

110TH CONGRESS
1ST SESSION

H. R. 2094

AN ACT

To provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. DWIGHT D. EISENHOWER MEMORIAL COMMIS-**
2 **SION.**

3 Section 8162 of the Department of Defense Appro-
4 priations Act, 2000 (Public Law 106–79; 113 Stat. 1274)
5 is amended—

6 (1) by striking subsection (j) and inserting the
7 following:

8 “(j) **POWERS OF THE COMMISSION.**—

9 “(1) **IN GENERAL.**—

10 “(A) **POWERS.**—The Commission may—

11 “(i) make such expenditures for serv-
12 ices and materials for the purpose of car-
13 rying out this section as the Commission
14 considers advisable from funds appro-
15 priated or received as gifts for that pur-
16 pose;

17 “(ii) solicit and accept contributions
18 to be used in carrying out this section or
19 to be used in connection with the construc-
20 tion or other expenses of the memorial;

21 “(iii) hold hearings and enter into
22 contracts;

23 “(iv) enter into contracts for special-
24 ized or professional services as necessary
25 to carry out this section; and

1 “(v) take such actions as are nec-
2 essary to carry out this section.

3 “(B) SPECIALIZED OR PROFESSIONAL
4 SERVICES.—Services under subparagraph
5 (A)(iv) may be—

6 “(i) obtained without regard to the
7 provisions of title 5, United States Code,
8 including section 3109 of that title; and

9 “(ii) may be paid without regard to
10 the provisions of title 5, United States
11 Code, including chapter 51 and subchapter
12 III of chapter 53 of that title.

13 “(2) GIFTS OF PROPERTY.—The Commission
14 may accept gifts of real or personal property to be
15 used in carrying out this section, including to be
16 used in connection with the construction or other ex-
17 penses of the memorial.

18 “(3) FEDERAL COOPERATION.—At the request
19 of the Commission, a Federal department or agency
20 may provide any information or other assistance to
21 the Commission that the head of the Federal depart-
22 ment or agency determines to be appropriate.

23 “(4) POWERS OF MEMBERS AND AGENTS.—

24 “(A) IN GENERAL.—If authorized by the
25 Commission, any member or agent of the Com-

1 mission may take any action that the Commis-
2 sion is authorized to take under this section.

3 “(B) ARCHITECT.—The Commission may
4 appoint an architect as an agent of the Com-
5 mission to—

6 “(i) represent the Commission on var-
7 ious governmental source selection and
8 planning boards on the selection of the
9 firms that will design and construct the
10 memorial; and

11 “(ii) perform other duties as des-
12 ignated by the Chairperson of the Commis-
13 sion.

14 “(C) TREATMENT.—An authorized mem-
15 ber or agent of the Commission (including an
16 individual appointed under subparagraph (B))
17 providing services to the Commission shall be
18 considered an employee of the Federal Govern-
19 ment in the performance of those services for
20 the purposes of chapter 171 of title 28, United
21 States Code, relating to tort claims.

22 “(5) TRAVEL.—Each member of the Commis-
23 sion shall be allowed travel expenses, including per
24 diem in lieu of subsistence, at rates authorized for
25 employees of agencies under subchapter I of chapter

1 57 of title 5, United States Code, while away from
2 their homes or regular places of business in the per-
3 formance of services for the Commission.”;

4 (2) by redesignating subsection (o) as sub-
5 section (q); and

6 (3) by adding after subsection (n) the following:

7 “(o) STAFF AND SUPPORT SERVICES.—

8 “(1) EXECUTIVE DIRECTOR.—There shall be an
9 Executive Director appointed by the Commission to
10 be paid at a rate not to exceed the maximum rate
11 of basic pay for level IV of the Executive Schedule.

12 “(2) STAFF.—

13 “(A) IN GENERAL.—The staff of the Com-
14 mission may be appointed and terminated with-
15 out regard to the provisions of title 5, United
16 States Code, governing appointments in the
17 competitive service, and may be paid without
18 regard to the provisions of chapter 51 and sub-
19 chapter III of chapter 53 of that title, relating
20 to classification and General Schedule pay
21 rates, except that an individual appointed under
22 this paragraph may not receive pay in excess of
23 the maximum rate of basic pay for GS–15 of
24 the General Schedule.

1 “(B) SENIOR STAFF.—Notwithstanding
2 subparagraph (A), not more than 3 staff em-
3 ployees of the Commission (in addition to the
4 Executive Director) may be paid at a rate not
5 to exceed the maximum rate of basic pay for
6 level IV of the Executive Schedule.

7 “(3) STAFF OF FEDERAL AGENCIES.—On re-
8 quest of the Commission, the head of any Federal
9 department or agency may detail any of the per-
10 sonnel of the department or agency to the Commis-
11 sion to assist the Commission to carry out its duties
12 under this section.

13 “(4) FEDERAL SUPPORT.—The Commission
14 shall obtain administrative and support services
15 from the General Services Administration on a reim-
16 bursable basis. The Commission may use all con-
17 tracts, schedules, and acquisition vehicles allowed to
18 external clients through the General Services Admin-
19 istration.

20 “(5) COOPERATIVE AGREEMENTS.—The Com-
21 mission may enter into cooperative agreements with
22 Federal agencies, State, local, tribal and inter-
23 national governments, and private interests and or-
24 ganizations which will further the goals and pur-
25 poses of this section.

1 “(6) TEMPORARY, INTERMITTENT, AND PART-
2 TIME SERVICES.—

3 “(A) IN GENERAL.—The Commission may
4 obtain temporary, intermittent, and part-time
5 services under section 3109 of title 5, United
6 States Code, at rates not to exceed the max-
7 imum annual rate of basic pay payable under
8 section 5376 of that title.

9 “(B) NON-APPLICABILITY TO CERTAIN
10 SERVICES.—This paragraph shall not apply to
11 services under subsection (j)(1)(A)(iv).

12 “(7) VOLUNTEER SERVICES.—

13 “(A) IN GENERAL.—Notwithstanding sec-
14 tion 1342 of title 31, United States Code, the
15 Commission may accept and utilize the services
16 of volunteers serving without compensation.

17 “(B) REIMBURSEMENT.—The Commission
18 may reimburse such volunteers for local travel
19 and office supplies, and for other travel ex-
20 penses, including per diem in lieu of subsist-
21 ence, as authorized by section 5703 of title 5,
22 United States Code.

23 “(C) LIABILITY.—

24 “(i) IN GENERAL.—Subject to clause
25 (ii), a volunteer described in subparagraph

1 (A) shall be considered to be a volunteer
2 for purposes of the Volunteer Protection
3 Act of 1997 (42 U.S.C. 14501 et seq.).

4 “(ii) EXCEPTION.—Section 4(d) of the
5 Volunteer Protection Act of 1997 (42
6 U.S.C. 14503(d)) shall not apply for pur-
7 poses of a claim against a volunteer de-
8 scribed in subparagraph (A).

9 “(p) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated such sums as necessary
11 to carry out this section.”

Passed the House of Representatives October 22,
2007.

Attest:

Clerk.

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