

Calendar No. 532

105TH CONGRESS
2^D SESSION

S. 1397

[Report No. 105-294]

A BILL

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

AUGUST 25, 1998

Reported with an amendment

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

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

AUGUST 25, 1998

Reported under authority of the order of the Senate of July 31, 1998, by Mr. THOMPSON, with an amendment

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

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Centennial of Flight
3 Commemoration Act”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds that—

6 (1) December 17, 2003, is the 100th anniver-
7 sary of the first successful manned, free, controlled,
8 and sustained flight by a power-driven, heavier-than-
9 air machine;

10 (2) the first flight by Orville and Wilbur Wright
11 represents the fulfillment of the age-old dream of
12 flying;

13 (3) the airplane has dramatically changed the
14 course of transportation, commerce, communication,
15 and warfare throughout the world;

16 (4) the achievement by the Wright brothers
17 stands as a triumph of American ingenuity, inven-
18 tiveness, and diligence in developing new tech-
19 nologies, and remains an inspiration for all Ameri-
20 eans;

21 (5) it is appropriate to remember and renew the
22 legacy of the Wright brothers at a time when the
23 values of creativity and daring represented by the
24 Wright brothers are critical to the future of the Na-
25 tion; and

1 (6) as the Nation approaches the 100th anni-
2 versary of powered flight, it is appropriate to cele-
3 brate and commemorate the centennial year through
4 local, national, and international observances and ac-
5 tivities.

6 **SEC. 3. ESTABLISHMENT.**

7 There is established a commission to be known as the
8 Centennial of Flight Commission.

9 **SEC. 4. MEMBERSHIP.**

10 (a) NUMBER AND APPOINTMENT.—

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

13 (A) The Secretary of the Interior, or a des-
14 ignee.

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

17 (C) The Secretary of Defense, or a des-
18 ignee.

19 (D) The Secretary of Transportation, or a
20 designee.

21 (E) The Administrator of the National
22 Aeronautics and Space Administration, or a
23 designee.

24 (F) Two representatives from the State of
25 North Carolina, including—

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

3 (ii) the president of the First Flight
4 Centennial Foundation, or a designee.

5 (G) Two representatives from the State of
6 Ohio, including—

7 (i) the Governor, or a designee; and

8 (ii) the chairman of the 2003 Com-
9 mittee, or a designee.

10 (H) Twelve citizens of the United States,
11 appointed by the President, who are not officers
12 or employees of any government, except to the
13 extent that they are considered to be such offi-
14 cers or employees by virtue of their membership
15 on the Commission.

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

18 (A) two shall be chosen from among per-
19 sons recommended by the majority leader of the
20 Senate in consultation with the minority leader
21 of the Senate;

22 (B) two shall be chosen from among per-
23 sons recommended by the Speaker of the House
24 of Representatives in consultation with the mi-
25 nority leader of the House of Representatives.

1 Of the individuals referred to in this subpara-
2 graph, one shall be chosen from among individ-
3 uals recommended by the Representative whose
4 district encompasses the Wright Brothers Na-
5 tional Memorial, and one shall be chosen from
6 among individuals recommended by the Rep-
7 resentatives whose districts encompass any part
8 of the Dayton Aviation Heritage National His-
9 torical Park; and

10 (C) eight shall be chosen based on quali-
11 fications or experience in the field of history,
12 aerospace science or industry, or any other pro-
13 fession that would enhance the work of the
14 Commission and assist in commemorating the
15 accomplishments of the Wright brothers.

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

19 (c) TERMS.—Each member of the Commission shall
20 be appointed for the life of the Commission except for
21 those designees serving at the pleasure of a public office-
22 holder, whose terms shall expire contemporaneously with
23 the terms of the public official being represented.

1 (d) VACANCIES.—Any vacancy in the Commission
2 shall be filled in the same manner in which the original
3 appointment was made.

4 (e) COMPENSATION.—

5 (1) PROHIBITION OF PAY.—Except as provided
6 in paragraph (2), members of the Commission shall
7 serve without pay.

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

15 (f) QUORUM.—Eleven members of the Commission
16 shall constitute a quorum.

