

(3) 1 member appointed by the Secretary of Defense, who shall represent Wright-Patterson Air Force Base.

(4) 3 members appointed by the Secretary after consideration of recommendations submitted by the City Commission of Dayton, Ohio, at least one of whom shall reside near the core parcel of the park (as described in section 410ww(b)(1) of this title).

(5) 1 member appointed by the Secretary after consideration of recommendations submitted by the Board of Commissioners of Montgomery County, Ohio.

(6) 1 member appointed by the Secretary after consideration of recommendations submitted by the Board of Commissioners of Greene County, Ohio.

(7) 1 member appointed by the Secretary after consideration of recommendations submitted by the City Council of Fairborn, Ohio.

**(c) Terms**

(1) Members shall be appointed for terms of 3 years. A member may be reappointed only 3 times unless such member was originally appointed to fill a vacancy pursuant to subsection (e)(1), in which case such member may be reappointed 4 times. A member may serve after the expiration of his term until a successor is appointed.

(2) The Secretary shall appoint the first members of the Commission within 30 days after the date on which the Secretary has received all of the recommendations for appointment pursuant to subsections<sup>1</sup> (b)(2), (4), (5), (6), and (7).

**(d) Chair and vice chair**

The chair and vice chair of the Commission shall be elected by the members of the Commission. The terms of the chair and vice chair shall be 2 years. The vice chair shall serve as chair in the absence of the chair.

**(e) Vacancy**

(1) Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made, except that the Secretary responsible for such appointment shall fill any such vacancy within 30 days after receiving a recommendation for the position.

(2) A member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed. A member may serve after the expiration of his term until his successor has taken office.

**(f) Quorum**

A majority of the members of the Commission then serving shall constitute a quorum, but a lesser number may hold hearings.

**(g) Meetings**

The Commission shall meet not less than 3 times a year at the call of the chair or a majority of its members.

**(h) Pay**

(1) Except as provided in paragraph (2), members of the Commission shall serve without pay.

(2) Members of the Commission who are full-time officers or employees of the United States

shall receive no additional pay by reason of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5.

**(i) FACA**

Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

**(j) Termination**

The Commission shall cease to exist on January 1, 2004.

(Pub. L. 102-419, title II, §201, Oct. 16, 1992, 106 Stat. 2144; Pub. L. 104-333, div. I, title VIII, §811, Nov. 12, 1996, 110 Stat. 4189.)

REFERENCES IN TEXT

Section 14(b) of the Federal Advisory Committee Act, referred to in subsec. (i), is section 14(b) of Pub. L. 92-463, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1996—Subsec. (b)(2), (4) to (7). Pub. L. 104-333 substituted “after consideration of recommendations” for “from recommendations” wherever appearing.

**§ 410ww-22. Dayton historic resources preservation and development plan**

**(a) In general**

Within 2 years after the date on which the Commission conducts its first meeting, the Commission shall submit to the Secretary a preservation and development plan which may include the Wright-Dunbar Historic District, the Dunbar Historic District, the Ed Sines House and the Daniel Fitch House, and the 45 sites identified in Appendix A of the document entitled “Study of Alternatives Dayton’s Aviation Heritage, Ohio” published by the National Park Service. Within 90 days after the receipt of such plan, the Secretary shall approve such plan or return it with comments to the Commission. If the Secretary has taken no action after 90 days upon receipt, the plan shall be considered approved. If the Secretary disapproves a plan, the Commission shall submit a revised plan to the Secretary. The plan shall include specific preservation and interpretation goals and a priority timetable for their achievement. The Secretary shall forward copies of the approved plan to the Congress.

**(b) Contents of plan**

The plan referred to in subsection (a) shall—

(1) set detailed goals for the preservation, protection, enhancement, and utilization of the resources of sites referred to in subsection (a);

(2) identify properties which should be preserved, restored, developed, maintained, or acquired;

(3) include a tentative budget for the subsequent five fiscal years;

(4) propose a management strategy for a permanent organizational structure to enhance

<sup>1</sup> So in original. Probably should be “subsection”.

and coordinate such resources, and aviation-related properties, and institutions;

(5) recommend methods for establishing partnerships with Federal, State, and local governments and the private sector to foster development and to preserve and enhance such resources;

(6) propose transportation links, including pedestrian facilities and bicycle trails among historic aviation sites including an interurban between the Wright-Dunbar Historic District and the historic resources at Wright-Patterson Air Force Base;

(7) address the use of private vehicles, traffic patterns, parking, and public transportation;

(8) propose educational and cultural programs to encourage appreciation of such resources;

(9) establish standards and criteria applicable to the construction, preservation, restoration, alteration, and use of the properties among such resources;

(10) establish an index which shall contain documentary evidence of historical and cultural significance and which includes property in the Miami Valley associated with the Wright brothers, the history of aviation, or Paul Laurence Dunbar.

**(c) Consultation**

In developing the plan, the Commission shall consult with appropriate officials of any local government or Federal or State agency which has jurisdiction over historic aviation resources in the Miami Valley area. The Commission shall also consult with property owners and business, historic, professional, neighborhood, and citizen organizations affected by the actions proposed in the plan.

(Pub. L. 102-419, title II, §202, Oct. 16, 1992, 106 Stat. 2145.)

**§ 410ww-23. General powers of Commission**

**(a) Hearings**

The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may deem advisable.

**(b) Donations**

Notwithstanding any other provision of law, the Commission may seek and accept donations of funds, property, or service from individuals, foundations, corporations, and other private entities and public entities for the purpose of carrying out its duties.

**(c) Use of funds to obtain money**

The Commission may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.

**(d) Mail**

The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

**(e) Uses of acquired assets**

Any revenues or other assets acquired by the Commission by donations, the lease or sale of

property, or fees for services shall be available to the Commission, without fiscal year limitations, to be used for any function of the Commission.

**(f) Historical and cultural programs**

The Commission is authorized to carry out historical, educational, or cultural programs which encourage or enhance appreciation of the historic resources in the Miami Valley associated with the Wright brothers, aviation, or the life and works of Paul Laurence Dunbar.

**(g) Technical and preservation assistance**

The Commission may provide technical and preservation assistance to owners of property within the districts, sites, and properties referred to in section 410ww-22(a) of this title consistent with the purposes of this subchapter.

**(h) Obtaining property**

(1) The Commission may obtain by purchase, rental, donation, or otherwise, such property, facilities, and services as may be needed to carry out its duties except that the Commission may not acquire any real property or interest in real property otherwise than under paragraph (2).

(2) Subject to paragraph (3), the Commission may acquire real property, or interests in real property, in the districts, sites, and properties referred to in section 410ww-22(a) of this title—

(A) by gift or devise; or

(B) by purchase from a willing seller with money which was given or bequeathed to the Commission on the condition that such money would be used to purchase real property, or interests in real property, in such district and sites.

(3) Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate public agency, as determined by the Commission. Any such conveyance shall be made—

(A) as soon as practicable after such acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used for public purposes.

(Pub. L. 102-419, title II, §203, Oct. 16, 1992, 106 Stat. 2146.)

**§ 410ww-24. Staff of Commission**

**(a) Director**

The Commission shall have a Director who shall be appointed by the Commission.

**(b) Additional personnel**

The Commission may appoint and fix the pay of such additional personnel as the Commission deems necessary. Such staff may include specialists in areas such as interpretation, historic preservation, black history and literature, aviation history and technology, and urban revitalization.

**(c) Temporary services**

Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same ex-