

Calendar No. 532105TH CONGRESS }
2d Session }

SENATE

{ REPORT
105-294 }CENTENNIAL OF FLIGHT COMMEMORATION
ACT

R E P O R T

OF THE

COMMITTEE ON GOVERNMENTAL AFFAIRS
UNITED STATES SENATETOGETHER WITH
ADDITIONAL VIEWS
TO ACCOMPANY

S. 1397

TO ESTABLISH A COMMISSION TO ASSIST IN COMMEMORATION OF THE
CENTENNIAL OF POWERED FLIGHT AND THE ACHIEVEMENTS OF THE
WRIGHT BROTHERSAUGUST 25, 1998.—Ordered to be printed.
Filed under authority of the order of the Senate of July 31, 1998

U.S. GOVERNMENT PRINTING OFFICE

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WASHINGTON : 1998

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CENTENNIAL OF FLIGHT COMMEMORATION ACT

—————
AUGUST 25, 1998.—Ordered to be printed.

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—————

Mr. THOMPSON, from the Committee on Governmental Affairs,
submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany S. 1397 as amended]

The Committee on Governmental Affairs, to which was referred the bill (S. 1397) to establish a commission in commemoration of the centennial of powered flight and the achievements of the Wright brothers, having considered the same, reports favorably thereon with an amendment and recommends that the bill do pass.

I. PURPOSE AND SUMMARY

S. 1397, the Centennial of Flight Commemoration Act, establishes a commission to assist in the commemoration of the centennial of powered flight and the achievement of the Wright brothers.

II. BACKGROUND

S. 1397 was introduced by Senators Helms, Glenn, DeWine, and Faircloth to establish a commission to assist in the commemoration of the centennial of powered flight and the achievements of the Wright brothers.

Introduction

The Committee adopted Senator Glenn's Amendment in the Nature of a Substitute as offered in mark-up by Senator Levin and

voted to report that version of the bill out of Committee. Sen. Glenn's amendment which he proposed on behalf of himself, Sen. Helms, Sen. DeWine, and Sen. Faircloth, incorporates many suggested changes made by Chairman Thompson and others. The changes are designed to help minimize the potential for waste and abuse. Where appropriate, this report will highlight key differences between the original bill and that of Sen. Glenn's amendment and explain why those changes were made.

History

The story of the Wright Brothers and the history of flight is a special and uniquely American story of persistence, ingenuity, risk-taking, and beating the odds. That day on the wind-swept dunes of Kitty Hawk, North Carolina, the two bike shop owners from Dayton, Ohio broke the bounds of gravity with their flyer and set in course a revolution that has been felt throughout the world.

This revolution has progressed in step with the years of the 20th century. And it is a progression that has been led by the men and women of our nation. From the Wright Brothers, to Lindbergh's crossing, to the first supersonic flight, to the space program, to today's sophisticated military and civilian aircraft, America has always been a world leader in flight, with the Federal government playing a critical part in advancing an undertaking that has dramatically changed the world. Flight has changed the course of transportation, communication, commerce and warfare and altered the way people think about human limits and potential. It is truly one of the great achievements of this century.

Among other duties, the commission established in the bill will coordinate commemorative events on both a national and international basis as we approach 2003, the 100th anniversary of the Wright Brothers' flight. We have used these type of commissions in the past to celebrate many of our country's achievements. According to the Congressional Research Service there were at least 8 Federal commemoration commissions in the last 15 years alone. Over the years there have been celebrations in this way ranging from our country's bicentennial and the anniversary of the Civil War, to celebrations of Eleanor Roosevelt's 100th birthday and the German-American Tricentennial. There is precedent for taking the approach encompassed in the legislation and the Committee believes that it is an appropriate way to celebrate this historical event.

The Centennial of Flight Commission

The bill, as reported, establishes a Centennial of Flight Commission (Commission). Sen. Glenn's amendment lowers the number of members on the Commission significantly from 21 members (in the original bill) to 6 members in order to allow the Commission to be run more efficiently. The remaining members were appointed as members of a new 19 member Advisory Board outlined in Section 12.