17 (g) CHAIRPERSON.—The President shall designate
18 one of the individuals appointed under subsection
19 (a)(1)(H) as the chairperson of the Commission.

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

22 **SEC. 5. DUTIES.**

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

24 (1) represent the United States and take a
25 leadership role with other countries in recognizing

1 the importance of aviation history in general and the
2 centennial of powered flight in particular, and pro-
3 mote participation by the United States in such ac-
4 tivities;

5 (2) encourage and promote national and inter-
6 national participation and sponsorships in com-
7 memoration of the centennial of powered flight by
8 persons and entities such as—

9 (A) aerospace manufacturing companies;

10 (B) aerospace-related military organiza-
11 tions;

12 (C) workers employed in aerospace-related
13 industries;

14 (D) commercial aviation companies;

15 (E) general aviation owners and pilots;

16 (F) aerospace researchers, instructors, and
17 enthusiasts;

18 (G) elementary, secondary, and higher edu-
19 cational institutions;

20 (H) civil, patriotic, educational, sporting,
21 arts, cultural, and historical organizations and
22 technical societies;

23 (I) aerospace-related museums; and

24 (J) State and local governments;

1 (3) plan and develop, in coordination with the
2 First Flight Centennial Commission, the First
3 Flight Centennial Foundation of North Carolina,
4 and the 2003 Committee of Ohio, programs and ac-
5 tivities that are appropriate to commemorate the
6 100th anniversary of powered flight;

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

15 (5) provide national coordination for celebration
16 dates to take place throughout the United States
17 during the centennial year;

18 (6) assist in conducting educational, civic, and
19 commemorative activities relating to the centennial
20 of powered flight throughout the United States, es-
21 pecially activities that occur in the States of North
22 Carolina and Ohio and that highlight the activities
23 of the Wright brothers in such States; and

24 (7) plan, develop, and coordinate any other ac-
25 tivities that the Commission determines, subject to

1 the approval of the First Flight Centennial Commis-
2 sion, the First Flight Centennial Foundation of
3 North Carolina, and the 2003 Committee of Ohio, to
4 be appropriate relating to the anniversary of the
5 centennial of powered flight, which may include the
6 preparation, distribution, dissemination, exhibition,
7 or sale of historical, commemorative, or informative
8 materials or objects, that will contribute to public
9 awareness of and interest in the centennial of pow-
10 ered flight.

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

19 **SEC. 6. POWERS.**

20 (a) ADVISORY COMMITTEES AND TASK FORCES.—

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

24 (2) FEDERAL COOPERATION.—To ensure the
25 overall success of the Commission's efforts, the Com-

1 mission may call upon various Federal departments
2 and agencies to assist in and give support to pro-
3 grams of the Commission. Where appropriate, all
4 Federal departments and agencies shall provide any
5 assistance possible.

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

12 ~~(b) POWERS OF MEMBERS AND AGENTS.—~~Any mem-
13 ber or agent of the Commission may, if authorized by the
14 Commission, take any action that the Commission is au-
15 thorized to take under this Act.

16 ~~(c) AUTHORITY TO PROCURE AND TO MAKE LEGAL~~
17 ~~AGREEMENTS.—~~

18 ~~(1) IN GENERAL.—~~The Commission may pro-
19 cure supplies, services, and property, and make or
20 enter into leases and other legal agreements in order
21 to carry out this Act.

22 ~~(2) RESTRICTION.—~~A contract, lease, or other
23 legal agreement made or entered into by the Com-
24 mission may not extend beyond the date of the ter-
25 mination of the Commission.

1 (3) SUPPLIES AND PROPERTY POSSESSED BY
2 COMMISSION AT TERMINATION.—Any supplies and
3 property, except historically significant items, that
4 are acquired by the Commission under this Act and
5 remain in the possession of the Commission on the
6 date of the termination of the Commission shall be-
7 come the property of the General Services Adminis-
8 tration upon the date of the termination.

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

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

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

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

1 (b) ~~STAFF.~~—The Commission may appoint and fix
2 the pay of any additional personnel that it considers ap-
3 propriate, except that an individual appointed under this
4 subsection may not receive pay in excess of the maximum
5 rate of basic pay payable for GS-14 of the General Sched-
6 ule.

