

Calendar No. 611108TH CONGRESS
2^D SESSION**S. 180****[Report No. 108-292]**

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

IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2003

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

JULY 7, 2004

Reported by Mr. DOMENICI, with an amendment

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **TITLE I—NATIONAL AVIATION**
2 **HERITAGE AREA**

3 **SECTION 101. SHORT TITLE.**

4 This title may be cited as the “National Aviation
5 Heritage Area Act”.

6 **SEC. 102. FINDINGS AND PURPOSE.**

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

8 (1) Few technological advances have trans-
9 formed the world or our Nation’s economy, society,
10 culture, and national character as the development
11 of powered flight.

12 (2) The industrial, cultural, and natural herit-
13 age legacies of the aviation and aerospace industry
14 in the State of Ohio are nationally significant.

15 (3) Dayton, Ohio, and other defined areas
16 where the development of the airplane and aerospace
17 technology established our Nation’s leadership in
18 both civil and military aeronautics and astronautics
19 set the foundation for the 20th Century to be an
20 American Century.

21 (4) Wright-Patterson Air Force Base in Day-
22 ton, Ohio, is the birthplace, the home, and an inte-
23 gral part of the future of aerospace.

24 (5) The economic strength of our Nation is con-
25 nected integrally to the vitality of the aviation and

1 aerospace industry, which is responsible for an esti-
2 mated 11,200,000 American jobs.

3 (6) The industrial and cultural heritage of the
4 aviation and aerospace industry in the State of Ohio
5 includes the social history and living cultural tradi-
6 tions of several generations.

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

20 (8) Since the enactment of the Dayton Aviation
21 Heritage Preservation Act of 1992 (Public Law
22 102-419), partnerships among the Federal, State,
23 and local governments and the private sector have
24 greatly assisted the development and preservation of
25 the historic aviation resources in the Miami Valley.

1 (9) An aviation heritage area centered in
2 Southwest Ohio is a suitable and feasible manage-
3 ment option to increase collaboration, promote herit-
4 age tourism, and build on the established partner-
5 ships among Ohio's historic aviation resources and
6 related sites.

7 (10) A critical level of collaboration among the
8 historic aviation resources in Southwest Ohio cannot
9 be achieved without a congressionally established na-
10 tional heritage area and the support of the National
11 Park Service and other Federal agencies which own
12 significant historic aviation-related sites in Ohio.

13 (11) The Aviation Heritage Foundation, Incor-
14 porated, would be an appropriate management entity
15 to oversee the development of the National Aviation
16 Heritage Area.

17 (12) Five National Park Service and Dayton
18 Aviation Heritage Commission studies and planning
19 documents "Study of Alternatives: Dayton's Aviation
20 Heritage", "Dayton Aviation Heritage National His-
21 torical Park Suitability/Feasibility Study", "Dayton
22 Aviation Heritage General Management Plan",
23 "Dayton Historic Resources Preservation and Devel-
24 opment Plan", and Heritage Area Concept Study (in
25 progress) demonstrated that sufficient historical re-

1 sources exist to establish the National Aviation Her-
2 itage Area.

3 (13) With the advent of the 100th anniversary
4 of the first powered flight in 2003, it is recognized
5 that the preservation of properties nationally signifi-
6 cant in the history of aviation is an important goal
7 for the future education of Americans.

8 (14) Local governments, the State of Ohio, and
9 private sector interests have embraced the heritage
10 area concept and desire to enter into a partnership
11 with the Federal Government to preserve, protect,
12 and develop the Heritage Area for public benefit.

13 (15) The National Aviation Heritage Area
14 would complement and enhance the aviation-related
15 resources within the National Park Service, espe-
16 cially the Dayton Aviation Heritage National Histori-
17 cal Park, Ohio.

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

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

1 (2) preserve and interpret for the educational
2 and inspirational benefit of present and future gen-
3 erations the unique and significant contributions to
4 our national heritage of certain historic and cultural
5 lands, structures, facilities, and sites within the Na-
6 tional Aviation Heritage Area;

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

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

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

1 **SEC. 103. DEFINITIONS.**

2 For purposes of this title:

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

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

10 (3) **HERITAGE AREA.**—The term “Heritage
11 Area” means the National Aviation Heritage Area
12 established by section 4 to receive, distribute, and
13 account for Federal funds appropriated for the pur-
14 pose of this title.