The Commission is composed of the Director of the National Air and Space Museum of the Smithsonian Institution, the Administrator of the National Aeronautics and Space Administration (NASA), the Chairman of the First Flight Centennial Foundation

of North Carolina, the Chairman of the 2003 Committee of Ohio, the president or head (not from Ohio or North Carolina) of a United States aeronautical society, foundation, or organization of national stature chosen by the Commission, and the Administrator of the Federal Aviation Administration (FAA).

All members of the Commission, except the unspecified head of an aeronautical society, may instead select a designee from their respective entity to serve on the Commission. The restriction on the unspecified head of an aeronautical society to be selected by the Commission designating a subordinate was added because of the desire that the members of the Commission have the appropriate experience and expertise. Because the other organizations represented are clearly outlined in the bill, there was less concern about designees selected from those entities.

Further, the head of the unspecified aeronautical society must not be from Ohio or North Carolina. This restriction was made to try to balance the representation on the Commission.

The members of the Commission may not be paid. The Commission may adopt a policy, by unanimous vote, for members of the Commission and others to be reimbursed for appropriate travel expenses they incur while carrying out their duties. The amendment requires the unanimous consent of all Commission members before policy is set for travel expenses because of a concern related to the potential for abuse.

The chairperson may only be chosen by the Commission from among the Director of the National Air and Space Museum or his designee, the Administrator of NASA or his designee, or the head of the US aeronautical society not from North Carolina or Ohio. In order to try to balance the interests on the Commission and make this a national-oriented Commission, the chairperson is to be chosen from one of the entities of national stature.

Duties of the Commission

The Commission's duties include encouraging and promoting the national and international participation in the commemoration of the centennial of powered flight. This involves organizing and maintaining a calendar of events, coordinating celebration dates to take place throughout the United States, and publishing relevant informational brochures and pamphlets. The Commission must ensure that its efforts do not duplicate the efforts of Ohio's 2003 Committee, North Carolina's First Flight Centennial Commission, the First Flight Centennial Foundation, or any other organization of national stature or prominence.

Powers of the Commission

The Commission may appoint advisory committees and task forces from among the membership of the Advisory Board. The original bill did not restrict the membership of the committees and task forces. Sen. Glenn's amendment made this change to set limits as to the number and size of the committees and task forces. The changes are designed to help ensure that the committees and task forces are selected from a pool of qualified participants.

The Commission may request appropriate assistance, support, and information from federal departments or agencies. Sen. Glenn's

amendment changed the language of the original bill to combine two separate sections: one relating to assistance and support and the other relating to requests for information. The change was made for clarification of the responsibilities given to the head of the department or agency providing the assistance or information.

Sen. Glenn's amendment altered the Commission's ability to procure and make legal agreements. The original bill contained no requirements for how the Commission should minimize the cost of procuring property or office space and the bill allowed any agent of the Commission to procure or enter into binding legal agreements. In view of the lack of cost controls, this section was changed by Sen. Glenn's amendment. Only the Commission, not its agents, may procure or make legal agreements that bind the Commission. Further, the Commission must obtain property, equipment, and office space through the General Services Administration (GSA) or the Smithsonian Institution, unless other available office space, property, or equipment is less costly. Normally, GSA handles federal property management, however, there was some indication that the Smithsonian Institution may be able to provide office space and property to the Commission. Because of this they were added along with GSA. Property, except historically significant items, possessed by the Commission after termination of the Commission are to be transferred to GSA. Historically significant items will be returned to the appropriate entity as recommended by the Commission in its final report.

The Commission may use the United States mails in the same manner as any federal agency.

Commission staff and support

The Commission has the authority to hire staff and an Executive Director. The Executive Director will be chosen by the Commission from among detailees of agencies and organizations represented on the Commission. Further, the Commission may hire staff as it considers appropriate without regard to the provisions of Title 5, United States Code, with the exception noted below.

In order to ensure a quality applicant pool and that hiring procedures are not influenced by political affiliation, Sen. Glenn's amendment requires that all personnel, including the Executive Director, be appointed in accord with merit system principles. These principles are found in section 2301 of title 5, United States Code. These principles include the directive that recruitment should be from a qualified pool of applicants and selection and advancement should be determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition which assures that all receive an equal opportunity. All employees and applicants should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation.