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

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

22 (e) ~~EXPERTS AND CONSULTANTS.~~—The chairperson
23 of the Commission may procure temporary and intermit-
24 tent services under section 3109(b) of title 5, United
25 States Code, at a rate that does not exceed the daily equiv-

1 alent of the annual rate of basic pay payable under level
2 V of the Executive Schedule under section 5316 of such
3 title.

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

9 **SEC. 8. CONTRIBUTIONS.**

10 (a) DONATIONS.—

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

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

23 (3) FUNDRAISING.—Any fundraising under-
24 taken by the Commission shall be done in coordina-
25 tion with fundraising undertaken at the State level,

1 and with the prior approval of the First Flight Cen-
 2 tennial Commission, the First Flight Centennial
 3 Foundation of North Carolina, and the 2003 Com-
 4 mittee of Ohio.

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

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

18 **SEC. 9. EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS,**
 19 **SEALS, AND MARKS.**

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

25 (b) LICENSING.—

1 (1) **EXCLUSIVE RIGHT TO USE.**—The Commis-
2 sion shall have the sole and exclusive right to use,
3 or to allow or refuse the use of, the name “Centen-
4 nial of Flight Commission” on any logo, emblem,
5 seal, or descriptive or designating mark that the
6 Commission lawfully adopts.

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

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

18 **SEC. 10. REPORTS.**

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

1 (1) recommendations regarding appropriate ac-
2 tivities to commemorate the centennial of powered
3 flight, including—

4 (A) the production, publication, and dis-
5 tribution of books, pamphlets, films, and other
6 educational materials;

7 (B) bibliographical and documentary
8 projects and publications;

9 (C) conferences, convocations, lectures,
10 seminars, and other similar programs;

11 (D) the development of exhibits for librar-
12 ies, museums, and other appropriate institu-
13 tions;

14 (E) ceremonies and celebrations commemo-
15 rating specific events that relate to the history
16 of aviation;

17 (F) programs focusing on the history of
18 aviation and its benefits to the United States
19 and humankind; and

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

1 (2) recommendations to appropriate agencies or
2 advisory bodies regarding the issuance of commemo-
3 rative coins, medals, and stamps by the United
4 States relating to aviation or the centennial of pow-
5 ered flight;

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

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

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

18 (1) a summary of the activities of the Commis-
19 sion;

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

22 (3) any findings and conclusions of the Com-
23 mission; and

24 (4) specific recommendations concerning the
25 final disposition of any historically significant items

1 acquired by the Commission, including items do-
2 nated to the Commission under section 8(a)(1).

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

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

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

23 **SEC. 12. DEFINITIONS.**

24 In this Act:

1 (1) CENTENNIAL OF POWERED FLIGHT.—The
2 term “centennial of powered flight” means the anni-
3 versary year, from December 2002 to December
4 2003, commemorating the 100-year history of avia-
5 tion beginning with the First Flight and highlighting
6 the achievements of the Wright brothers in develop-
7 ing the technologies which have led to the develop-
8 ment of aviation as it is known today.

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

11 (3) FIRST FLIGHT.—The term “First Flight”
12 means the first four successful manned, free, con-
13 trolled, and sustained flights by a power-driven,
14 heavier-than-air machine, which were accomplished
15 by Orville and Wilbur Wright on December 17,
16 1903.

17 **SEC. 13. TERMINATION.**

18 The Commission shall terminate not later than 60
19 days after the submission of the final report required by
20 section 10(b).

21 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

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

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Centennial of Flight*
3 *Commemoration Act”*

4 **SEC. 2. FINDINGS.**

5 *Congress finds that—*

6 *(1) December 17, 2003, is the 100th anniversary*
7 *of the first successful manned, free, controlled, and*
8 *sustained flight by a power-driven, heavier-than-air*
9 *machine;*

10 *(2) the first flight by Orville and Wilbur Wright*
11 *represents the fulfillment of the age-old dream of fly-*
12 *ing;*

13 *(3) the airplane has dramatically changed the*
14 *course of transportation, commerce, communication,*
15 *and warfare throughout the world;*

16 *(4) the achievement by the Wright brothers*
17 *stands as a triumph of American ingenuity, inven-*
18 *tiveness, and diligence in developing new technologies,*
19 *and remains an inspiration for all Americans;*

