

WRIGHT BROTHERS-DUNBAR NATIONAL HISTORICAL
PARK DESIGNATION ACT

SEPTEMBER 6, 2006.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 4612]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4612) to redesignate Dayton Aviation Heritage National Historic Park in the State of Ohio as “Wright Brothers-Dunbar National Historic Park,” and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Wright Brothers-Dunbar National Historical Park Designation Act”.

SEC. 2. REDESIGNATION OF DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK.

(a) REDESIGNATION.—The Act titled “An Act to establish the Dayton Aviation Heritage National Historical Park in the State of Ohio, and for other purposes”, approved October 16, 1992 (16 U.S.C. 410ww et seq.; 106 Stat. 2141), is amended—

(1) by striking “Dayton Aviation Heritage National Historical Park” each place it appears and inserting “Wright Brothers-Dunbar National Historical Park”;

(2) by redesignating subsection (b) of section 108 as subsection (c); and

(3) by inserting after subsection (a) of section 108 the following new subsection:

“(b) GRANT ASSISTANCE.—The Secretary is authorized to make grants to the parks’ partners, including the Aviation Trail, Inc., the Ohio Historical Society, and Dayton History, for projects not requiring Federal involvement other than providing financial assistance, subject to the availability of appropriations in advance identifying the specific partner grantee and the specific project. Projects funded through these grants shall be limited to construction and development on non-Federal property within the boundaries of the park. Any project funded by such a grant shall

support the purposes of the park, shall be consistent with the park's general management plan, and shall enhance public use and enjoyment of the park.⁵

(b) REFERENCES.—Any reference in any law (other than this Act), map, regulation, document, record, or other official paper of the United States to the “Dayton Aviation Heritage National Historical Park” shall be considered to be a reference to the “Wright Brothers-Dunbar National Historical Park”.

SEC. 3. NATIONAL AVIATION HERITAGE AREA.

Title V of division J of the Consolidated Appropriations Act, 2005 (16 U.S.C. 1132 note; Public Law 108–447), is amended—

- (1) in section 503(3), by striking “104” and inserting “504”;
- (2) in section 503(4), by striking “106” and inserting “506”;
- (3) in section 504, by striking subsection (b)(2) and by redesignating subsection (b)(3) as subsection (b)(2); and
- (4) in section 505(b)(1), by striking “106” and inserting “506”.

Amend the title so as to read:

A bill to redesignate Dayton Aviation Heritage National Historical Park in the State of Ohio as the Wright Brothers-Dunbar National Historical Park, and for other purposes.

PURPOSE OF THE BILL

The purpose of H.R. 4612, as ordered reported, is to redesignate Dayton Aviation Heritage National Historical Park in the State of Ohio as the Wright Brothers-Dunbar National Historical Park, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Dayton Aviation Heritage National Historical Park, located in Dayton, Ohio, was established in 1992. The Park is comprised of four distinct sites within Ohio's Third and Seventh Congressional Districts. All four of the sites and the majority of the interpretive exhibits and media at these sites describe the accomplishments of both the Wright Brothers and Paul Laurence Dunbar. The name change proposed in H.R. 4612 would reflect the individuals being commemorated at the site and the role they played in the history of aviation in our county, and, according to the Administration, more accurately describe the Park's purpose. State and local governments, public organizations and professional associations with interests in the park, and all pertinent landowners have been advised of the proposed change.

H.R. 4612 also allows the Secretary of the Interior to make grants to public and private organizations relating to the preservation, development, use, and interpretation of properties within the boundaries of the park, “subject to availability of appropriations.”

COMMITTEE ACTION

H.R. 4612 was introduced on December 16, 2005, by Congressman Michael Turner (R–OH). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks. On April 27, 2006, the Subcommittee held a hearing on the bill. On June 21, 2006, the Full Resources Committee met to consider the bill, at which time the Subcommittee on National Parks was discharged from further consideration of the bill by unanimous consent. Congressman Stevan Pearce (R–NM) offered an amendment in the nature of a substitute to clarify who may receive a grant and under what circumstances as well as make a number of technical changes recommended by

the Administration. The amendment was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8, clause 3 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. **General Performance Goals and Objectives.** As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to redesignate Dayton Aviation Heritage National Historic Park in the State of Ohio as the Wright Brothers-Dunbar National Historic Park.