15 (4) **MANAGEMENT PLAN.**—The term “Manage-
16 ment Plan” means the management plan for the
17 Heritage Area developed under section 106.

18 (5) **MANAGEMENT ENTITY.**—The term “man-
19 agement entity” means the Aviation Heritage Foun-
20 dation, Incorporated (a nonprofit corporation estab-
21 lished under the laws of the State of Ohio).

22 (6) **PARTNER.**—The term “partner” means a
23 Federal, State, or local governmental entity, organi-
24 zation, private industry, educational institution, or
25 individual involved in promoting the conservation

1 and preservation of the cultural and natural re-
 2 sources of the Heritage Area.

3 (7) SECRETARY.—The term “Secretary” means
 4 the Secretary of the Interior.

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

9 **SEC. 104. NATIONAL AVIATION HERITAGE AREA.**

10 (a) ESTABLISHMENT.—There is established in the
 11 States of Ohio and Indiana, the National Aviation Herit-
 12 age Area.

13 (b) BOUNDARIES.—The Heritage Area shall include
 14 the following:

15 (1) A core area consisting of resources in Mont-
 16 gomery, Greene, Warren, Miami, Clark, and Cham-
 17 paign Counties in Ohio.

18 (2) The Neil Armstrong Air & Space Museum,
 19 Wapakoneta, Ohio, and the Wilbur Wright Birth-
 20 place and Museum, Millville, Indiana.

21 (3) Sites, buildings, and districts within the
 22 core area recommended by the Management Plan.

23 (c) MAP.—A map of the Heritage Area shall be in-
 24 cluded in the Management Plan. The map shall be on file

1 in the appropriate offices of the National Park Service,
2 Department of the Interior.

3 (d) **MANAGEMENT ENTITY.**—The management entity
4 for the Heritage Area shall be the Aviation Heritage
5 Foundation.

6 **SEC. 105. AUTHORITIES AND DUTIES OF THE MANAGEMENT**
7 **ENTITY.**

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

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

15 (2) hire and compensate staff; and

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

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

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

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

1 adopt land use policies consistent with the manage-
2 ment of the Heritage Area and the goals of the
3 Management Plan;

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

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

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

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

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

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

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

1 (D) restoring historic buildings that relate
2 to the purposes of the Heritage Area;

3 (7) assist units of government and nonprofit or-
4 ganizations to ensure that clear, consistent, and en-
5 vironmentally appropriate signs identifying access
6 points and sites of interest are placed throughout
7 the Heritage Area;

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

11 (9) submit substantial amendments to the Man-
12 agement Plan to the Secretary for the approval of
13 the Secretary; and

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

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

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

23 (C) require, with respect to all agreements
24 authorizing expenditure of Federal funds by
25 other organizations, that the receiving organiza-

1 tions make available to the Secretary for audit
2 all records concerning the expenditure of such
3 funds.

4 (c) USE OF FEDERAL FUNDS.—

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

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

12 **SEC. 106. MANAGEMENT PLAN.**

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

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

24 (1) An inventory of the resources contained in
25 the core area of the Heritage Area, including the

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

9 (2) An assessment of cultural landscapes within
10 the Heritage Area.

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

14 (4) An interpretation plan for the Heritage
15 Area.

16 (5) A program for implementation of the Man-
17 agement Plan by the management entity, including
18 the following:

19 (A) Facilitating ongoing collaboration
20 among the partners to promote heritage tour-
21 ism and to develop educational and cultural
22 programs for the public.

23 (B) Assisting partners planning for res-
24 toration and construction.

1 (C) Specific commitments of the partners
2 for the first 5 years of operation.

3 (6) The identification of sources of funding for
4 implementing the plan.

5 (7) A description and evaluation of the manage-
6 ment entity, including its membership and organiza-
7 tional structure.

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

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

19 (e) ACTION FOLLOWING DISAPPROVAL.—If the Sec-
20 retary disapproves a proposed Management Plan, the Sec-
21 retary shall advise the management entity in writing of
22 the reasons for the disapproval and shall make rec-
23 ommendations for revisions to the proposed Management
24 Plan. The Secretary shall approve or disapprove a pro-

1 posed revision within 90 days after the date it is sub-
2 mitted.