20 *(5) it is appropriate to remember and renew the*
21 *legacy of the Wright brothers at a time when the val-*
22 *ues of creativity and daring represented by the*
23 *Wright brothers are critical to the future of the Na-*
24 *tion; and*

25 *(6) as the Nation approaches the 100th anniver-*
26 *sary of powered flight, it is appropriate to celebrate*

1 *and commemorate the centennial year through local,*
2 *national, and international observances and activi-*
3 *ties.*

4 **SEC. 3. ESTABLISHMENT.**

5 *There is established a commission to be known as the*
6 *Centennial of Flight Commission.*

7 **SEC. 4. MEMBERSHIP.**

8 *(a) NUMBER AND APPOINTMENT.—The Commission*
9 *shall be composed of 6 members, as follows:*

10 *(1) The Director of the National Air and Space*
11 *Museum of the Smithsonian Institution or his des-*
12 *ignee.*

13 *(2) The Administrator of the National Aero-*
14 *navitics and Space Administration or his designee.*

15 *(3) The chairman of the First Flight Centennial*
16 *Foundation of North Carolina, or his designee.*

17 *(4) The chairman of the 2003 Committee of*
18 *Ohio, or his designee.*

19 *(5) As chosen by the Commission, the president*
20 *or head of a United States aeronautical society, foun-*
21 *dition, or organization of national stature or promi-*
22 *nence who will be a person from a State other than*
23 *Ohio or North Carolina.*

24 *(6) The Administrator of the Federal Aviation*
25 *Administration, or his designee.*

1 (b) *VACANCIES.*—*Any vacancy in the Commission*
2 *shall be filled in the same manner in which the original*
3 *designation was made.*

4 (c) *COMPENSATION.*—

5 (1) *PROHIBITION OF PAY.*—*Except as provided*
6 *in paragraph (2), members of the Commission shall*
7 *serve without pay or compensation.*

8 (2) *TRAVEL EXPENSES.*—*The Commission may*
9 *adopt a policy, only by unanimous vote, for members*
10 *of the Commission and related advisory panels to re-*
11 *ceive travel expenses, including per diem in lieu of*
12 *subsistence. The policy may not exceed the levels es-*
13 *tablished under sections 5702 and 5703 of title 5,*
14 *United States Code. Members who are Federal em-*
15 *ployees shall not receive travel expenses if otherwise*
16 *reimbursed by the Federal Government.*

17 (d) *QUORUM.*—*Three members of the Commission shall*
18 *constitute a quorum.*

19 (e) *CHAIRPERSON.*—*The Commission shall select a*
20 *Chairperson of the Commission from the members des-*
21 *ignated under subsection (a) (1), (2), or (5). The Chair-*
22 *person may not vote on matters before the Commission ex-*
23 *cept in the case of a tie vote. The Chairperson may be re-*
24 *moved by a vote of a majority of the Commission's members.*

1 (f) *ORGANIZATION.*—No later than 90 days after the
2 date of enactment of this Act, the Commission shall meet
3 and select a Chairperson, Vice Chairperson, and Executive
4 Director.

5 **SEC. 5. DUTIES.**

6 (a) *IN GENERAL.*—The Commission shall—

7 (1) represent the United States and take a lead-
8 ership role with other nations in recognizing the im-
9 portance of aviation history in general and the cen-
10 tennial of powered flight in particular, and promote
11 participation by the United States in such activities;

12 (2) encourage and promote national and inter-
13 national participation and sponsorships in com-
14 memoration of the centennial of powered flight by
15 persons and entities such as—

16 (A) aerospace manufacturing companies;

17 (B) aerospace-related military organiza-
18 tions;

19 (C) workers employed in aerospace-related
20 industries;

21 (D) commercial aviation companies;

22 (E) general aviation owners and pilots;

23 (F) aerospace researchers, instructors, and
24 enthusiasts;

1 (G) elementary, secondary, and higher edu-
2 cational institutions;

3 (H) civil, patriotic, educational, sporting,
4 arts, cultural, and historical organizations and
5 technical societies;

6 (I) aerospace-related museums; and

7 (J) State and local governments;

