

105TH CONGRESS  
1ST SESSION

# S. 1397

To establish a commission to assist in commemoration of the centennial of powered flight and the achievements of the Wright brothers.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 1997

Mr. HELMS (for himself, Mr. GLENN, Mr. DEWINE, and Mr. FAIRCLOTH) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To establish a commission to assist in commemoration of the centennial of powered flight and the achievements of the Wright brothers.

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 “Centennial of Flight  
5 Commemoration Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) December 17, 2003, is the 100th anniver-  
9 sary of the first successful manned, free, controlled,

1 and sustained flight by a power-driven, heavier-than-  
2 air machine;

3 (2) the first flight by Orville and Wilbur Wright  
4 represents the fulfillment of the age-old dream of  
5 flying;

6 (3) the airplane has dramatically changed the  
7 course of transportation, commerce, communication,  
8 and warfare throughout the world;

9 (4) the achievement by the Wright brothers  
10 stands as a triumph of American ingenuity, inven-  
11 tiveness, and diligence in developing new tech-  
12 nologies, and remains an inspiration for all Ameri-  
13 cans;

14 (5) it is appropriate to remember and renew the  
15 legacy of the Wright brothers at a time when the  
16 values of creativity and daring represented by the  
17 Wright brothers are critical to the future of the Na-  
18 tion; and

19 (6) as the Nation approaches the 100th anni-  
20 versary of powered flight, it is appropriate to cele-  
21 brate and commemorate the centennial year through  
22 local, national, and international observances and ac-  
23 tivities.

1 **SEC. 3. ESTABLISHMENT.**

2       There is established a commission to be known as the  
3 Centennial of Flight Commission.

4 **SEC. 4. MEMBERSHIP.**

5       (a) NUMBER AND APPOINTMENT.—

6           (1) IN GENERAL.—The Commission shall be  
7 composed of 21 members, as follows:

8           (A) The Secretary of the Interior, or a des-  
9 ignee.

10           (B) The Director of the National Air and  
11 Space Museum, or a designee.

12           (C) The Secretary of Defense, or a des-  
13 ignee.

14           (D) The Secretary of Transportation, or a  
15 designee.

16           (E) The Administrator of the National  
17 Aeronautics and Space Administration, or a  
18 designee.

19           (F) Two representatives from the State of  
20 North Carolina, including—

21           (i) the chairman of the First Flight  
22 Centennial Commission, or a designee; and

23           (ii) the president of the First Flight  
24 Centennial Foundation, or a designee.

25           (G) Two representatives from the State of  
26 Ohio, including—

- 1 (i) the Governor, or a designee; and  
2 (ii) the chairman of the 2003 Com-  
3 mittee, or a designee.

4 (H) Twelve citizens of the United States,  
5 appointed by the President, who are not officers  
6 or employees of any government, except to the  
7 extent that they are considered to be such offi-  
8 cers or employees by virtue of their membership  
9 on the Commission.

10 (2) APPOINTMENTS BY PRESIDENT.—Of the in-  
11 dividuals referred to in paragraph (1)(H)—

12 (A) two shall be chosen from among per-  
13 sons recommended by the majority leader of the  
14 Senate in consultation with the minority leader  
15 of the Senate;

16 (B) two shall be chosen from among per-  
17 sons recommended by the Speaker of the House  
18 of Representatives in consultation with the mi-  
19 nority leader of the House of Representatives.  
20 Of the individuals referred to in this subpara-  
21 graph, one shall be chosen from among individ-  
22 uals recommended by the Representative whose  
23 district encompasses the Wright Brothers Na-  
24 tional Memorial, and one shall be chosen from  
25 among individuals recommended by the Rep-

1           representatives whose districts encompass any part  
2           of the Dayton Aviation Heritage National His-  
3           torical Park; and

4           (C) eight shall be chosen based on quali-  
5           fications or experience in the field of history,  
6           aerospace science or industry, or any other pro-  
7           fession that would enhance the work of the  
8           Commission and assist in commemorating the  
9           accomplishments of the Wright brothers.

10          (b) TIME OF APPOINTMENT.—Each member of the  
11          Commission shall be appointed not later than 90 days  
12          after the date of the enactment of this Act.

