

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5077

To establish a commission to assist in commemoration of the 1st airplane flight by the Wright brothers.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 1994

Mr. HALL of Ohio (for himself, Mr. LANCASTER, Mr. APPELEGATE, Mrs. CLAYTON, Mr. BOEHNER, Mr. HEFNER, Mr. FINGERHUT, Mr. McMILLAN, Mr. GILLMOR, Mr. NEAL of North Carolina, Mr. HOBSON, Mr. PRICE of North Carolina, Ms. KAPTUR, Mr. ROSE, Mr. KASICH, Mr. VALENTINE, Mr. MANN, Mr. OXLEY, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. SAWYER, Mr. STOKES, and Mr. TRAFICANT) introduced the following bill; which was referred to the Committee on Post Office and Civil Service

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## A BILL

To establish a commission to assist in commemoration of the 1st airplane flight by 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Centennial of Flight  
5 Commemoration Act”.

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 The Congress finds that—

1           (1) December 17, 2003, is the 100th anniver-  
2 sary of the 1st successful manned, controlled, heav-  
3 ier-than-air, powered flight;

4           (2) the First Flight by Orville and Wilbur  
5 Wright represents the fulfillment of the age-old  
6 dream of flying;

7           (3) the airplane has dramatically changed the  
8 course of transportation, commerce, communication,  
9 and warfare throughout the world;

10          (4) the achievement by the Wright brothers was  
11 a triumph of American ingenuity, inventiveness, and  
12 diligence in developing new technologies, and re-  
13 mains an inspiration for all Americans;

14          (5) it is appropriate to remember and renew the  
15 legacy of the Wright brothers at a time when the  
16 values of creativity and daring represented by the  
17 Wright brothers are critical to the future of the Na-  
18 tion; and

19          (6) as the Nation approaches the 100th anni-  
20 versary of the First Flight, it is appropriate to cele-  
21 brate and commemorate the anniversary through  
22 local, national, and international observances and ac-  
23 tivities.

1 **SEC. 3. ESTABLISHMENT.**

2       There is established a commission to be known as the  
3 Centennial of Flight Commission.

4 **SEC. 4. MEMBERSHIP.**

5       (a) NUMBER AND APPOINTMENT.—

6           (1) IN GENERAL.—The Commission shall be  
7 composed of 25 members, as follows:

8           (A) The Librarian of Congress, or a des-  
9 ignee.

10          (B) The Archivist of the United States, or  
11 a designee.

12          (C) The Secretary of the Interior, or a des-  
13 ignee.

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

16          (E) The Secretary of Education, or a des-  
17 ignee.

18          (F) The Secretary of Defense, or a des-  
19 ignee.

20          (G) The Secretary of Transportation, or a  
21 designee.

22          (H) The Governor of the State of North  
23 Carolina, or a designee.

24          (I) The Governor of the State of Ohio, or  
25 a designee.

1 (J) The Executive Director of the 2003  
2 Committee, or a designee.

3 (K) The President of the First Flight Soci-  
4 ety, or a designee.

5 (L) The Mayor of Kill Devil Hills, North  
6 Carolina.

7 (M) The Mayor of Dayton, Ohio.

8 (N) 12 citizens of the United States, ap-  
9 pointed by the President, who are not officers  
10 or employees of any government, except to the  
11 extent that they are considered to be such offi-  
12 cers or employees by virtue of their membership  
13 on the Commission.

14 (2) APPOINTMENTS BY PRESIDENT.—Of the in-  
15 dividuals referred to in paragraph (1)(N)—

16 (1) 2 shall be chosen from among persons  
17 recommended by the majority leader of the Sen-  
18 ate in consultation with the minority leader of  
19 the Senate;

20 (2) 2 shall be chosen from among persons  
21 recommended by the Speaker of the House of  
22 Representatives in consultation with the minor-  
23 ity leader of the House of Representatives; and

24 (3) 8 shall be chosen based on qualifica-  
25 tions or experience in the field of history, aero-

1 space science or industry, or any other profes-  
2 sion that would enhance the work of the Com-  
3 mission and assist in commemorating the ac-  
4 complishments of the Wright brothers.