8 (3) plan and develop, in coordination with the
9 First Flight Centennial Commission, the First Flight
10 Centennial Foundation of North Carolina, and the
11 2003 Committee of Ohio, programs and activities that
12 are appropriate to commemorate the 100th anniver-
13 sary of powered flight;

14 (4) maintain, publish, and distribute a calendar
15 or register of national and international programs
16 and projects concerning, and provide a central clear-
17 inghouse for, information and coordination regarding,
18 dates, events, and places of historical and commemo-
19 rative significance regarding aviation history in gen-
20 eral and the centennial of powered flight in particu-
21 lar;

22 (5) provide national coordination for celebration
23 dates to take place throughout the United States dur-
24 ing the centennial year;

1 (6) *assist in conducting educational, civic, and*
2 *commemorative activities relating to the centennial of*
3 *powered flight throughout the United States, espe-*
4 *cially activities that occur in the States of North*
5 *Carolina and Ohio and that highlight the activities of*
6 *the Wright brothers in such States; and*

7 (7) *encourage the publication of popular and*
8 *scholarly works related to the history of aviation or*
9 *the anniversary of the centennial of powered flight.*

10 (b) **NONDUPLICATION OF ACTIVITIES.**—*The Commis-*
11 *sion shall attempt to plan and conduct its activities in such*
12 *a manner that activities conducted pursuant to this Act en-*
13 *hance, but do not duplicate, traditional and established ac-*
14 *tivities of Ohio’s 2003 Committee, North Carolina’s First*
15 *Flight Centennial Commission, the First Flight Centennial*
16 *Foundation, or any other organization of national stature*
17 *or prominence.*

18 **SEC. 6. POWERS.**

19 (a) **ADVISORY COMMITTEES AND TASK FORCES.**—

20 (1) **IN GENERAL.**—*The Commission may appoint*
21 *any advisory committee or task force from among the*
22 *membership of the Advisory Board in section 12.*

23 (2) **FEDERAL COOPERATION.**—*To ensure the*
24 *overall success of the Commission’s efforts, the Com-*
25 *mission may call upon various Federal departments*

1 *and agencies to assist in and give support to the pro-*
2 *grams of the Commission. The head of the Federal de-*
3 *partment or agency, where appropriate, shall furnish*
4 *the information or assistance requested by the Com-*
5 *mission, unless prohibited by law.*

6 (3) *PROHIBITION OF PAY OTHER THAN TRAVEL*
7 *EXPENSES.—Members of an advisory committee or*
8 *task force authorized under paragraph (1) shall not*
9 *receive pay, but may receive travel expenses pursuant*
10 *to the policy adopted by the Commission under sec-*
11 *tion 4(c)(2).*

12 (b) *POWERS OF MEMBERS AND AGENTS.—Any mem-*
13 *ber or agent of the Commission may, if authorized by the*
14 *Commission, take any action that the Commission is au-*
15 *thorized to take under this Act.*

16 (c) *AUTHORITY TO PROCURE AND TO MAKE LEGAL*
17 *AGREEMENTS.—*

18 (1) *IN GENERAL.—Notwithstanding any other*
19 *provision in this Act, only the Commission may pro-*
20 *cure supplies, services, and property, and make or*
21 *enter into leases and other legal agreements in order*
22 *to carry out this Act.*

23 (2) *RESTRICTION.—*

24 (A) *IN GENERAL.—A contract, lease, or*
25 *other legal agreement made or entered into by*

1 *the Commission may not extend beyond the date*
2 *of the termination of the Commission.*

3 *(B) FEDERAL SUPPORT.—The Commission*
4 *shall obtain property, equipment, and office*
5 *space from the General Services Administration*
6 *or the Smithsonian Institution, unless other of-*
7 *fice space, property, or equipment is less costly.*

8 *(3) SUPPLIES AND PROPERTY POSSESSED BY*
9 *COMMISSION AT TERMINATION.—Any supplies and*
10 *property, except historically significant items, that*
11 *are acquired by the Commission under this Act and*
12 *remain in the possession of the Commission on the*
13 *date of the termination of the Commission shall be-*
14 *come the property of the General Services Adminis-*
15 *tration upon the date of termination.*