13          (c) TERMS.—Each member of the Commission shall  
14          be appointed for the life of the Commission except for  
15          those designees serving at the pleasure of a public office-  
16          holder, whose terms shall expire contemporaneously with  
17          the terms of the public official being represented.

18          (d) VACANCIES.—Any vacancy in the Commission  
19          shall be filled in the same manner in which the original  
20          appointment was made.

21          (e) COMPENSATION.—

22                  (1) PROHIBITION OF PAY.—Except as provided  
23                  in paragraph (2), members of the Commission shall  
24                  serve without pay.

1           (2) TRAVEL EXPENSES.—Each member of the  
2           Commission may receive travel expenses, including  
3           per diem in lieu of subsistence, in accordance with  
4           sections 5702 and 5703 of title 5, United States  
5           Code, except that those members who are Federal  
6           employees shall not receive travel expenses if other-  
7           wise reimbursed by the Federal Government.

8           (f) QUORUM.—Eleven members of the Commission  
9           shall constitute a quorum.

10          (g) CHAIRPERSON.—The President shall designate  
11          one of the individuals appointed under subsection  
12          (a)(1)(H) as the chairperson of the Commission.

13          (h) MEETINGS.—The Commission shall meet at the  
14          call of its chairperson or a majority of its members.

15       **SEC. 5. DUTIES.**

16          (a) IN GENERAL.—The Commission shall—

17               (1) represent the United States and take a  
18               leadership role with other countries in recognizing  
19               the importance of aviation history in general and the  
20               centennial of powered flight in particular, and pro-  
21               mote participation by the United States in such ac-  
22               tivities;

23               (2) encourage and promote national and inter-  
24               national participation and sponsorships in com-

1       memoration of the centennial of powered flight by  
2       persons and entities such as—

3               (A) aerospace manufacturing companies;

4               (B) aerospace-related military organiza-  
5       tions;

6               (C) workers employed in aerospace-related  
7       industries;

8               (D) commercial aviation companies;

9               (E) general aviation owners and pilots;

10              (F) aerospace researchers, instructors, and  
11       enthusiasts;

12              (G) elementary, secondary, and higher edu-  
13       cational institutions;

14              (H) civil, patriotic, educational, sporting,  
15       arts, cultural, and historical organizations and  
16       technical societies;

17              (I) aerospace-related museums; and

18              (J) State and local governments;

19       (3) plan and develop, in coordination with the  
20       First Flight Centennial Commission, the First  
21       Flight Centennial Foundation of North Carolina,  
22       and the 2003 Committee of Ohio, programs and ac-  
23       tivities that are appropriate to commemorate the  
24       100th anniversary of powered flight;

1           (4) maintain, publish, and distribute a calendar  
2 or register of national and international programs  
3 and projects concerning, and provide a central clear-  
4 inghouse for information and coordination regarding,  
5 dates, events, and places of historical and commemo-  
6 rative significance regarding aviation history in gen-  
7 eral and the centennial of powered flight in particu-  
8 lar;

9           (5) provide national coordination for celebration  
10 dates to take place throughout the United States  
11 during the centennial year;

12           (6) assist in conducting educational, civic, and  
13 commemorative activities relating to the centennial  
14 of powered flight throughout the United States, es-  
15 pecially activities that occur in the States of North  
16 Carolina and Ohio and that highlight the activities  
17 of the Wright brothers in such States; and

18           (7) plan, develop, and coordinate any other ac-  
19 tivities that the Commission determines, subject to  
20 the approval of the First Flight Centennial Commis-  
21 sion, the First Flight Centennial Foundation of  
22 North Carolina, and the 2003 Committee of Ohio, to  
23 be appropriate relating to the anniversary of the  
24 centennial of powered flight, which may include the  
25 preparation, distribution, dissemination, exhibition,

1 or sale of historical, commemorative, or informative  
2 materials or objects, that will contribute to public  
3 awareness of and interest in the centennial of pow-  
4 ered flight.