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

8 (c) TERMS.—Each member of the Commission shall  
9 be appointed for the life of the Commission.

10 (d) VACANCIES.—Any vacancy in the Commission  
11 shall be filled in the same manner in which the original  
12 appointment was made.

13 (e) COMPENSATION.—

14 (1) PROHIBITION OF PAY.—Except as provided  
15 in paragraph (2), members of the Commission shall  
16 serve without pay.

17 (2) TRAVEL EXPENSES.—Each member of the  
18 Commission may receive travel expenses, including  
19 per diem in lieu of subsistence, in accordance with  
20 sections 5702 and 5703 of title 5, United States  
21 Code.

22 (f) QUORUM.—13 members of the Commission shall  
23 constitute a quorum.

1 (g) CHAIRPERSON.—The President shall designate 1  
2 of the individuals appointed under subsection (a)(1)(N) as  
3 the chairperson of the Commission.

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

6 **SEC. 5. DUTIES.**

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

8 (1) plan and develop, in coordination with the  
9 First Flight Society, the 2003 Committee, the First  
10 Flight Centennial Commission of North Carolina,  
11 and the Ohio Wright-Dunbar State Heritage Com-  
12 mission, programs and activities that are appro-  
13 priate to commemorate the 100th anniversary of the  
14 First Flight;

15 (2) maintain a calendar or register of programs  
16 and projects concerning, and provide a central clear-  
17 inghouse for information and coordination regarding,  
18 dates, events, places, documents, artifacts, and per-  
19 sonalities of historical and commemorative signifi-  
20 cance regarding aviation history in general and the  
21 First Flight in particular;

22 (3) coordinate activities with other countries re-  
23 garding aviation history in general and the First  
24 Flight in particular, and promote participation by  
25 the United States in such activities;

1           (4) encourage participation in commemoration  
2 of the First Flight by persons and entities includ-  
3 ing—

4           (A) aerospace manufacturing companies;

5           (B) aerospace-related military organiza-  
6 tions;

7           (C) workers employed in aerospace-related  
8 industries;

9           (D) commercial aviation companies;

10          (E) general aviation owners and pilots;

11          (F) aerospace researchers, instructors, and  
12 enthusiasts;

13          (G) elementary, secondary, and higher edu-  
14 cational institutions;

15          (H) civil, patriotic, educational, sporting,  
16 arts, cultural, and historical organizations and  
17 technical societies;

18          (I) aerospace-related museums; and

19          (J) State and local governments;

20          (5) assist in conducting educational, civic, and  
21 commemorative activities relating to the First Flight  
22 throughout the United States, especially activities  
23 that occur in the States of North Carolina and Ohio  
24 and that highlight the activities of the Wright broth-  
25 ers in such States; and

1           (6) develop and coordinate any other activities  
2           that the Commission determines to be appropriate  
3           relating to the anniversary of the First Flight, which  
4           may include the preparation, distribution, dissemina-  
5           tion, exhibition, or sale of historical, commemorative,  
6           or informative materials or objects, produced by the  
7           Commission, that will contribute to public awareness  
8           of and interest in the centennial of the First Flight.

9           (b) NONDUPLICATION OF ACTIVITIES.—The Com-  
10          mission shall attempt to plan and conduct its activities  
11          in such a manner that activities conducted pursuant to  
12          this Act enhance, but do not duplicate, traditional and es-  
13          tablished activities of the 2003 Committee, the First  
14          Flight Society, the First Flight Centennial Commission of  
15          North Carolina, and the Ohio Wright-Dunbar State Herit-  
16          age Commission.

17       **SEC. 6. POWERS.**

18           (a) ADVISORY COMMITTEES.—

19               (1) IN GENERAL.—The Commission may ap-  
20               point any advisory committee that it determines to  
21               be necessary to carry out this Act.

22               (2) PROHIBITION OF PAY OTHER THAN TRAVEL  
23               EXPENSES.—Members of an advisory committee au-  
24               thorized by paragraph (1) may receive pay and trav-  
25               el expenses to the same extent that members of the



1 Commission may receive pay and travel expenses  
2 under section (4)(e).

3 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-  
4 ber or agent of the Commission may, if authorized by the  
5 Commission, take any action that the Commission is au-  
6 thorized to take under this Act.