16 *(d) MAILS.—The Commission may use the United*
17 *States mails in the same manner and under the same condi-*
18 *tions as any other Federal agency.*

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

20 *(a) EXECUTIVE DIRECTOR.—There shall be an Execu-*
21 *tive Director appointed by the Commission and chosen from*
22 *among detailees from the agencies and organizations rep-*
23 *resented on the Commission. The Executive Director may*
24 *be paid at a rate not to exceed the maximum rate of basic*
25 *pay payable for the Senior Executive Service.*

1 (b) *STAFF.*—*The Commission may appoint and fix the*
2 *pay of any additional personnel that it considers appro-*
3 *priate, except that an individual appointed under this sub-*
4 *section may not receive pay in excess of the maximum rate*
5 *of basic pay payable for GS-14 of the General Schedule.*

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

15 (d) *MERIT SYSTEM PRINCIPLES.*—*The appointment of*
16 *the Executive Director or any personnel of the Commission*
17 *under subsection (a) or (b) shall be made consistent with*
18 *the merit system principles under section 2301 of title 5,*
19 *United States Code.*

20 (e) *STAFF OF FEDERAL AGENCIES.*—*Upon request by*
21 *the Chairperson of the Commission, the head of any Federal*
22 *department or agency may detail, on either a nonreimburs-*
23 *able or reimbursable basis, any of the personnel of the de-*
24 *partment or agency to the Commission to assist the Com-*
25 *mission to carry out its duties under this Act.*

1 (f) *ADMINISTRATIVE SUPPORT SERVICES.*—

2 (1) *REIMBURSABLE SERVICES.*—*The Secretary of*
3 *the Smithsonian Institution may provide to the Com-*
4 *mission on a reimbursable basis any administrative*
5 *support services that are necessary to enable the Com-*
6 *mission to carry out this Act.*

7 (2) *NONREIMBURSABLE SERVICES.*—*The Sec-*
8 *retary may provide administrative support services to*
9 *the Commission on a nonreimbursable basis when, in*
10 *the opinion of the Secretary, the value of such services*
11 *is insignificant or not practical to determine.*

12 (g) *COOPERATIVE AGREEMENTS.*—*The Commission*
13 *may enter into cooperative agreements with other Federal*
14 *agencies, State and local governments, and private interests*
15 *and organizations that will contribute to public awareness*
16 *of and interest in the centennial of powered flight and to-*
17 *ward furthering the goals and purposes of this Act.*

18 (h) *PROGRAM SUPPORT.*—*The Commission may re-*
19 *ceive program support from the non-profit sector.*

20 **SEC. 8. CONTRIBUTIONS.**

21 (a) *DONATIONS.*—*The Commission may accept dona-*
22 *tions of personal services and historic materials relating to*
23 *the implementation of its responsibilities under the provi-*
24 *sions of this Act.*

1 (b) *VOLUNTEER SERVICES.*—Notwithstanding section
2 1342 of title 31, United States Code, the Commission may
3 accept and use voluntary and uncompensated services as
4 the Commission determines necessary.

5 (c) *REMAINING FUNDS.*—Any funds (including funds
6 received from licensing royalties) remaining with the Com-
7 mission on the date of the termination of the Commission
8 may be used to ensure proper disposition, as specified in
9 the final report required under section 10(b), of historically
10 significant property which was donated to or acquired by
11 the Commission. Any funds remaining after such disposi-
12 tion shall be transferred to the Secretary of the Treasury
13 for deposit into the general fund of the Treasury of the
14 United States.

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

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

22 (b) *LICENSING.*—The Commission shall have the sole
23 and exclusive right to use, or to allow or refuse the use of,
24 the name “Centennial of Flight Commission” on any logo,

1 *emblem, seal, or descriptive or designating mark that the*
2 *Commission lawfully adopts.*

3 (c) *EFFECT ON OTHER RIGHTS.*—*No provision of this*
4 *section may be construed to conflict or interfere with estab-*
5 *lished or vested rights.*

6 (d) *USE OF FUNDS.*—*Funds from licensing royalties*
7 *received pursuant to this section shall be used by the Com-*
8 *mission to carry out the duties of the Commission specified*
9 *by this Act.*

