

107TH CONGRESS  
2D SESSION

# H. R. 5148

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

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2002

Mr. HOBSON (for himself, Mr. HALL of Ohio, Mr. TIBERI, Mr. PORTMAN, Mr. OXLEY, Mr. GILLMOR, Mr. NEY, Mr. REGULA, Mr. BROWN of Ohio, Mrs. JONES of Ohio, Mr. LATOURETTE, Mr. BOEHNER, Mr. KUCINICH, Mr. STRICKLAND, and Ms. PRYCE of Ohio) introduced the following bill; which was referred to the Committee on Resources

---

## 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 **SEC. 101. SHORT TITLE.**

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

8 **SEC. 102. FINDINGS AND PURPOSE.**

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

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

5           (2) The industrial, cultural, and natural herit-  
6           age legacies of Ohio's aviation and aerospace indus-  
7           try are nationally significant.

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

14          (4) Wright-Patterson Air Force Base in Day-  
15          ton, Ohio, is the birthplace, home, and future of  
16          aerospace.

17          (5) The economic strength of our Nation is con-  
18          nected integrally to the vitality of the aviation and  
19          aerospace industry, which is responsible for an esti-  
20          mated 11,200,000 American jobs.

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

1           (7) The Department of the Interior is respon-  
2           sible for protecting and interpreting the Nation's  
3           cultural and historic resources, and there are signifi-  
4           cant examples of these resources within Ohio to  
5           merit the involvement of the Federal Government to  
6           develop programs and projects in cooperation with  
7           the Aviation Heritage Foundation, Incorporated, the  
8           State of Ohio, and other local and governmental en-  
9           tities to adequately conserve, protect, and interpret  
10          this heritage for the educational and recreational  
11          benefit of this and future generations of Americans,  
12          while providing opportunities for education and revi-  
13          talization.

14          (8) Since the enactment of the Dayton Aviation  
15          Heritage Preservation Act of 1992 (Public Law  
16          102-419), partnerships among the Federal, State,  
17          and local governments and the private sector have  
18          greatly assisted the development and preservation of  
19          the historic aviation resources in the Miami Valley.

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.

1           (10) A critical level of collaboration among the  
2 historic aviation resources in Southwest Ohio cannot  
3 be achieved without a congressionally established na-  
4 tional heritage area and the support of the National  
5 Park Service and other Federal agencies which own  
6 significant historic aviation-related sites in Ohio.

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.

22           (13) With the advent of the 100th anniversary  
23 of the first powered flight in 2003, it is recognized  
24 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 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.

1           (2) FINANCIAL ASSISTANCE.—The term “finan-  
2           cial assistance” means funds appropriated by Con-  
3           gress and made available to the management entity  
4           for the purpose of preparing and implementing the  
5           Management Plan.

6           (3) HERITAGE AREA.—The term “Heritage  
7           Area” means the National Aviation Heritage Area  
8           established by section 104 to receive, distribute, and  
9           account for Federal funds appropriated for the pur-  
10          pose of this title.

11          (4) MANAGEMENT PLAN.—The term “Manage-  
12          ment Plan” means the management plan for the  
13          Heritage Area developed under section 106.

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

18          (6) PARTNER.—The term “partner” means a  
19          Federal, State, or local governmental entity, organi-  
20          zation, private industry, educational institution, or  
21          individual involved in promoting the conservation  
22          and preservation of the cultural and natural re-  
23          sources of the Heritage Area.

24          (7) SECRETARY.—The term “Secretary” means  
25          the Secretary of the Interior.

1           (8) TECHNICAL ASSISTANCE.—The term “tech-  
2           nical assistance” means any guidance, advice, help,  
3           or aid, other than financial assistance, provided by  
4           the Secretary.

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:

11           (1) A core area consisting of resources in Mont-  
12 gomery, Greene, Warren, Miami, Clark, and Cham-  
13 paign Counties in Ohio;

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

17           (3) Sites, buildings, and districts recommended  
18 by the Management Plan.