Upon request by the Chairperson of the Commission, the head of any federal department or agency is permitted to detail, on either a non-reimbursable or reimbursable basis, department or agency personnel to the Commission to assist the Commission in carrying out its duties. The Commission may also obtain support services from the Smithsonian Institution and may receive staff support from the non-profit sector. Further, the Commission may enter into

cooperative agreements with federal agencies, state and local governments, and the private sector.

Sen. Glenn's amendment does not provide for the hiring of experts and consultants. There is no need to hire experts and consultants given that, if the Commission needed to procure services such as for the design of its logo, trademark, or brochures, it has the authority to procure such services in Section 6 of the bill as reported. Alternatively, the Commission could receive a donation of services for the design of the logo or brochure. The elimination of the specific experts and consultants provision was intended to restrict the hiring of unnecessary consultants such as management consultants. It is understood that expertise may be drawn from other federal agencies, state and local governments, and relevant private organizations if necessary.

Fundraising, contributions, and authorization of appropriations

The original bill authorized \$250,000 per year and unlimited fundraising. Yet, the potential for waste, fraud and abuse exists where the funding for the Commission comes from both appropriated funds and monies resulting from Commission fundraising activities, resulting in a commingling of those funds. Many previous commissions used both appropriated funds and fundraised money. However, based on the reviews of these past commission operations, it is clear that either all the funds should be raised by the Commission or all the funds should be appropriated. With regards to this Commission, Senators Glenn and Helms expressed concern that the Commission would be in direct competition for funds with private organizations organizing events for the celebration. Because of these concerns, the amendment prohibits the raising and receipt of private monies and, to compensate for being unable to receive private monies, allows for a higher authorization (\$2,000,000 per fiscal year) than was in the original bill. The Commission may only receive donations of personal services, volunteers, and donations of historic materials. If funds are generated from licensing royalties from the Commission's trademark or logo, those funds must be deposited into the Treasury after termination of the Commission.

Intellectual property rights

The Commission may devise any logo, emblem, seal, or descriptive or designating mark that may be required to carry out its duties. The Commission will have the exclusive right to use, or to allow or refuse the use of the logo or mark devised by the Commission. The funds derived from licensing may be used by the Commission to carry out its official duties, however, any excess must be returned to Treasury after termination of the Commission. The original bill allowed the royalties from licensing to go to the First Flight Centennial Foundation of North Carolina and the 2003 Committee of Ohio. The amendment does not allow distribution of these funds to any entity other than the Treasury upon termination of the Commission. There was an appearance of a conflict of interest for these two organizations to have representation on the Commission and derive financial rewards from decisions of that Commission.

Further, any profits derived by the Commission should be retained by the Federal government and should not go to private interests.

Sen. Glenn's amendment also specifies the Air and Space Museum of the Smithsonian Institution as the recipient of the licensing rights after termination of the Commission.

Reports

The Commission must file a report to Congress each fiscal year describing the activities of the Commission during that fiscal year. The report must also include information such as recommendations regarding other activities, recommendations on participation by agencies such as issuing commemorative coins, medals, and stamps, recommendations on appropriate legislation or administrative action, an accounting of funds received and expended, and an accounting of any cooperative agreements and contracts entered into by the Commission. Sen. Glenn's amendment adds the requirement that there be an accounting of cooperative agreements and contracts to minimize the likelihood that inappropriate agreements are made.

This reporting requirement is consistent with recommendations made in the past by the General Accounting Office. Such reports will help in monitoring the Commission's progress as well as identify difficulties requiring congressional attention.

The Commission must also file a final report to Congress and the President by June 30, 2004 summarizing the activities of the Commission, a final accounting of funds received and expended, findings and conclusions, and specific recommendations concerning the final disposition of any historically significant items acquired by the Commission.

Audits

The original bill required the Inspector General of the General Services Administration to audit the financial transactions of the Commission and to submit one report after the termination of the Commission. Sen. Glenn's amendment transfers this responsibility to the Comptroller General of the General Accounting Office (GAO). The amendment also requires GAO to audit the Commission on an annual basis, however the amendment does not require the GAO to file an annual report. GAO must audit the financial transactions of the Commission annually and make such information available to any duly authorized Congressional committee upon request. GAO is required to file a final audit report to the President and Congress by September 30, 2004.