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:

H.R. 4612—Wright Brothers-Dunbar National Historical Park Designation Act

H.R. 4612 would rename the Dayton Aviation Heritage National Historical Park in Ohio as the Wright Brothers-Dunbar National Historical Park. The bill would authorize the National Park Service (NPS) to provide grants, subject to the availability of appropriations, to the nonfederal partners that help operate the park. CBO estimates that implementing H.R. 4612 would have no significant effect on the federal budget and no effect on direct spending or revenues.

H.R. 4612 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.

Under H.R. 4612, the NPS would be able to provide financial assistance to its nonfederal partners through grants rather than cooperative agreements. The expanded authority would facilitate carrying out small construction projects (generally less than \$500,000 each over several years) on nonfederal lands at the park. Based on information provided by the NPS, CBO estimates that implementing H.R. 4612 would have no net effect on federal discretionary spending. Projects of the type that would be authorized under the

proposed grant authority would be very similar to those carried out under recent appropriations provisions. We expect that implementing the legislation would not affect the number of such projects at the park but would cause some future projects to be completed more rapidly. Finally, CBO expects that the costs associated with renaming the park would be less than \$100,000.

The CBO staff contact for this estimate is Deborah Reis. This 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 *italic*, existing law in which no change is proposed is shown in roman):

DAYTON AVIATION HERITAGE PRESERVATION ACT OF 1992

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TITLE I—[DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK] *WRIGHT BROTHERS-DUNBAR NA- TIONAL HISTORICAL PARK*

SEC. 101. ESTABLISHMENT OF THE [DAYTON AVIATION HERITAGE NA- TIONAL HISTORICAL PARK] *WRIGHT BROTHERS-DUNBAR NATIONAL HISTORICAL PARK.*

(a) **ESTABLISHMENT.**—There is established, as a unit of the National Park System in the State of Ohio, the [Dayton Aviation Heritage National Historical Park] *Wright Brothers-Dunbar National Historical Park* (hereinafter in this Act referred to as the “park”).

(b) **AREAS INCLUDED.**—The park shall consist of the following sites, as generally depicted on a map entitled “[Dayton Aviation Heritage National Historical Park] *Wright Brothers-Dunbar National Historical Park*”, numbered 362-80,010 and dated September 1, 2000:

(1) * * *

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SEC. 108. ASSISTANCE.

(a) * * *

(b) **GRANT ASSISTANCE.**—*The Secretary is authorized to make grants to the parks’ partners, including the Aviation Trail, Inc., the Ohio Historical Society, and Dayton History, for projects not requir-*

ing Federal involvement other than providing financial assistance, subject to the availability of appropriations in advance identifying the specific partner grantee and the specific project. Projects funded through these grants shall be limited to construction and development on non-Federal property within the boundaries of the park. Any project funded by such a grant shall support the purposes of the park, shall be consistent with the park's general management plan, and shall enhance public use and enjoyment of the park.

[(b)] (c) INTERPRETATIVE MATERIALS.—The Secretary is authorized to publish interpretative materials for historic aviation resources in the Miami Valley.

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CONSOLIDATED APPROPRIATIONS ACT, 2005

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DIVISION J—OTHER MATTERS

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TITLE V—NATIONAL AVIATION HERITAGE AREA

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SEC. 503. DEFINITIONS.

For purposes of this title:

(1) * * *

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(3) **HERITAGE AREA.**—The term “Heritage Area” means the National Aviation Heritage Area established by section **[(104)] 504** to receive, distribute, and account for Federal funds appropriated for the purpose of this title.

(4) **MANAGEMENT PLAN.**—The term “Management Plan” means the management plan for the Heritage Area developed under section **[(106)] 506**.

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SEC. 504. NATIONAL AVIATION HERITAGE AREA.

(a) * * *

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

(1) * * *

[(2)] (2) The Neil Armstrong Air & Space Museum, Wapakoneta, Ohio.

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

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SEC. 505. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) * * *

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

(1) develop and submit to the Secretary for approval the proposed Management Plan in accordance with section **[106] 506;**

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