

Union Calendar No. 246

110TH CONGRESS
1ST SESSION

H. R. 2094

[Report No. 110-392]

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

IN THE HOUSE OF REPRESENTATIVES

MAY 1, 2007

Mr. MOORE of Kansas (for himself, Mr. MORAN of Kansas, Mr. THORBERRY, Mr. BOSWELL, Mr. TIAHRT, and Mrs. BOYDA of Kansas) introduced the following bill; which was referred to the Committee on Natural Resources

OCTOBER 22, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on May 1, 2007]

A BILL

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 Appropria-*
4 *tions Act, 2000 (Public Law 106–79; 113 Stat. 1274) is*
5 *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 appropriated*
15 *or received as gifts for that purpose;*

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

20 *“(iii) hold hearings and enter into con-*
21 *tracts;*

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

25 *“(v) take such actions as are necessary*
26 *to carry out this section.*

1 “(B) *SPECIALIZED OR PROFESSIONAL SERV-*
2 *ICES.—Services under subparagraph (A)(iv)*
3 *may be—*

4 “(i) *obtained without regard to the*
5 *provisions of title 5, United States Code, in-*
6 *cluding section 3109 of that title; and*

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

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

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

21 “(4) *POWERS OF MEMBERS AND AGENTS.—*

22 “(A) *IN GENERAL.—If authorized by the*
23 *Commission, any member or agent of the Com-*
24 *mission may take any action that the Commis-*
25 *sion is authorized to take under this section.*

1 “(B) *ARCHITECT.*—*The Commission may*
2 *appoint an architect as an agent of the Commis-*
3 *sion to—*

4 “(i) *represent the Commission on var-*
5 *ious governmental source selection and*
6 *planning boards on the selection of the*
7 *firms that will design and construct the me-*
8 *morial; and*

9 “(ii) *perform other duties as des-*
10 *ignated by the Chairperson of the Commis-*
11 *sion.*

12 “(C) *TREATMENT.*—*An authorized member*
13 *or agent of the Commission (including an indi-*
14 *vidual appointed under subparagraph (B)) pro-*
15 *viding services to the Commission shall be con-*
16 *sidered an employee of the Federal Government*
17 *in the performance of those services for the pur-*
18 *poses of chapter 171 of title 28, United States*
19 *Code, relating to tort claims.*

20 “(5) *TRAVEL.*—*Each member of the Commission*
21 *shall be allowed travel expenses, including per diem*
22 *in lieu of subsistence, at rates authorized for employ-*
23 *ees of agencies under subchapter I of chapter 57 of*
24 *title 5, United States Code, while away from their*

1 *homes or regular places of business in the perform-*
2 *ance of services for the Commission.”;*

3 *(2) by redesignating subsection (o) as subsection*
4 *(q); and*

5 *(3) by adding after subsection (n) the following:*

6 *“(o) STAFF AND SUPPORT SERVICES.—*

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

11 *“(2) STAFF.—*

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

24 *“(B) SENIOR STAFF.—Notwithstanding sub-*
25 *paragraph (A), not more than 3 staff employees*

1 *of the Commission (in addition to the Executive*
2 *Director) may be paid at a rate not to exceed the*
3 *maximum rate of basic pay for level IV of the*
4 *Executive Schedule.*

5 “(3) *STAFF OF FEDERAL AGENCIES.*—*On request*
6 *of the Commission, the head of any Federal depart-*
7 *ment or agency may detail any of the personnel of the*
8 *department or agency to the Commission to assist the*
9 *Commission to carry out its duties under this section.*

10 “(4) *FEDERAL SUPPORT.*—*The Commission shall*
11 *obtain administrative and support services from the*
12 *General Services Administration on a reimbursable*
13 *basis. The Commission may use all contracts, sched-*
14 *ules, and acquisition vehicles allowed to external cli-*
15 *ents through the General Services Administration.*

16 “(5) *COOPERATIVE AGREEMENTS.*—*The Commis-*
17 *sion may enter into cooperative agreements with Fed-*
18 *eral agencies, State, local, tribal and international*
19 *governments, and private interests and organizations*
20 *which will further the goals and purposes of this sec-*
21 *tion.*

22 “(6) *TEMPORARY, INTERMITTENT, AND PART-*
23 *TIME SERVICES.*—

24 “(A) *IN GENERAL.*—*The Commission may*
25 *obtain temporary, intermittent, and part-time*

1 *services under section 3109 of title 5, United*
2 *States Code, at rates not to exceed the maximum*
3 *annual rate of basic pay payable under section*
4 *5376 of that title.*

5 “(B) *NON-APPLICABILITY TO CERTAIN SERV-*
6 *ICES.—This paragraph shall not apply to serv-*
7 *ices under subsection (j)(1)(A)(iv).*

8 “(7) *VOLUNTEER SERVICES.—*

9 “(A) *IN GENERAL.—Notwithstanding sec-*
10 *tion 1342 of title 31, United States Code, the*
11 *Commission may accept and utilize the services*
12 *of volunteers serving without compensation.*

13 “(B) *REIMBURSEMENT.—The Commission*
14 *may reimburse such volunteers for local travel*
15 *and office supplies, and for other travel expenses,*
16 *including per diem in lieu of subsistence, as au-*
17 *thorized by section 5703 of title 5, United States*
18 *Code.*

19 “(C) *LIABILITY.—*

20 “(i) *IN GENERAL.—Subject to clause*
21 *(ii), a volunteer described in subparagraph*
22 *(A) shall be considered to be a volunteer for*
23 *purposes of the Volunteer Protection Act of*
24 *1997 (42 U.S.C. 14501 et seq.).*

1 “(ii) *EXCEPTION.*—*Section 4(d) of the*
2 *Volunteer Protection Act of 1997 (42 U.S.C.*
3 *14503(d)) shall not apply for purposes of a*
4 *claim against a volunteer described in sub-*
5 *paragraph (A).*

6 “(p) *AUTHORIZATION OF APPROPRIATIONS.*—*There*
7 *are authorized to be appropriated such sums as necessary*
8 *to carry out this section.*”.

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