10 (e) *LICENSING RIGHTS.*—*All exclusive licensing rights,*
11 *unless otherwise specified, shall revert to the Air and Space*
12 *Museum of the Smithsonian Institution upon termination*
13 *of the Commission.*

14 **SEC. 10. REPORTS.**

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

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

23 (A) *the production, publication, and dis-*
24 *tribution of books, pamphlets, films, and other*
25 *educational materials;*

1 (B) bibliographical and documentary
2 projects and publications;

3 (C) conferences, convocations, lectures, semi-
4 nars, and other similar programs;

5 (D) the development of exhibits for libraries,
6 museums, and other appropriate institutions;

7 (E) ceremonies and celebrations commemo-
8 rating specific events that relate to the history of
9 aviation;

10 (F) programs focusing on the history of
11 aviation and its benefits to the United States
12 and humankind; and

13 (G) competitions, commissions, and awards
14 regarding historical, scholarly, artistic, literary,
15 musical, and other works, programs, and projects
16 related to the centennial of powered flight;

17 (2) recommendations to appropriate agencies or
18 advisory bodies regarding the issuance of commemo-
19 rative coins, medals, and stamps by the United States
20 relating to aviation or the centennial of powered
21 flight;

22 (3) recommendations for any legislation or ad-
23 ministrative action that the Commission determines
24 to be appropriate regarding the commemoration of the
25 centennial of powered flight;

1 (4) *an accounting of funds received and ex-*
 2 *pended by the Commission in the fiscal year that the*
 3 *report concerns, including a detailed description of*
 4 *the source and amount of any funds donated to the*
 5 *Commission in the fiscal year; and*

6 (5) *an accounting of any cooperative agreements*
 7 *and contract agreements entered into by the Commis-*
 8 *sion.*

9 (b) *FINAL REPORT.*—*Not later than June 30, 2004,*
 10 *the Commission shall submit to the President and Congress*
 11 *a final report. The final report shall contain—*

12 (1) *a summary of the activities of the Commis-*
 13 *sion;*

14 (2) *a final accounting of funds received and ex-*
 15 *pended by the Commission;*

16 (3) *any findings and conclusions of the Commis-*
 17 *sion; and*

18 (4) *specific recommendations concerning the*
 19 *final disposition of any historically significant items*
 20 *acquired by the Commission, including items donated*
 21 *to the Commission under section 8(a)(1).*

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

23 (a) *IN GENERAL.*—

24 (1) *AUDIT.*—*The Comptroller General of the*
 25 *United States shall audit on an annual basis the fi-*

1 *financial transactions of the Commission, including fi-*
 2 *ancial transactions involving donated funds, in ac-*
 3 *cordance with generally accepted auditing standards.*

4 (2) *ACCESS.—In conducting an audit under this*
 5 *section, the Comptroller General—*

6 (A) *shall have access to all books, accounts,*
 7 *financial records, reports, files, and other papers,*
 8 *items, or property in use by the Commission, as*
 9 *necessary to facilitate the audit; and*

10 (B) *shall be afforded full facilities for veri-*
 11 *fying the financial transactions of the Commis-*
 12 *sion, including access to any financial records or*
 13 *securities held for the Commission by deposi-*
 14 *tories, fiscal agents, or custodians.*

15 (b) *FINAL REPORT.—Not later than September 30,*
 16 *2004, the Comptroller General of the United States shall*
 17 *submit to the President and to Congress a report detailing*
 18 *the results of any audit of the financial transactions of the*
 19 *Commission conducted by the Comptroller General.*

20 **SEC. 12. ADVISORY BOARD.**

21 (a) *ESTABLISHMENT.—There is established a First*
 22 *Flight Centennial Federal Advisory Board.*

23 (b) *NUMBER AND APPOINTMENT.—*

24 (1) *IN GENERAL.—The Board shall be composed*
 25 *of 19 members as follows:*

1 (A) *The Secretary of the Interior, or the*
2 *designee of the Secretary.*

3 (B) *The Librarian of Congress, or the des-*
4 *ignee of the Librarian.*

5 (C) *The Secretary of the Air Force, or the*
6 *designee of the Secretary.*

7 (D) *The Secretary of the Navy, or the des-*
8 *ignee of the Secretary.*

9 (E) *The Secretary of Transportation, or the*
10 *designee of the Secretary.*

11 (F) *Six citizens of the United States, ap-*
12 *pointed by the President, who—*