5 (b) NONDUPLICATION OF ACTIVITIES.—The Com-  
6 mission shall attempt to plan and conduct its activities  
7 in such a manner that activities conducted pursuant to  
8 this Act enhance, but do not duplicate, traditional and es-  
9 tablished activities of Ohio’s 2003 Committee, North  
10 Carolina’s First Flight Centennial Commission, and the  
11 First Flight Centennial Foundation, except with the con-  
12 sent of such entities.

13 **SEC. 6. POWERS.**

14 (a) ADVISORY COMMITTEES AND TASK FORCES.—

15 (1) IN GENERAL.—The Commission may ap-  
16 point any advisory committee or task force that it  
17 determines to be necessary to carry out this Act.

18 (2) FEDERAL COOPERATION.—To ensure the  
19 overall success of the Commission’s efforts, the Com-  
20 mission may call upon various Federal departments  
21 and agencies to assist in and give support to pro-  
22 grams of the Commission. Where appropriate, all  
23 Federal departments and agencies shall provide any  
24 assistance possible.

1           (3) PROHIBITION OF PAY OTHER THAN TRAVEL  
2 EXPENSES.—Members of an advisory committee or  
3 task force authorized by paragraph (1) shall not re-  
4 ceive pay, but may receive travel expenses to the  
5 same extent that members of the Commission may  
6 receive travel expenses under section 4(e).

7           (b) POWERS OF MEMBERS AND AGENTS.—Any mem-  
8 ber or agent of the Commission may, if authorized by the  
9 Commission, take any action that the Commission is au-  
10 thorized to take under this Act.

11          (c) AUTHORITY TO PROCURE AND TO MAKE LEGAL  
12 AGREEMENTS.—

13           (1) IN GENERAL.—The Commission may pro-  
14 cure supplies, services, and property, and make or  
15 enter into leases and other legal agreements in order  
16 to carry out this Act.

17           (2) RESTRICTION.—A contract, lease, or other  
18 legal agreement made or entered into by the Com-  
19 mission may not extend beyond the date of the ter-  
20 mination of the Commission.

21           (3) SUPPLIES AND PROPERTY POSSESSED BY  
22 COMMISSION AT TERMINATION.—Any supplies and  
23 property, except historically significant items, that  
24 are acquired by the Commission under this Act and  
25 remain in the possession of the Commission on the

1 date of the termination of the Commission shall be-  
2 come the property of the General Services Adminis-  
3 tration upon the date of the termination.

4 (d) REQUESTS FOR OFFICIAL INFORMATION.—The  
5 Commission may request from any Federal department or  
6 agency information necessary to enable the Commission  
7 to carry out this Act. The head of the Federal department  
8 or agency shall furnish the information to the Commission  
9 unless the release of the information by the department  
10 or agency to the public is prohibited by law.

11 (e) MAILS.—The Commission may use the United  
12 States mails in the same manner and under the same con-  
13 ditions as any other Federal agency.

14 **SEC. 7. STAFF AND SUPPORT SERVICES.**

15 (a) EXECUTIVE DIRECTOR.—The chairperson of the  
16 Commission, with the advice of the Commission, shall ap-  
17 point an executive director of the Commission. The execu-  
18 tive director may be paid at a rate not to exceed the maxi-  
19 mum rate of basic pay payable for the Senior Executive  
20 Service.

21 (b) STAFF.—The Commission may appoint and fix  
22 the pay of any additional personnel that it considers ap-  
23 propriate, except that an individual appointed under this  
24 subsection may not receive pay in excess of the maximum

1 rate of basic pay payable for GS-14 of the General Sched-  
2 ule.

3 (c) INAPPLICABILITY OF CERTAIN CIVIL SERVICE  
4 LAWS.—The executive director and staff of the Commis-  
5 sion may be appointed without regard to the provisions  
6 of title 5, United States Code, governing appointments in  
7 the competitive service, and may be paid without regard  
8 to the provisions of chapter 51 and subchapter III of chap-  
9 ter 53 of such title, relating to classification and General  
10 Schedule pay rates, except as provided in subsections (a)  
11 and (b) of this section.

12 (d) STAFF OF FEDERAL AGENCIES.—Upon request  
13 by the chairperson of the Commission, the head of any  
14 Federal department or agency may detail, on a non-  
15 reimbursable basis, any of the personnel of the department  
16 or agency to the Commission to assist the Commission to  
17 carry out its duties under this Act.

