

DAYTON AVIATION HERITAGE PRESERVATION
AMENDMENTS ACT OF 2000

SEPTEMBER 26, 2000.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 5036]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 5036) to amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 5036 is to amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park.

BACKGROUND AND NEED FOR LEGISLATION

The Dayton Aviation Heritage National Historical Park was originally created in 1992. The historical park preserves sites associated with Wilbur and Orville Wright and the early development of aviation and is approximately 86 acres in size. In addition, the Park contains the home of Paul Laurence Dunbar, a famous African-American poet who also was a business associate and friend of Orville Wright. The Park currently includes the Wright Brothers' bicycle and printing shop, the 1905 Wright Flyer, the Huffman Prairie Flying Field, and the home of Paul Laurence Dunbar.

H.R. 5036 amends the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations

for that park. Specifically, the bill would authorize the inclusion of three parcels of land including two residential properties and expansion of Wright Hall.

H.R. 5036 also removes a current prohibition which limits the amount of appropriated dollars spent for the operation, development, and restoration of non-federally owned properties to no more than \$200,000. The cap on this appropriation has apparently caused concerns for interpretive functions, funding from other sources, and for a construction project which has a small amount of non-federal land associated with it.

COMMITTEE ACTION

H.R. 5036 was introduced on July 27, 2000, by Congressman Tony Hall (D-OH). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks and Public Lands. On September 7, 2000, the Subcommittee on National Parks and Public Lands held a hearing on the bill. On September 20, 2000, the Full Resources Committee met to consider the bill. The Subcommittee on National Parks and Public Lands was discharged from further consideration of the bill by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. Government Reform Oversight Findings. Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 25, 2000.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
U.S. House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5036, the Dayton Aviation Heritage Preservation Amendments Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 5036—Dayton Aviation Heritage Preservation Amendments Act of 2000

H.R. 5036 would expand the boundaries of the Dayton Aviation Heritage National Historical Park in Ohio to include three adjacent properties. The bill also would codify the addition of a fourth property that was added by the National Park Service (NPS) under existing authority. Finally, the bill would remove the \$200,000 limit on the use of appropriated funds for expenses related to nonfederal property within the park.

CBO estimates that the NPS would spend about \$3 million over the next two or three years to develop or restore structures in the historical park, and that annual costs to operate the park would increase by about \$800,000, beginning in fiscal year 2001. The NPS could spend another \$1 million to purchase the Setzer building within the park, but this would probably not occur for several years. This estimate includes amounts for properties to be added to the park by the bill as well as for nonfederal properties that are already within the park but are currently ineligible for federal funding because of the \$200,000 limit. These estimates are based on information provided by the NPS, and assume appropriation of the necessary amounts.

The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 5036 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

On September 22, 2000, CBO submitted a cost estimate for S. 2959, the Dayton Aviation Heritage Preservation Amendments Act of 2000, as ordered reported by the Senate Committee on Energy and Natural Resources on September 20, 2000. These bills are very similar and our estimates of their costs are the same.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

DAYTON AVIATION HERITAGE PRESERVATION ACT OF 1992

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SEC. 101. ESTABLISHMENT OF THE DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK.

(a) * * *

[(b) AREA INCLUDED.—The park shall consist of the following sites, as generally depicted on a map entitled “Proposed Dayton Aviation Heritage National Historical Park”, numbered NHP-DAH 80,000, and dated February 1992:

[(1) A core parcel in Dayton, Ohio, which shall consist of the Wright Cycle Company Building, Hoover Block, and lands between.

[(2) Huffman Prairie Flying Field, Wright-Patterson Air Force Base, Ohio.

[(3) The Wright 1905 Flyer and Wright Hall, Dayton, Ohio.

[(4) The Paul Laurence Dunbar home, Dayton, Ohio.]

(b) *AREAS INCLUDED.—The park shall consist of the following sites, as generally depicted on a map entitled “Dayton Aviation Heritage National Historical Park”, numbered ____ and dated ____:*

(1) A core parcel in Dayton, Ohio, which shall consist of the Wright Cycle Company building, Hoover Block, and lands between.

(2) The Setzer building property (also known as the Aviation Trail building property), Dayton, Ohio.

(3) The residential properties at 26 South Williams Street and at 30 South Williams Street, Dayton, Ohio.

(4) Huffman Prairie Flying Field, located at Wright-Patterson Air Force Base, Ohio.

(5) The Wright 1905 Flyer III and Wright Hall, including constructed additions and attached structures, known collectively as the John W. Berry, Sr. Wright Brothers Aviation Center, Dayton, Ohio.

(6) The Paul Laurence Dunbar State Memorial, Dayton, Ohio.

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SEC. 107. COORDINATION BETWEEN THE SECRETARY AND THE SECRETARY OF DEFENSE.

The decisions concerning the execution of this Act as it applies to properties under control of the Secretary of Defense shall be made by such Secretary, in consultation with the [Secretary of Interior] *Secretary of the Interior*.

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SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this title[: *Provided*, That the amount to be appropriated for the operation, development or restoration of non-federally owned properties within the boundaries of the park shall not exceed \$200,000].

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