7 (c) AUTHORITY TO PROCURE AND TO MAKE LEGAL  
8 AGREEMENTS.—

9 (1) IN GENERAL.—The Commission may pro-  
10 cure supplies, services, and property, and make or  
11 enter into leases and other legal agreements, in  
12 order to carry out this Act.

13 (2) RESTRICTION.—A contract, lease, or other  
14 legal agreement made or entered into by the Com-  
15 mission may not extend beyond the date of the ter-  
16 mination of the Commission.

17 (3) SUPPLIES AND PROPERTY POSSESSED BY  
18 COMMISSION AT TERMINATION.—Any supplies and  
19 property, except historically significant items, that  
20 are acquired by the Commission under this Act and  
21 remain in the possession of the Commission on the  
22 date of the termination of the Commission shall be-  
23 come the property of the General Services Adminis-  
24 tration upon the date of the termination.

1 (d) REQUESTS FOR OFFICIAL INFORMATION.—The  
2 Commission may request from any Federal department or  
3 agency information necessary to enable the Commission  
4 to carry out this Act. The head of the Federal department  
5 or agency shall furnish the information to the Commission  
6 unless the release of the information by the department  
7 or agency to the public is prohibited by law.

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

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

12 (a) EXECUTIVE DIRECTOR.—The chairperson of the  
13 Commission, with the advice of the Commission, shall ap-  
14 point an executive director of the Commission. The execu-  
15 tive director may be paid at a rate not to exceed the maxi-  
16 mum rate of basic pay payable for the Senior Executive  
17 Service.

18 (b) STAFF.—The Commission may appoint and fix  
19 the pay of any additional personnel that it considers ap-  
20 propriate, except that an individual appointed under this  
21 subsection may not receive pay in excess of the maximum  
22 rate of basic pay payable for GS-14 of the General Sched-  
23 ule.

24 (c) INAPPLICABILITY OF CERTAIN CIVIL SERVICE  
25 LAWS.—The executive director and staff of the Commis-

1 sion may be appointed without regard to the provisions  
2 of title 5, United States Code, governing appointments in  
3 the competitive service, and may be paid without regard  
4 to the provisions of chapter 51 and subchapter III of chap-  
5 ter 53 of such title, relating to classification and General  
6 Schedule pay rates, except as provided in subsections (a)  
7 and (b) of this section.

8 (d) STAFF OF FEDERAL AGENCIES.—Upon request  
9 by the chairperson of the Commission, the head of any  
10 Federal department or agency may detail, on a  
11 nonreimbursable basis, any of the personnel of the depart-  
12 ment or agency to the Commission to assist the Commis-  
13 sion to carry out its duties under this Act.

14 (e) EXPERTS AND CONSULTANTS.—The chairperson  
15 of the Commission may procure temporary and intermit-  
16 tent services under section 3109(b) of title 5, United  
17 States Code, at a rate that does not exceed the daily equiv-  
18 alent of the annual rate of basic pay payable under Level  
19 V of the Executive Schedule under section 5316 of such  
20 title.

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

1 **SEC. 8. CONTRIBUTIONS.**

2 (a) DONATIONS.—

3 (1) IN GENERAL.—The Commission may accept  
4 donations of money, personal services, and real or  
5 personal property, including books, manuscripts,  
6 memorabilia, relics, objects, and other materials that  
7 are related to the Wright brothers or the history of  
8 aviation.

9 (2) DONATED FUNDS.—Any funds donated to  
10 the Commission may be used by the Commission to  
11 carry out this Act. Funds donated to and accepted  
12 by the Commission pursuant to this section shall not  
13 be considered to be appropriated funds and shall not  
14 be subject to any requirements or restrictions appli-  
15 cable to appropriated funds.

16 (b) VOLUNTEER SERVICES.—Notwithstanding sec-  
17 tion 1342 of title 31, United States Code, the Commission  
18 may accept and use voluntary and uncompensated services  
19 as the Commission determines necessary.