13 (i) *are not officers or employees of any*
14 *government (except membership on the*
15 *Board shall not be construed to apply to the*
16 *limitation under this clause); and*

17 (ii) *shall be selected based on their ex-*
18 *perience in the fields of aerospace history,*
19 *science, or education, or their ability to rep-*
20 *resent the entities enumerated under section*
21 *5(a)(2).*

22 (G) *Four citizens of the United States, ap-*
23 *pointed by the majority leader of the Senate in*
24 *consultation with the minority leader of the Sen-*
25 *ate.*

1 (H) *Four citizens of the United States, ap-*
2 *pointed by the Speaker of the House of Rep-*
3 *resentatives in consultation with the minority*
4 *leader of the House of Representatives. Of the in-*
5 *dividuals appointed under this subparagraph—*

6 (i) *one shall be selected from among in-*
7 *dividuals recommended by the representa-*
8 *tive whose district encompasses the Wright*
9 *Brothers National Memorial; and*

10 (ii) *one shall be selected from among*
11 *individuals recommended by the representa-*
12 *tives whose districts encompass any part of*
13 *the Dayton Aviation Heritage National*
14 *Historical Park.*

15 (c) *VACANCIES.—Any vacancy in the Advisory Board*
16 *shall be filled in the same manner in which the original*
17 *designation was made.*

18 (d) *MEETINGS.—Seven members of the Advisory Board*
19 *shall constitute a quorum for a meeting. All meetings shall*
20 *be open to the public.*

21 (e) *CHAIRPERSON.—The President shall designate 1*
22 *member appointed under subsection (b)(1)(F) as chair-*
23 *person of the Advisory Board.*

1 (f) *MAILS.*—*The Advisory Board may use the United*
2 *States mails in the same manner and under the same condi-*
3 *tions as a Federal agency.*

4 (g) *DUTIES.*—*The Advisory Board shall advise the*
5 *Commission on matters related to this Act.*

6 (h) *PROHIBITION OF COMPENSATION OTHER THAN*
7 *TRAVEL EXPENSES.*—*Members of the Advisory Board shall*
8 *not receive pay, but may receive travel expenses pursuant*
9 *to the policy adopted by the Commission under section 4(e).*

10 (i) *TERMINATION.*—*The Advisory Board shall termi-*
11 *nate upon the termination of the Commission.*

12 **SEC. 13. DEFINITIONS.**

13 *For purposes of this Act:*

14 (1) *The term “Advisory Board” means the Cen-*
15 *tennial of Flight Federal Advisory Board.*

16 (2) *The term “centennial of powered flight”*
17 *means the anniversary year, from December 2002 to*
18 *December 2003, commemorating the 100-year history*
19 *of aviation beginning with the First Flight and high-*
20 *lighting the achievements of the Wright brothers in*
21 *developing the technologies which have led to the de-*
22 *velopment of aviation as it is known today.*

23 (3) *The term “Commission” means the Centen-*
24 *nial of Flight Commission.*

1 (4) *The term “designee” means a person from the*
2 *respective entity of each entity represented on the*
3 *Commission or Advisory Board.*

4 (5) *The term “First Flight” means the first four*
5 *successful manned, free, controlled, and sustained*
6 *flights by a power-driven, heavier-than-air machine,*
7 *which were accomplished by Orville and Wilbur*
8 *Wright of Dayton, Ohio on December 17, 1903 at*
9 *Kitty Hawk, North Carolina.*

10 **SEC. 14. TERMINATION.**

11 *The Commission shall terminate not later than 60*
12 *days after the submission of the final report required by*
13 *section 10(b) and shall transfer all documents and material*
14 *to the National Archives or other appropriate Federal en-*
15 *tity.*

16 **SEC. 15. AUTHORIZATION OF APPROPRIATIONS.**

17 *There is authorized to be appropriated to carry out*
18 *this Act \$2,000,000 for each of the fiscal years 1999 through*
19 *2004.*