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

23           (d) MANAGEMENT ENTITY.—The management entity  
24 for the Heritage Area shall be the Aviation Heritage  
25 Foundation.

1 **SEC. 105. AUTHORITIES AND DUTIES OF THE MANAGEMENT**  
2 **ENTITY.**

3 (a) **AUTHORITIES.**—For purposes of implementing  
4 the Management Plan, the management entity may use  
5 Federal funds made available through this Act to—

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

10 (2) hire and compensate staff; and

11 (3) enter into contracts for goods and services.

12 (b) **DUTIES.**— The management entity shall—

13 (1) develop and submit to the Secretary for ap-  
14 proval the proposed Management Plan in accordance  
15 with section 106;

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

24 (3) consider the interests of diverse govern-  
25 mental, business, and nonprofit groups within the

1 Heritage Area in developing and implementing the  
2 Management Plan;

3 (4) maintain a collaboration among the part-  
4 ners to promote heritage tourism and to assist part-  
5 ners to develop educational and cultural programs  
6 for the public;

7 (5) encourage economic viability in the Heritage  
8 Area consistent with the goals of the Management  
9 Plan;

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

12 (A) establishing and maintaining interpre-  
13 tive exhibits in the Heritage Area;

14 (B) developing recreational resources in  
15 the Heritage Area;

16 (C) increasing public awareness of and ap-  
17 preciation for the historical, natural, and archi-  
18 tectural resources and sites in the Heritage  
19 Area; and

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

22 (7) assist units of government and nonprofit or-  
23 ganizations to ensure that clear, consistent, and en-  
24 vironmentally appropriate signs identifying access

1 points and sites of interest are placed throughout  
2 the Heritage Area;

3 (8) conduct public meetings at least quarterly  
4 regarding the implementation of the Management  
5 Plan;

6 (9) submit substantial amendments to the Man-  
7 agement Plan to the Secretary for the approval of  
8 the Secretary; and

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

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

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

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

24 (c) USE OF FEDERAL FUNDS.—

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

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

8 **SEC. 106. MANAGEMENT PLAN.**

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

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

20               (1) An inventory of the resources contained in  
21               the core area of the Heritage Area, including the  
22               Dayton Aviation Heritage Historical Park, the sites,  
23               buildings, and districts listed in section 202 of the  
24               Dayton Aviation Heritage Preservation Act of 1992  
25               (Public Law 102–419), and any other property in

1 the Heritage Area that is related to the themes of  
2 the Heritage Area and that should be preserved, re-  
3 stored, managed, or maintained because of its sig-  
4 nificance.

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

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

13 (B) The Captain Edward V. Rickenbacker  
14 House National Historic Landmark, Columbus,  
15 Ohio.

16 (C) The NASA Glenn Research Center at  
17 Lewis Field, Cleveland, Ohio.

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

20 (E) The Zero Gravity Research Facility  
21 National Historic Landmark, Cleveland, Ohio.

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

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

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

3           (4) Provisions for the protection, interpretation,  
4 and enjoyment of the resources of the Heritage Area  
5 consistent with the purposes of this Act.

6           (5) An interpretation plan for the Heritage  
7 Area.

8           (6) A program for implementation of the Man-  
9 agement Plan by the management entity, including  
10 the following:

11           (A) Facilitating ongoing collaboration  
12 among the partners to promote heritage tour-  
13 ism and to develop educational and cultural  
14 programs for the public.

15           (B) Assisting partners planning for res-  
16 toration and construction.

17           (C) Specific commitments of the partners  
18 for the first 5 years of operation.

19           (7) The identification of sources of funding for  
20 implementing the plan.

21           (8) A description and evaluation of the manage-  
22 ment entity, including its membership and organiza-  
23 tional structure.

24           (c) DISQUALIFICATION FROM FUNDING.—If a pro-  
25 posed Management Plan is not submitted to the Secretary

1 within 3 years of the date of the enactment of this Act,  
2 the management entity shall be ineligible to receive addi-  
3 tional funding under this Act until the date on which the  
4 Secretary receives the proposed Management Plan.