18 (e) EXPERTS AND CONSULTANTS.—The chairperson  
19 of the Commission may procure temporary and intermit-  
20 tent services under section 3109(b) of title 5, United  
21 States Code, at a rate that does not exceed the daily equiv-  
22 alent of the annual rate of basic pay payable under level  
23 V of the Executive Schedule under section 5316 of such  
24 title.

1 (f) ADMINISTRATIVE SUPPORT SERVICES.—The Ad-  
2 ministrator of General Services shall provide to the Com-  
3 mission, on a reimbursable basis, any administrative sup-  
4 port services that are necessary to enable the Commission  
5 to carry out this Act.

6 **SEC. 8. CONTRIBUTIONS.**

7 (a) DONATIONS.—

8 (1) IN GENERAL.—The Commission may accept  
9 donations of money, personal service, and historic  
10 materials relating to the Wright brothers or the his-  
11 tory of aviation.

12 (2) DONATED FUNDS AND SALES.—Any funds  
13 donated to the Commission or revenues from direct  
14 sales shall be used by the Commission to carry out  
15 this Act. Funds donated to and accepted by the  
16 Commission pursuant to this section shall not be  
17 considered to be appropriated funds and shall not be  
18 subject to any requirements or restrictions applicable  
19 to appropriated funds.

20 (3) FUNDRAISING.—Any fundraising under-  
21 taken by the Commission shall be done in coordina-  
22 tion with fundraising undertaken at the State level,  
23 and with the prior approval of the First Flight Cen-  
24 tennial Commission, the First Flight Centennial

1 Foundation of North Carolina, and the 2003 Com-  
2 mittee of Ohio.

3 (b) VOLUNTEER SERVICES.—Notwithstanding sec-  
4 tion 1342 of title 31, United States Code, the Commission  
5 may accept and use voluntary and uncompensated services  
6 as the Commission determines necessary.

7 (c) REMAINING FUNDS.—Any donated funds remain-  
8 ing to the Commission on the date of the termination of  
9 the Commission may be used to ensure proper disposition,  
10 as specified in the final report required by section 10(b),  
11 of historically significant property which was donated to  
12 or acquired by the Commission. Any donated funds re-  
13 maining after such disposition shall be transferred to the  
14 Secretary of the Treasury for deposit into the general fund  
15 of the Treasury of the United States.

16 **SEC. 9. EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS,**  
17 **SEALS, AND MARKS.**

18 (a) IN GENERAL.—The Commission may devise any  
19 logo, emblem, seal, or descriptive or designating mark that  
20 is required to carry out its duties or that it determines  
21 is appropriate for use in connection with the commemora-  
22 tion of the centennial of powered flight.

23 (b) LICENSING.—

24 (1) EXCLUSIVE RIGHT TO USE.—The Commis-  
25 sion shall have the sole and exclusive right to use,

1 or to allow or refuse the use of, the name “Centen-  
2 nial of Flight Commission” on any logo, emblem,  
3 seal, or descriptive or designating mark that the  
4 Commission lawfully adopts.

5 (2) ROYALTIES.—Licensing royalties shall be  
6 used first to offset operating costs of the Commis-  
7 sion and any royalties remaining above and beyond  
8 the operating costs of the Commission shall be dis-  
9 tributed equally to the First Flight Centennial  
10 Foundation of North Carolina and the 2003 Com-  
11 mittee of Ohio to offset costs associated with the  
12 celebration of the centennial of powered flight.

13 (c) EFFECT ON OTHER RIGHTS.—No provision of  
14 this section may be construed to conflict or interfere with  
15 established or vested rights.