3 (f) APPROVAL OF AMENDMENTS.—The Secretary
4 shall review and approve substantial amendments to the
5 Management Plan. Funds appropriated under this Act
6 may not be expended to implement any changes made by
7 such amendment until the Secretary approves the amend-
8 ment.

9 **SEC. 107. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER**
10 **FEDERAL AGENCIES.**

11 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—Upon
12 the request of the management entity, the Secretary may
13 provide technical assistance, on a reimbursable or non-
14 reimbursable basis, and financial assistance to the Herit-
15 age Area to develop and implement the Management Plan.
16 The Secretary is authorized to enter into cooperative
17 agreements with the management entity and other public
18 or private entities for this purpose. In assisting the Herit-
19 age Area, the Secretary shall give priority to actions that
20 in general assist in—

21 (1) conserving the significant natural, historic,
22 cultural, and scenic resources of the Heritage Area;
23 and

1 (2) providing educational, interpretive, and rec-
2 reational opportunities consistent with the purposes
3 of the Heritage Area.

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

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

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

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

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

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

22 The decisions concerning the execution of this title
23 as it applies to properties under the control of the Sec-
24 retary of Defense and the Administrator of the National
25 Aeronautics and Space Administration shall be made by

1 such Secretary or such Administrator, in consultation with
2 the Secretary of the Interior.

3 **SEC. 109. AUTHORIZATION OF APPROPRIATIONS.**

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

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

11 **SEC. 110. SUNSET PROVISION.**

12 The authority of the Secretary to provide assistance
13 under this title terminates on the date that is 15 years
14 after the date of enactment of this title.

15 **TITLE II—WRIGHT COMPANY**
16 **FACTORY STUDY**

17 **SEC. 201. STUDY.**

18 (a) **IN GENERAL.**—The Secretary shall conduct a
19 special resource study updating the study required under
20 section 104 of the Dayton Aviation Heritage Preservation
21 Act of 1992 (Public Law 102–419) and detailing alter-
22 natives for incorporating the Wright Company factory as
23 a unit of Dayton Aviation Heritage National Historical
24 Park.

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

6 (c) **CONSULTATION.**—In conducting the study, the
 7 Secretary shall consult with the Delphi Corporation, the
 8 Dayton Aviation Heritage Commission, the Aviation Her-
 9 itage Foundation, State and local agencies, and other in-
 10 terested parties in the area.

11 **SEC. 202. REPORT.**

12 Not later than 3 years after funds are first made
 13 available for this title, the Secretary shall submit to the
 14 Committee on Resources of the House of Representatives
 15 and the Committee on Energy and Natural Resources of
 16 the Senate a report describing the results of the study con-
 17 ducted under section 201.

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

19 *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.

Sec. 203. Report.

1 **TITLE I—NATIONAL AVIATION**
 2 **HERITAGE AREA**

3 **SEC. 101. SHORT TITLE.**

4 *This title may be cited as the “National Aviation Her-*
 5 *itage Area Act”.*

6 **SEC. 102. DEFINITIONS.**

7 *In this title:*

8 (1) *HERITAGE AREA.*—*The term “Heritage*
 9 *Area” means the National Aviation Heritage Area es-*
 10 *tablished by section 103(a).*

11 (2) *MANAGEMENT ENTITY.*—*The term “manage-*
 12 *ment entity” means the Aviation Heritage Founda-*
 13 *tion, Incorporated, a nonprofit corporation estab-*
 14 *lished under the laws of the State of Ohio.*

15 (3) *MANAGEMENT PLAN.*—*The term “manage-*
 16 *ment plan” means the management plan for the Her-*
 17 *itage Area developed under section 104.*

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

19 (A) *a Federal, State, or local governmental*
 20 *entity; or*

21 (B) *an organization, private industry, or*
 22 *person involved in promoting the conservation*

1 *and preservation of the cultural and natural re-*
 2 *sources of the Heritage Area.*

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

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

6 (a) *ESTABLISHMENT.*—*There is established in the*
 7 *States of Ohio and Indiana the National Aviation Heritage*
 8 *Area.*

9 (b) *BOUNDARIES.*—

10 (1) *IN GENERAL.*—*The Heritage Area shall in-*
 11 *clude—*

12 (A) *a core area consisting of resources in*
 13 *Montgomery, Greene, Warren, Miami, Clark,*
 14 *Shelby, Auglaize, and Champaign Counties in*
 15 *the State of Ohio;*