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

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

18 (f) APPROVAL OF AMENDMENTS.—The Secretary  
19 shall review and approve substantial amendments to the  
20 Management Plan. Funds appropriated under this Act  
21 may not be expended to implement any changes made by  
22 such amendment until the Secretary approves the amend-  
23 ment.

1 **SEC. 107. DUTIES AND AUTHORITIES OF THE FEDERAL**  
2 **AGENCIES.**

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

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

14 (A) conserving the significant natural, his-  
15 toric, cultural, and scenic resources of the Her-  
16 itage Area; and

17 (B) providing educational, interpretive, and  
18 recreational opportunities consistent with the  
19 purposes of the Heritage Area.

20 (2) **OTHER ASSISTANCE.**—Upon request, the  
21 Superintendent of Dayton Aviation Heritage Na-  
22 tional Historical Park may provide to public and pri-  
23 vate organizations within the Heritage Area, includ-  
24 ing the management entity, such technical and fi-  
25 nancial assistance as appropriate to support the im-  
26 plementation of the Management Plan, subject to

1 the availability of appropriated funds. The Secretary  
2 is authorized to make grants and enter into coopera-  
3 tive agreements with public and private organiza-  
4 tions for the purpose of implementing this sub-  
5 section.

6 (b) DUTIES OF OTHER FEDERAL AGENCIES.—Any  
7 Federal agency conducting or supporting activities directly  
8 affecting the Heritage Area shall—

9 (1) consult with the Secretary and the manage-  
10 ment entity with respect to such activities;

11 (2) cooperate with the Secretary and the man-  
12 agement entity in carrying out their duties under  
13 this Act;

14 (3) to the maximum extent practicable, coordi-  
15 nate such activities with the carrying out of such du-  
16 ties; and

17 (4) to the maximum extent practicable, conduct  
18 or support such activities in a manner which the  
19 management entity determines will not have an ad-  
20 verse effect on the Heritage Area.

21 **SEC. 108. COORDINATION BETWEEN THE SECRETARY AND**  
22 **THE SECRETARY OF DEFENSE AND THE AD-**  
23 **MINISTRATOR OF NASA.**

24 The decisions concerning the execution of this title  
25 as it applies to properties under the control of the Sec-

1 retary of Defense and the Administrator of the National  
2 Aeronautics and Space Administration shall be made by  
3 such Secretary or such Administrator, in consultation with  
4 the Secretary of the Interior.

5 **SEC. 109. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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

17 **SEC. 110. SUNSET PROVISION.**

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

20 **TITLE II—WRIGHT COMPANY**  
21 **FACTORY STUDY**

22 **SEC. 201. STUDY**

23 (a) IN GENERAL.—The Secretary shall conduct a  
24 special resource study updating the study required under  
25 section 104 of the Dayton Aviation Heritage Preservation

1 Act of 1992 (Public Law 102–419) and detailing alter-  
2 natives for incorporating the Wright Company factory as  
3 a unit of Dayton Aviation Heritage National Historical  
4 Park.

5 (b) CONTENTS.—The study shall include an analysis  
6 of alternatives for including the Wright Company factory  
7 as a unit of Dayton Aviation Heritage National Historical  
8 Park that detail management and development options  
9 and costs.

10 (c) CONSULTATION.—In conducting the study, the  
11 Secretary shall consult with the Delphi Corporation, the  
12 Dayton Aviation Heritage Commission, the Aviation Her-  
13 itage Foundation, State and local agencies, and other in-  
14 terested parties in the area.

15 **SEC. 202. REPORT**

16 Not later than 2 years after funds are first made  
17 available for this title, the Secretary shall submit to the  
18 Committee on Resources of the House of Representatives  
19 and the Committee on Energy and Natural Resources of  
20 the Senate a report describing the results of the study con-  
21 ducted under section 201.

○