

**Calendar No. 227**110TH CONGRESS  
1ST SESSION**S. 890****[Report No. 110-97]**

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

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## IN THE SENATE OF THE UNITED STATES

MARCH 15, 2007

Mr. INOUE (for himself, Mr. STEVENS, Mr. ROBERTS, Mr. HAGEL, Mr. REED, and Mr. BROWNBACK) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JUNE 26, 2007

Reported by Mr. BINGAMAN, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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**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 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.—To ensure the~~  
19                  ~~overall success of the efforts of the Commission, the~~  
20                  ~~Commission may call upon any Federal department~~  
21                  ~~or agency to assist in and give support to the Com-~~  
22                  ~~mission. The head of each Federal department or~~  
23                  ~~agency shall furnish such information or assistance~~  
24                  ~~requested by the Commission, as appropriate, unless~~  
25                  ~~prohibited by law.~~

1           “(3) *FEDERAL COOPERATION.*—*At the request of*  
2           *the Commission, a Federal department or agency*  
3           *may provide any information or other assistance to*  
4           *the Commission that the head of the Federal depart-*  
5           *ment or agency determines to be appropriate.*

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

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

11          “(B) *ARCHITECT.*—The Commission may  
12          appoint an architect as an agent of the Com-  
13          mission to—

14               “(i) represent the Commission on var-  
15               ious governmental source selection and  
16               planning boards on the selection of the  
17               firms that will design and construct the  
18               memorial; and

19               “(ii) perform other duties as des-  
20               ignated by the Chairperson of the Commis-  
21               sion.

22          “(C) *TREATMENT.*—An authorized mem-  
23          ber or agent of the Commission (including an  
24          individual appointed under subparagraph (B))  
25          providing services to the Commission shall be

1           considered an employee of the Federal Govern-  
2           ment in the performance of those services for  
3           the purposes of chapter 171 of title 28, United  
4           States Code, relating to tort claims.

5           “(5) TRAVEL.—Each member of the Commis-  
6           sion shall be allowed travel expenses, including per  
7           diem in lieu of subsistence, at rates authorized for  
8           employees of agencies under subchapter I of chapter  
9           57 of title 5, United States Code, while away from  
10          their homes or regular places of business in the per-  
11          formance of services for the Commission.”;

12           (2) by redesignating subsection (o) as sub-  
13          section (q); and

14           (3) by adding at the end the following:

15          “(o) STAFF AND SUPPORT SERVICES.—

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

20          “(2) STAFF.—

21           “(A) IN GENERAL.—The staff of the Com-  
22          mission may be appointed and terminated with-  
23          out regard to the provisions of title 5, United  
24          States Code, governing appointments in the  
25          competitive service, and may be paid without

1 regard to the provisions of chapter 51 and sub-  
2 chapter III of chapter 53 of that title, relating  
3 to classification and General Schedule pay  
4 rates, except that an individual appointed under  
5 this paragraph may not receive pay in excess of  
6 the maximum rate of basic pay for GS-15 of  
7 the General Schedule.

8 “(B) SENIOR STAFF.—Notwithstanding  
9 subparagraph (A), not more than 3 staff em-  
10 ployees of the Commission (in addition to the  
11 Executive Director) may be paid at a rate not  
12 to exceed the maximum rate of basic pay for  
13 level IV of the Executive Schedule

14 ~~“(3) STAFF OF FEDERAL AGENCIES.—Upon re-~~  
15 ~~quest by the Chairperson of the Commission, the~~  
16 ~~Vice-Chairperson, or the Executive Director, the~~  
17 ~~head of any Federal department or agency may de-~~  
18 ~~tail, on a nonreimbursable basis, any of the per-~~  
19 ~~sonnel of the department or agency to the Commis-~~  
20 ~~sion to assist the Commission to carry out its duties~~  
21 ~~under this section.~~

22 “(3) *STAFF OF FEDERAL AGENCIES.—On request*  
23 *of the Commission, the head of any Federal depart-*  
24 *ment or agency may detail any of the personnel of the*

1       *department or agency to the Commission to assist the*  
2       *Commission to carry out its duties under this section.*

3           “(4) FEDERAL SUPPORT.—The Commission  
4       shall obtain administrative and support services  
5       from the General Services Administration on a reim-  
6       bursable basis. The Commission may use all con-  
7       tracts, schedules, and acquisition vehicles allowed to  
8       external clients through the General Services Admin-  
9       istration.

10          “(5) COOPERATIVE AGREEMENTS.—The Com-  
11       mission may enter into cooperative agreements with  
12       Federal agencies, State, local, tribal and inter-  
13       national governments, and private interests and or-  
14       ganizations which will further the goals and pur-  
15       poses of this section.

16          “(6) TEMPORARY, INTERMITTENT, AND PART-  
17       TIME SERVICES.—

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

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

4           “(7) VOLUNTEER SERVICES.—

5           “(A) IN GENERAL.—Notwithstanding sec-  
6 tion 1342 of title 31, United States Code, the  
7 Commission may accept and utilize the services  
8 of volunteers serving without compensation.

9           “(B) REIMBURSEMENT.—The Commission  
10 may reimburse such volunteers for local travel  
11 and office supplies, and for other travel ex-  
12 penses, including per diem in lieu of subsist-  
13 ence, as authorized by section 5703 of title 5,  
14 United States Code.

15           “(C) TREATMENT.—A person providing  
16 volunteer services to the Commission shall be  
17 considered an employee of the Federal govern-  
18 ment in the performance of those services for  
19 the purposes of—

20           “(i) chapter 81 of title 5, United  
21 States Code, relating to compensation for  
22 work-related injuries;

23           “(ii) chapter 171 of title 28, United  
24 States Code, relating to tort claims; and

1           ~~“(iii) chapter 11 of title 18, United~~  
2           ~~States Code, relating to conflicts of inter-~~  
3           ~~est.~~

4           “(C) *LIABILITY.*—

5                 “(i) *IN GENERAL.*—*Subject to clause*  
6                 *(ii), a volunteer described in subparagraph*  
7                 *(A) shall be considered to be a volunteer for*  
8                 *purposes of the Volunteer Protection Act of*  
9                 *1997 (42 U.S.C. 14501 et seq.).*

10               “(ii) *EXCEPTION.*—*Section 4(d) of the*  
11               *Volunteer Protection Act of 1997 (42 U.S.C.*  
12               *14503(d)) shall not apply for purposes of a*  
13               *claim against a volunteer described in sub-*  
14               *paragraph (A).*

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

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