16 (B) *the Neil Armstrong Air & Space Mu-*
 17 *seum, Wapakoneta, Ohio;*

18 (C) *the Wilbur Wright Birthplace and Mu-*
 19 *seum, Millville, Indiana; and*

20 (D) *any sites, buildings, and districts with-*
 21 *in the core area described in subparagraph (A)*
 22 *that are recommended for inclusion in the Herit-*
 23 *age Area in the management plan.*

24 (2) *MAP.*—

1 (A) *IN GENERAL.*—*The Secretary shall pre-*
 2 *pare a map of the Heritage Area for inclusion*
 3 *in the management plan.*

4 (B) *AVAILABILITY.*—*The map shall be on*
 5 *file and available for public inspection in the*
 6 *appropriate offices of the National Park Service.*

7 **SEC. 104. MANAGEMENT PLAN.**

8 (a) *IN GENERAL.*—*Not later than 3 years after the*
 9 *date of enactment of this Act, the management entity shall*
 10 *submit to the Secretary for approval a management plan*
 11 *for the Heritage Area.*

12 (b) *REQUIREMENTS.*—*The management plan shall—*

13 (1) *incorporate an integrated and cooperative*
 14 *approach for the protection, enhancement, and inter-*
 15 *pretation of the natural, cultural, historic, scenic, and*
 16 *recreational resources of the Heritage Area;*

17 (2) *take into consideration Federal, State, and*
 18 *local plans;*

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

21 (4) *include—*

22 (A) *an assessment of cultural landscapes in*
 23 *the Heritage Area;*

24 (B) *provisions for the protection, interpreta-*
 25 *tion, and enjoyment of the resources of the Herit-*

1 *age Area that are consistent with the purposes of*
2 *this title;*

3 *(C) an interpretation plan for the Heritage*
4 *Area;*

5 *(D) a program for the implementation of*
6 *the management plan by the management entity*
7 *that includes—*

8 *(i) provisions for facilitating ongoing*
9 *collaboration among the partners to—*

10 *(I) promote heritage tourism; and*

11 *(II) develop educational and cul-*
12 *tural programs for the public;*

13 *(ii) provisions for assisting partners in*
14 *plans for restoration and construction of the*
15 *Heritage Area; and*

16 *(iii) to the maximum extent prac-*
17 *ticable, specific commitments from partners*
18 *for the first 5 years of operation of the Her-*
19 *itage Area; and*

20 *(E) an inventory of the resources contained*
21 *in the core area of the Heritage Area, includ-*
22 *ing—*

23 *(i) the Dayton Aviation Heritage His-*
24 *torical Park;*

- 1 (ii) the sites, buildings, and districts
2 listed in section 202 of the Dayton Aviation
3 Heritage Preservation Act of 1992 (Public
4 Law 102-419); and
- 5 (iii) any other property that—
- 6 (I) is related to the themes of the
7 Heritage Area; and
- 8 (II) should be preserved, restored,
9 managed, or maintained because of the
10 significance of the property;
- 11 (5) identify sources of funding for the implemen-
12 tation of the management plan; and
- 13 (6) describe and evaluate the management entity,
14 including a description and evaluation of—
- 15 (A) the membership of the management en-
16 tity; and
- 17 (B) the organizational structure of the man-
18 agement entity.
- 19 (c) *FAILURE TO SUBMIT.*—If the management entity
20 fails to submit the management plan by the date described
21 in subsection (a), the Secretary shall not provide any addi-
22 tional funding under this title to the management entity
23 until the date on which the management entity submits a
24 management plan to the Secretary.