16 **SEC. 10. REPORTS.**

17 (a) ANNUAL REPORT.—In each fiscal year in which  
18 the Commission is in existence, the Commission shall pre-  
19 pare and submit to the Congress a report describing the  
20 activities of the Commission during the fiscal year. Each  
21 annual report should also include—

22 (1) recommendations regarding appropriate ac-  
23 tivities to commemorate the centennial of powered  
24 flight, including—

1 (A) the production, publication, and dis-  
2 tribution of books, pamphlets, films, and other  
3 educational materials;

4 (B) bibliographical and documentary  
5 projects and publications;

6 (C) conferences, convocations, lectures,  
7 seminars, and other similar programs;

8 (D) the development of exhibits for librar-  
9 ies, museums, and other appropriate institu-  
10 tions;

11 (E) ceremonies and celebrations commemo-  
12 rating specific events that relate to the history  
13 of aviation;

14 (F) programs focusing on the history of  
15 aviation and its benefits to the United States  
16 and humankind; and

17 (G) competitions, commissions, and awards  
18 regarding historical, scholarly, artistic, literary,  
19 musical, and other works, programs, and  
20 projects related to the centennial of powered  
21 flight;

22 (2) recommendations to appropriate agencies or  
23 advisory bodies regarding the issuance of commemo-  
24 rative coins, medals, and stamps by the United

1 States relating to aviation or the centennial of pow-  
2 ered flight;

3 (3) recommendations for any legislation or ad-  
4 ministrative action that the Commission determines  
5 to be appropriate regarding the commemoration of  
6 the centennial of powered flight; and

7 (4) an accounting of funds received and ex-  
8 pended by the Commission in the fiscal year that the  
9 report concerns, including a detailed description of  
10 the source and amount of any funds donated to the  
11 Commission in the fiscal year.

12 (b) FINAL REPORT.—Not later than June 30, 2004,  
13 the Commission shall submit to the President and the  
14 Congress a final report. The final report shall contain—

15 (1) a summary of the activities of the Commis-  
16 sion;

17 (2) a final accounting of funds received and ex-  
18 pended by the Commission;

19 (3) any findings and conclusions of the Com-  
20 mission; and

21 (4) specific recommendations concerning the  
22 final disposition of any historically significant items  
23 acquired by the Commission, including items do-  
24 nated to the Commission under section 8(a)(1).

1 **SEC. 11. AUDIT OF FINANCIAL TRANSACTIONS.**

2 (a) IN GENERAL.—The Inspector General of the Gen-  
3 eral Services Administration shall audit the financial  
4 transactions of the Commission, including financial trans-  
5 actions involving donated funds, in accordance with gen-  
6 erally accepted auditing standards. In conducting an audit  
7 pursuant to this section, the Inspector General shall have  
8 access to all books, accounts, financial records, reports,  
9 files, and other papers, items, or property in use by the  
10 Commission, as necessary to facilitate the audit, and shall  
11 be afforded full facilities for verifying the financial trans-  
12 actions of the Commission, including access to any finan-  
13 cial records or securities held for the Commission by de-  
14 positories, fiscal agents, or custodians.

15 (b) REPORT.—Not later than September 30, 2004,  
16 the Inspector General of the General Services Administra-  
17 tion shall submit to the President and to the Congress  
18 a report detailing the results of any audit of the financial  
19 transactions of the Commission conducted by the Inspec-  
20 tor General.

21 **SEC. 12. DEFINITIONS.**

22 In this Act:

23 (1) CENTENNIAL OF POWERED FLIGHT.—The  
24 term “centennial of powered flight” means the anni-  
25 versary year, from December 2002 to December  
26 2003, commemorating the 100-year history of avia-

1 tion beginning with the First Flight and highlighting  
2 the achievements of the Wright brothers in develop-  
3 ing the technologies which have led to the develop-  
4 ment of aviation as it is known today.

5 (2) COMMISSION.—The term “Commission”  
6 means the Centennial of Flight Commission.

7 (3) FIRST FLIGHT.—The term “First Flight”  
8 means the first four successful manned, free, con-  
9 trolled, and sustained flights by a power-driven,  
10 heavier-than-air machine, which were accomplished  
11 by Orville and Wilbur Wright on December 17,  
12 1903.

13 **SEC. 13. TERMINATION.**

14 The Commission shall terminate not later than 60  
15 days after the submission of the final report required by  
16 section 10(b).

17 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

18 There is authorized to be appropriated to carry out  
19 this Act \$250,000 for each of the fiscal years 1998  
20 through 2004.

○