20 (c) REMAINING FUNDS.—Any donated funds remain-  
21 ing to the Commission on the date of the termination of  
22 the Commission may be used to ensure the proper disposi-  
23 tion, as specified in the final report required by section  
24 10(b), of historically significant property donated to or ac-  
25 quired by the Commission. Any such donated funds re-  
26 maining after such disposition shall be transferred to the

1 Secretary of the Treasury for deposit into the general fund  
2 of the Treasury of the United States.

3 **SEC. 9. EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS,**  
4 **SEALS, AND MARKS.**

5 (a) IN GENERAL.—The Commission may devise any  
6 logo, emblem, seal, or descriptive or designating mark that  
7 is required to carry out its duties or that it determines  
8 is appropriate for use in connection with the commemora-  
9 tion of the First Flight. The Commission shall have the  
10 sole and exclusive right to use, or to allow or refuse the  
11 use of, the name “Centennial of Flight Commission” or  
12 any logo, emblem, seal, or descriptive or designating mark  
13 that the Commission lawfully adopts.

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

17 **SEC. 10. REPORTS.**

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

23 (1) recommendations regarding appropriate ac-  
24 tivities to commemorate the centennial of the First  
25 Flight, including—

1 (A) the production, publication, and dis-  
2 tribution of books, pamphlets, films, and other  
3 educational materials;

4 (B) bibliographical and documentary  
5 projects and publications;

6 (C) conferences, convocations, lectures,  
7 seminars, and other similar programs;

8 (D) the development of exhibits for librar-  
9 ies, museums, and other appropriate institu-  
10 tions;

11 (E) ceremonies and celebrations commemo-  
12 rating specific events that relate to the history  
13 of aviation;

14 (F) programs focusing on the history of  
15 aviation and its benefits to the United States  
16 and humankind; and

17 (G) competitions, commissions, and awards  
18 regarding historical, scholarly, artistic, literary,  
19 musical, and other works, programs, and  
20 projects related to the centennial of the First  
21 Flight;

22 (2) recommendations to appropriate agencies or  
23 advisory bodies regarding the issuance of commemo-  
24 rative coins, medals, and stamps by the United  
25 States relating to aviation or the First Flight;

1           (3) recommendations for any legislation or ad-  
2 ministrative action that the Commission determines  
3 to be appropriate regarding the commemoration of  
4 the First Flight; and

5           (4) an accounting of funds received and ex-  
6 pended by the Commission in the fiscal year that the  
7 report concerns, including a detailed description of  
8 the source and amount of any funds donated to the  
9 Commission in the fiscal year.

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

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

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

17           (3) any findings and conclusions of the Com-  
18 mission; and

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

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

24       (a) IN GENERAL.—The Inspector General of the Gen-  
25 eral Services Administration shall audit the financial

1 transactions of the Commission, including financial trans-  
2 actions involving donated funds, in accordance with gen-  
3 erally accepted auditing standards. In conducting an audit  
4 pursuant to this section, the Inspector General shall have  
5 access to all books, accounts, financial records, reports,  
6 files, and other papers, items, or property in use by the  
7 Commission, as necessary to facilitate the audit, and shall  
8 be afforded full facilities for verifying the financial trans-  
9 actions of the Commission, including access to any finan-  
10 cial records or securities held for the Commission by de-  
11 positories, fiscal agents, or custodians.

12 (b) REPORT.—Not later than September 31, 2004,  
13 the Inspector General of the General Services Administra-  
14 tion shall submit to the President and to the Congress  
15 a report detailing the results of any audit of the financial  
16 transactions of the Commission conducted by the Inspec-  
17 tor General.

18 **SEC. 12. DEFINITIONS.**

19 For purposes of this Act:

20 (1) The term “Commission” means the Centen-  
21 nial of Flight Commission.

22 (2) The term “First Flight” means the 1st suc-  
23 cessful manned, controlled, heavier-than-air, powered  
24 flight, which was accomplished by Orville and Wilbur  
25 Wright on December 17, 1903.



1 **SEC. 13. TERMINATION.**

2       The Commission shall terminate not later than 60  
3 days after the submission of the final report required by  
4 section 10(b).

5 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

6       There is authorized to be appropriated to carry out  
7 this Act \$500,000 for each of the fiscal years 1995  
8 through 2004.

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