1 (d) *APPROVAL AND DISAPPROVAL OF MANAGEMENT*
2 *PLANS.*—

3 (1) *IN GENERAL.*—*Not later than 90 days after*
4 *the date of the receipt of the management plan under*
5 *subsection (a), the Secretary, in consultation with the*
6 *State of Ohio, shall approve or disapprove the plan.*

7 (2) *DISAPPROVAL AND REVISION.*—*If the Sec-*
8 *retary disapproves a management plan under para-*
9 *graph (1), the Secretary shall—*

10 (A) *advise the management entity in writ-*
11 *ing of the reasons for the disapproval;*

12 (B) *make recommendations for revisions to*
13 *the management plan; and*

14 (C) *not later than 90 days after the receipt*
15 *of any proposed revision of the management*
16 *plan from the management entity, approve or*
17 *disapprove the proposed revision.*

18 (e) *AMENDMENTS.*—

19 (1) *IN GENERAL.*—*The Secretary shall review*
20 *each amendment to the management plan that the*
21 *Secretary determines may make a substantial change*
22 *to the management plan.*

23 (2) *USE OF FUNDS.*—*Funds made available*
24 *under this title shall not be expended to implement an*

1 *amendment described in paragraph (1) until the Sec-*
 2 *retary approves the amendment.*

3 **SEC. 105. ADMINISTRATION.**

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

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

9 *(1) make grants to, and enter into cooperative*
 10 *agreements with—*

11 *(A) the State of Ohio (including a political*
 12 *subdivision of the State);*

13 *(B) a private organization; or*

14 *(C) any person;*

15 *(2) hire and compensate staff;*

16 *(3) contract for goods and services; and*

17 *(4) obtain funds from any source (including a*
 18 *program that has a cost-sharing requirement).*

19 *(c) DUTIES OF MANAGEMENT ENTITY.—In addition to*
 20 *developing the management plan under section 104, in car-*
 21 *rying out this title, the management entity shall—*

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

1 (A) assisting units of government and non-
2 profit organizations in preserving the resources
3 of the Heritage Area; and

4 (B) encouraging local governments to adopt
5 land use policies that are consistent with—

6 (i) the management of the Heritage
7 Area; and

8 (ii) the goals of the management plan;

9 (2) in developing and implementing the manage-
10 ment plan, consider the interests of diverse govern-
11 mental, business, and nonprofit organizations in the
12 Heritage Area;

13 (3) maintain a collaboration among the partners
14 to promote heritage tourism;

15 (4) assist partners in developing educational and
16 cultural programs for the public;

17 (5) encourage economic viability in the Heritage
18 Area in accordance with the goals of the management
19 plan;

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

22 (A) establishing and maintaining interpre-
23 tive exhibits in the Heritage Area;

24 (B) developing recreational resources in the
25 Heritage Area;

1 (C) increasing public awareness of and ap-
2 preciation for the historical, natural, and archi-
3 tectural resources and sites of the Heritage Area;

4 (D) installing throughout the Heritage
5 Area, clear, consistent, and environmentally ap-
6 propriate signs that identify access points and
7 sites of interest; and

8 (E) restoring historic buildings that relate
9 to the purposes of the Heritage Area;

10 (7) conduct public meetings at least quarterly re-
11 garding the implementation of the management plan;

12 (8) submit to the Secretary for approval substan-
13 tial amendments to the management plan; and

14 (9) for any fiscal year for which Federal funds
15 are made available to carry out this Act under section
16 107—

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

19 (i) any activities conducted by the
20 management entity with respect to the Her-
21 itage Area; and

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

1 (B) make available to the Secretary for
2 audit all records relating to the expenditure of
3 the funds and any matching funds; and

4 (C) require, for all agreements authorizing
5 the expenditure of Federal funds by any entity,
6 that the receiving entity make available to the
7 Secretary for audit all records relating to the ex-
8 penditure of the funds.

9 (d) **PROHIBITION OF ACQUISITION OF REAL PROP-**
10 **ERTY.—**

11 (1) **USE OF FEDERAL FUNDS.—***The management*
12 *entity shall not use Federal funds made available*
13 *under this title to acquire real property or any inter-*
14 *est in real property.*

15 (2) **FUNDS FROM OTHER SOURCES.—***The man-*
16 *agement entity may acquire real property or an in-*
17 *terest in real property using non-Federal funds.*

18 **SEC. 106. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER**

19 **FEDERAL AGENCIES.**

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

21 (1) **IN GENERAL.—***On the request of the manage-*
22 *ment entity, the Secretary may provide to the Herit-*
23 *age Area technical assistance, on a reimbursable or*
24 *nonreimbursable basis, and financial assistance for*

1 *use in the development and implementation of the*
2 *management plan.*

3 (2) *COOPERATIVE AGREEMENTS.*—*The Secretary*
4 *may enter into a cooperative agreement with the*
5 *management entity or other public or private organi-*
6 *zations for purposes of providing technical or finan-*
7 *cial assistance under paragraph (1).*