Advisory Board

Sen. Glenn's amendment created the Advisory Board to allow for some level of participation by those removed from the Commission membership in the original bill as well as for those groups who would be interested in the celebration of flight. The Advisory Board may only advise the Commission members in their duties and participate in the various committees and task forces. The Advisory Board does not have the powers outlined in the bill that belong to the Commission. The Advisory Board members shall not be paid,

but may receive travel expenses according to the policy adopted unanimously by the Commission.

Definitions

The amendment adds definitions for “Advisory Board” and “designee,” and clarifies the definition of “First Flight.” The definition for “designee” was added to clarify that those designees chosen to serve on the Commission or Advisory Board must be from the same agency, department, or organization as the person who has the authority to designate him or her.

Termination and the National Archives

The Commission terminates 60 days after the submission of its final report, which is due June 30, 2004. The amendment adds that the Commission must transfer all documents and materials, not otherwise accounted for in the bill, to the National Archives or other appropriate federal entity upon termination of the Commission. This change is to ensure that all historically significant materials and documentation are adequately preserved after the termination of the Commission and that such items are retained by the federal government.

III. LEGISLATIVE HISTORY

S. 1397 was introduced in the Senate by Senator Helms (R-NC) on November 7, 1997 for himself and Senators Glenn, Dewine, and Faircloth. Rep. Tony Hall (D-OH) introduced a similar bill, H.R. 2305, in the House of Representatives on July 30, 1997 and it was referred to the House Government Reform and Oversight Subcommittee on Civil Service. The provisions of H.R. 2305 were also offered as an amendment to H.R. 4057, the Airport Improvement Program Reauthorization Act of 1998, which was ordered to be reported to the House from the House Committee on Transportation and Infrastructure on July 20, 1998.

The Senate Committee on Governmental Affairs considered S. 1397 on July 15, 1998. Sen. Levin (D-MI) offered an Amendment in the Nature of a Substitute on behalf of Sen. Glenn (D-OH) who was unable to attend the Committee business meeting. The Committee unanimously adopted the amendment by voice vote. The Committee voted to order the bill reported as amended by voice vote. Senators Domenici, Nickles and Chairman Thompson stated that they opposed the motion to report S. 1397.

IV. SECTION-BY-SECTION ANALYSIS (AS AMENDED)

Section 1 titles the Act as the “Centennial of Flight Commemoration Act.” Section 2 provides the Act’s findings. The findings note that: December 17, 2003 will be the 100th anniversary of manned, powered flight; the first flight in 1903 represented the fulfillment of man’s age-old dream to fly; the airplane has dramatically changed warfare, transportation and commerce worldwide; the Wright brothers achievement was a triumph of American ingenuity, inventiveness, diligence, and an inspiration to all Americans; the creativity and daring shown by the Wrights is still needed today; it is appropriate to celebrate the centennial of flight through local, national, and international observances and activities.

Section 3 establishes the Centennial of Flight Commission.

Section 4 states that the Commission shall be comprised of the following 6 members: the heads of the Air and Space Museum, NASA, the FAA, the 2003 Committee of Ohio, the First Flight Foundation of North Carolina, and a U.S. aeronautical society, foundation, or organization of national stature or prominence (as chosen by the other Commission members). With the exception of the member from the U.S. aeronautical organization (who cannot be from Ohio or North Carolina), designees from the respective organizations may serve on the Commission.

The remaining provisions in this section establish procedures for the operation of the Commission. Members will serve without pay and may be reimbursed for travel and per diem expenses, pursuant to current law and a policy unanimously adopted by the Commission. Three members represent a quorum and there shall be a non-voting Chairman (excepting in cases of a tie vote) who must come from one of the national entities (except the FAA) on the Commission.

Section 5 establishes the duties of the Commission. They include: representing the United States in international events commemorating the centennial; promoting national and international participation by flight-related groups; coordinating with state-based flight organizations; acting as a clearinghouse for information; and encouraging the publication of historical works on aviation.

Section 6 establishes the powers of the Commission. It may form an advisory committee or task force, but only from among the membership of the Advisory Board established in Section 12. It is authorized to procure goods and services and shall seek assistance, where appropriate from other Federal agencies or departments. It shall seek office space and equipment from the Smithsonian or GSA, unless other office space and equipment is less costly. It can utilize the mails like any other Federal agency. The authority to purchase property, goods and services is strictly limited to the Commission.

