for use in the development and implementation
14 of the management plan.

15 (2) COOPERATIVE AGREEMENTS.—The Sec-
16 retary may enter into a cooperative agreement with
17 the management entity or other public or private or-
18 ganizations for purposes of providing technical or fi-
19 nancial assistance under paragraph (1).

20 (3) PRIORITY FOR ASSISTANCE.—In providing
21 technical or financial assistance under paragraph
22 (1), the Secretary shall give priority to actions that
23 assist in—

1 (A) conserving the significant historical,
2 cultural, and natural resources of the Heritage
3 Area; and

4 (B) providing educational, interpretive, and
5 recreational opportunities consistent with the
6 purposes of the Heritage Area.

7 (b) OPERATIONAL ASSISTANCE.—Subject to the
8 availability of appropriations, the Secretary may provide
9 to public or private organizations in the Heritage Area
10 such operational assistance as is appropriate to support
11 the implementation of the management plan.

12 (c) DUTIES OF OTHER FEDERAL AGENCIES.—A
13 Federal agency conducting or supporting any activity di-
14 rectly affecting the Heritage Area shall—

15 (1) consult with the Secretary and the manage-
16 ment entity with respect to the activity;

17 (2) cooperate with the Secretary and the man-
18 agement entity in carrying out the duties of the Sec-
19 retary and the management entity under this title;

20 (3) to the maximum extent practicable, coordi-
21 nate the activity with the duties of the Secretary and
22 the management entity under this title; and

23 (4) conduct or support the activity in a manner
24 that, to the maximum extent practicable, will not

1 have an adverse effect on the Heritage Area, as de-
2 termined by the management entity.

3 (d) COORDINATION BETWEEN THE SECRETARY, THE
4 SECRETARY OF DEFENSE, AND THE ADMINISTRATOR OF
5 NASA.—Any decision relating to the application of this
6 title to properties under the jurisdiction of the Secretary
7 of Defense or the Administrator of the National Aero-
8 nautics and Space Administration shall be made by the
9 Secretary of Defense or the Administrator, respectively,
10 in consultation with the Secretary.

11 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) IN GENERAL.—There is authorized to be appro-
13 priated to carry out this title \$10,000,000, of which not
14 more than \$1,000,000 may be made available for any fis-
15 cal year.

16 (b) FEDERAL SHARE.—The Federal share of the
17 total cost of any activity assisted under this title shall be
18 not more than 50 percent.

19 **SEC. 108. TERMINATION OF AUTHORITY.**

20 The authority of the Secretary to provide assistance
21 under this title terminates on the date that is 15 years
22 after the date of enactment of this Act.

1 **TITLE II—WRIGHT COMPANY** 2 **FACTORY STUDY**

3 **SEC. 201. DEFINITIONS.**

4 In this title:

5 (1) **FACTORY.**—The term “Factory” means the
6 Wright Company factory in Dayton, Ohio.

7 (2) **PARK.**—The term “park” means the Day-
8 ton Aviation Heritage National Historical Park in
9 the State of Ohio.

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

12 **SEC. 202. STUDY.**

13 (a) **IN GENERAL.**—The Secretary shall conduct a
14 special resource study that—

15 (1) updates the study required under section
16 104 of the Dayton Aviation Heritage Preservation
17 Act of 1992 (Public Law 102–419); and

18 (2) describes alternatives for incorporating the
19 Factory as a unit of the Park.

20 (b) **CONTENTS.**—The study shall include an analysis
21 of the alternatives described under subsection (a)(2), in-
22 cluding an analysis of management and development op-
23 tions and costs.

24 (c) **CONSULTATION.**—In conducting the study, the
25 Secretary shall consult with—

- 1 (1) the Delphi Corporation;
- 2 (2) the Aviation Heritage Foundation;
- 3 (3) State and local agencies; and
- 4 (4) other interested parties in the area in which
- 5 the Factory is located.

6 **SEC. 203. REPORT.**

7 Not later than 3 years after the date on which funds
8 are first made available to carry out this title, the Sec-
9 retary shall submit to the Committee on Resources of the
10 House of Representatives and the Committee on Energy
11 and Natural Resources of the Senate a report that de-
12 scribes the results of the study conducted under this title.

Passed the Senate September 15, 2004.

Attest:

Secretary.

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AN ACT

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