8 (3) *PRIORITY FOR ASSISTANCE.*—*In providing*
9 *technical or financial assistance under paragraph (1),*
10 *the Secretary shall give priority to actions that assist*
11 *in—*

12 (A) *conserving the significant historical,*
13 *cultural, and natural resources of the Heritage*
14 *Area; and*

15 (B) *providing educational, interpretive, and*
16 *recreational opportunities consistent with the*
17 *purposes of the Heritage Area.*

18 (b) *OPERATIONAL ASSISTANCE.*—*Subject to the avail-*
19 *ability of appropriations, the Secretary may provide to*
20 *public or private organizations in the Heritage Area such*
21 *operational assistance as is appropriate to support the im-*
22 *plementation of the management plan.*

23 (c) *DUTIES OF OTHER FEDERAL AGENCIES.*—*A Fed-*
24 *eral agency conducting or supporting any activity directly*
25 *affecting the Heritage Area shall—*

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

3 (2) *cooperate with the Secretary and the man-*
4 *agement entity in carrying out the duties of the Sec-*
5 *retary and the management entity under this title;*

6 (3) *to the maximum extent practicable, coordi-*
7 *nate the activity with the duties of the Secretary and*
8 *the management entity under this title; and*

9 (4) *conduct or support the activity in a manner*
10 *that, to the maximum extent practicable, will not*
11 *have an adverse effect on the Heritage Area, as deter-*
12 *mined by the management entity.*

13 (d) *COORDINATION BETWEEN THE SECRETARY, THE*
14 *SECRETARY OF DEFENSE, AND THE ADMINISTRATOR OF*
15 *NASA.—Any decision relating to the application of this*
16 *title to properties under the jurisdiction of the Secretary*
17 *of Defense or the Administrator of the National Aeronautics*
18 *and Space Administration shall be made by the Secretary*
19 *of Defense or the Administrator, respectively, in consulta-*
20 *tion with the Secretary.*

21 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) *IN GENERAL.—There is authorized to be appro-*
23 *priated to carry out this title \$10,000,000, of which not*
24 *more than \$1,000,000 may be made available for any fiscal*
25 *year.*

1 **(b) FEDERAL SHARE.**—*The Federal share of the total*
 2 *cost of any activity assisted under this title shall be not*
 3 *more than 50 percent.*

4 **SEC. 108. TERMINATION OF AUTHORITY.**

5 *The authority of the Secretary to provide assistance*
 6 *under this title terminates on the date that is 15 years after*
 7 *the date of enactment of this Act.*

8 **TITLE II—WRIGHT COMPANY**
 9 **FACTORY STUDY**

10 **SEC. 201. DEFINITIONS.**

11 *In this title:*

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

14 (2) **PARK.**—*The term “park” means the Dayton*
 15 *Aviation Heritage National Historical Park in the*
 16 *State of Ohio.*

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

19 **SEC. 202. STUDY.**

20 **(a) IN GENERAL.**—*The Secretary shall conduct a spe-*
 21 *cial resource study that—*

22 (1) *updates the study required under section 104*
 23 *of the Dayton Aviation Heritage Preservation Act of*
 24 *1992 (Public Law 102–419); and*

1 (2) describes alternatives for incorporating the
2 *Factory as a unit of the Park.*

3 (b) *CONTENTS.*—*The study shall include an analysis*
4 *of the alternatives described under subsection (a)(2), includ-*
5 *ing an analysis of management and development options*
6 *and costs.*

7 (c) *CONSULTATION.*—*In conducting the study, the Sec-*
8 *retary shall consult with—*

9 (1) *the Delphi Corporation;*

10 (2) *the Aviation Heritage Foundation;*

11 (3) *State and local agencies; and*

12 (4) *other interested parties in the area in which*
13 *the Factory is located.*

14 **SEC. 203. REPORT.**

15 *Not later than 3 years after the date on which funds*
16 *are first made available to carry out this title, the Secretary*
17 *shall submit to the Committee on Resources of the House*
18 *of Representatives and the Committee on Energy and Nat-*
19 *ural Resources of the Senate a report that describes the re-*
20 *sults of the study conducted under this title.*

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[Report No. 108-292]

A BILL

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

JULY 7, 2004

Reported with an amendment