Section 7 provides for the hiring of staff. There shall be an Executive Director chosen by the Commission from detailees from entities represented on the Commission and paid no more than maximum pay rate for the Senior Executive Service. Other staff may be hired too, although they cannot be paid at a rate higher than GS-14 of the General Schedule. In both instances, staff appointments are exempt from the provisions of Title 5, U.S.C., although they must be made consistent with the merit principles under Section 2301 of that Title. The Commission may use detailees, on a reimbursable or nonreimbursable basis, from other agencies.

Provisions in this section also guide the use of administrative services (provided by the Smithsonian at its discretion), cooperative agreements, and outside program support.

Section 8 stipulates that the Commission may accept donations of personal services and historic materials, as well as use volunteers. Funds remaining to the Commission upon termination can be used to dispose of historic materials—further remaining funds shall be returned to the Treasury.

Section 9 authorizes the Commission to establish and license a logo, seal, or mark and to use any resulting royalties to carry out

its responsibilities under this Act. Upon termination of the Commission, all licensing rights revert to the Air and Space Museum.

Section 10 requires that the Commission shall submit an annual report (and final report on June 30, 2004) to Congress describing its activities for that year and accounting for funds spent.

Section 11 requires the GAO to annually audit the Commission's transactions and spending and submit a final report to Congress on June 30, 2004.

Section 12 establishes a 19 member unpaid Advisory Board to guide the Commission. Its membership shall be made up of 5 Federal officials and 14 private citizens (appointed by the President, Speaker and Majority Leader). The President shall appoint the Chair.

Seven members shall constitute a quorum for a meeting and all meetings shall be open to the public.

Section 13 establishes definitions for the terms: Advisory Board, centennial of powered flight, Commission, designee, and First Flight.

Section 14 states that the Commission shall terminate 60 days after submittal of its final report.

Section 15 authorizes \$2 million per year (FY 1999—2004) in appropriations for the Commission.

V. ESTIMATED COST OF THE LEGISLATION

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 21, 1998.

Hon. FRED D. THOMPSON,
*Chairman, Committee on Governmental Affairs,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1397, the Centennial of Flight Commemoration Act.

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

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director.)

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1397—Centennial of Flight Commemoration Act

Summary: S. 1397 would establish a Centennial of Flight Commission and a First Flight Centennial Federal Advisory Board to plan activities observing the 100th anniversary of powered flight on December 17, 2003. The bill would authorize the appropriation of \$2 million a year through fiscal year 2004 for implementing the bill.

Assuming appropriation of the authorized amounts, CBO estimates that enacting S. 1397 would increase discretionary outlays by about \$1 million in fiscal year 1999 and about \$9 million over the 1999–2003 period. Enacting the bill could affect direct spending and governmental receipts, so pay-as-you-go procedures would

apply, but CBO estimates that any such effects would be insignificant.

S. 1397 contains no intergovernmental or private sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would have no significant impact on the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1397 is shown in the following table. The costs of this legislation fall within budget function 400 (transportation).

[By fiscal year, in millions of dollars]

	1999	2000	2001	2002	2003
SPENDING SUBJECT TO APPROPRIATION					
Authorization level	2	2	2	2	2
Estimated outlays	1	2	2	2	2

Basis of estimate: For the purposes of this estimate, CBO assumes that S. 1397 will be enacted by October 1, 1998, and that the authorized amount will be appropriated for each year. The proposed commission would be composed of six members that would, in coordination with other federal agencies, plan programs and activities for the 100th anniversary of powered flight. The commission’s executive director and staff would receive compensation. The commission would be required to complete an annual report, and the General Accounting Office (GAO) would be required to audit the financial transactions of the commission annually and submit a report no later than September 30, 2004.

Spending subject to appropriation: S. 1397 would authorize annual appropriations of \$2 million for required activities of the commission, the advisory board, and GAO. CBO estimates that implementing the bill would increase discretionary outlays by about \$1 million in fiscal year 1999 and by about \$9 million over the 1999–2003 period, assuming appropriation of the authorized amounts.

Direct spending and revenues: S. 1397 would authorize the commission to license the name “Centennial of Flight Commission” and to spend any funds received from licensing royalties. The bill also would authorize the commission to accept donations of money, personal services, and historic materials. Cash donations collected under this authority would be recorded as governmental receipts (revenues), and their expenditure would constitute direct spending. CBO estimates that any licensing royalties and donations would total less than \$500,000 each year.

Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. S. 1397 could affect both direct spending and receipts; therefore, pay-as-you-go procedures would apply. CBO estimates, however, that any changes in receipts from donations or licensing royalties to the commission and consequent changes in direct spending would both total less than \$500,000 each year.

Intergovernmental and private-sector impact: S. 1397 contains no intergovernmental or private sector mandates as defined in UMRA and would have no significant impact on the budgets of state, local, or tribal governments.

Previous CBO estimate: On July 17, 1998, CBO prepared a cost estimate for H.R. 4057, the Airport Improvement Reauthorization Act of 1998, as ordered reported by the House Committee on Transportation and Infrastructure on June 25, 1998. S. 1397 is similar to Title VII of H.R. 4057, but H.R. 4057 would authorize appropriations of \$250,000 a year instead of \$2 million a year.

Estimate prepared by: Victoria V. Heid.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

VI. REGULATORY IMPACT

Paragraph 11(b)(1) of rule XXVI of the Standing Rules of the Senate requires that each report accompanying a bill evaluate “the regulatory impact which would be incurred in carrying out this bill.” The enactment of this legislation will not have significant regulatory impact.

VII. CHANGES TO EXISTING LAW

According to paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, should be reflected in the report. There are no changes to existing law.

VIII. ADDITIONAL VIEWS OF CHAIRMAN THOMPSON

Although the bill was ordered to be reported out by voice vote, I, along with Senators Nickles and Domenici, expressed opposition to reporting S. 1397. There were many problems with S. 1397 relating to management, and potential for abuses. The suggested changes to Senator Glenn's Amendment in the Nature of a Substitute that I and others made were incorporated in the Amendment. Many of my concerns stem from past experience with Commissions of this kind. Previous Commissions have demonstrated serious problems relating to mismanagement, fraud, waste, and abuse. I hope, if this bill is enacted into law, that my changes will minimize the potential for these sorts of problems.

My concern, however, does not end with the potential for abuse and mismanagement. Even if the potential for abuse is minimized, I am concerned about the precedent the establishment of this Commission may create. There have been nine other Commissions similar to the Centennial of Flight Commission. They include: the Civil War Centennial Commission, the American Revolution Bicentennial Commission, the National Parks Centennial Commission, the Presidential Commission for the German-American Tricentennial, the Presidential Commission on the Bicentennial of the United States Constitution, the Commission on the Eleanor Roosevelt Centennial, the Christopher Columbus Quincentenary Jubilee Commission, the Dwight David Eisenhower Centennial Commission, and the Thomas Jefferson Commemoration Commission. All of these Commissions are national-in-scope—they focus on events or people of national significance.

Although powered flight is important to our nation and the world, it is clear that North Carolina and Ohio have a particular interest in this event as exemplified by their specified representation on the Commission as compared to other states. I am of the opinion that organizations and state and local governments of these two states would be able to handle the responsibilities given to this Commission and, in fact, they will be coordinating activities at the same time the Commission, if established, is carrying out its duties. I think that by establishing this Commission, we will be opening the door to many other Commissions that may have some national significance but for which state and local governments, and private entities would be better entities to handle the various responsibilities.

Finally, I have a concern with the amount of the authorization. From examining problems with past Commissions, it seems that many problems stemmed from the commingling of fundraised money and appropriated funds. Because of the potential of the commingling of funds and because Senators Glenn and Helms were concerned about conflicting with fundraising activities of other entities, Senator Glenn's Amendment authorizes all of the funds and

restricts fundraising activity by the Commission. Even though the Commission would not be able to fundraise money, I am not convinced that \$2,000,000 per year is necessary. Past Commissions have had significantly lower authorizations and there was no adequate showing as to why \$2,000,000 was necessary.

Because of my concerns about opening the door to other Commissions more properly left to the states and private sector, the problems of abuse in previous Commissions, and the concerns of the amount of funds authorized, I entered my opposition to this bill for the record. I do, however, wish to make it clear that the bill, as amended, I believe, is substantially better than what was originally introduced in the Senate in terms of reducing the potential for mismanagement and abuse.

FRED THOMPSON.

