

Section 8162 of the Department of Defense Appropriations Act, 2000

[Public Law 106–79]

[As Amended Through P.L. 115–31, Enacted May 5, 2017]

【Currency: This publication is a compilation of the text of Public Law 106–79. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>**】**

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).**】**

AN ACT Making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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TITLE VIII

GENERAL PROVISIONS

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SEC. 8162. [40 U.S.C. 8903 note] DWIGHT D. EISENHOWER MEMORIAL. (a) **FINDINGS.**—Congress finds that—

(1) the people of the United States feel a deep debt of gratitude to Dwight D. Eisenhower, who served as Supreme Commander of the Allied Forces in Europe in World War II and subsequently as 34th President of the United States; and

(2) an appropriate permanent memorial to Dwight D. Eisenhower should be created to perpetuate his memory and his contributions to the United States.

(b) **COMMISSION.**—There is established a commission to be known as the “Dwight D. Eisenhower Memorial Commission” (referred to in this section as the “Commission”).

(c) **MEMBERSHIP.**—The Commission shall be composed of—

(1) four persons appointed by the President, not more than two of whom may be members of the same political party;

(2) four Members of the Senate appointed by the President Pro Tempore of the Senate in consultation with the Majority Leader and Minority Leader of the Senate, of which not more than two appointees may be members of the same political party; and

(3) four Members of the House of Representatives appointed by the Speaker of the House of Representatives in consultation with the Majority Leader and Minority Leader of the House of Representatives, of which not more than two appointees may be members of the same political party.

(d) CHAIR AND VICE CHAIR.—The members of the Commission shall select a Chair and Vice Chair of the Commission. The Chair and Vice Chair shall not be members of the same political party.

(e) VACANCIES.—Any vacancy in the Commission shall not affect its powers if a quorum is present, but shall be filled in the same manner as the original appointment.

(f) MEETINGS.—

(1) INITIAL MEETING.—Not later than 45 days after the date on which a majority of the members of the Commission have been appointed, the Commission shall hold its first meeting.

(2) SUBSEQUENT MEETINGS.—The Commission shall meet at the call of the Chair.

(g) QUORUM.—A majority of the members of the Commission shall constitute a quorum but a lesser number of members may hold hearings.

(h) NO COMPENSATION.—A member of the Commission shall serve without compensation, but may be reimbursed for expenses incurred in carrying out the duties of the Commission.

(i) DUTIES.—The Commission shall consider and formulate plans for such a permanent memorial to Dwight D. Eisenhower, including its nature, design, construction, and location.

(j) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—

(A) POWERS.—The Commission may—

(i) make such expenditures for services and materials for the purpose of carrying out this section as the Commission considers advisable from funds appropriated or received as gifts for that purpose;

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

(iii) hold hearings and enter into contracts;

(iv) enter into contracts for specialized or professional services as necessary to carry out this section; and

(v) take such actions as are necessary to carry out this section.

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

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

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

(2) GIFTS OF PROPERTY.—The Commission may accept gifts of real or personal property to be used in carrying out this section.

tion, including to be used in connection with the construction or other expenses of the memorial.

(3) FEDERAL COOPERATION.—At the request of the Commission, a Federal department or agency may provide any information or other assistance to the Commission that the head of the Federal department or agency determines to be appropriate.

(4) POWERS OF MEMBERS AND AGENTS.—

(A) IN GENERAL.—If authorized by the Commission, any member or agent of the Commission may take any action that the Commission is authorized to take under this section.

(B) ARCHITECT.—The Commission may appoint an architect as an agent of the Commission to—

(i) represent the Commission on various governmental source selection and planning boards on the selection of the firms that will design and construct the memorial; and

(ii) perform other duties as designated by the Chairperson of the Commission.

(C) TREATMENT.—An authorized member or agent of the Commission (including an individual appointed under subparagraph (B)) providing services to the Commission shall be considered an employee of the Federal Government in the performance of those services for the purposes of chapter 171 of title 28, United States Code, relating to tort claims.

(5) TRAVEL.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(k) REPORTS.—The Commission shall—

(1) report the plans under subsection (i), together with recommendations, to the President and the Congress at the earliest practicable date; and

(2) in the interim, make annual reports on its progress to the President and the Congress.

(l) APPLICABILITY OF OTHER LAWS.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(m) AUTHORITY TO ESTABLISH MEMORIAL.—

(1) IN GENERAL.—The Commission may establish a permanent memorial to Dwight D. Eisenhower on land under the jurisdiction of the Secretary of the Interior in the District of Columbia or its environs.

(2) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.).

(3) EXPIRATION.—Any reference in section 8903(e) of title 40, U.S.C. to the expiration at the end of, or extension beyond, a 7-year period shall be considered to be a reference to an expiration on, or extension beyond, September 30, 2017.

(n) MEMORIAL FUND.—

(1) ESTABLISHMENT.—There is created in the Treasury a fund for the memorial to Dwight D. Eisenhower that includes amounts contributed under subsection (j)(2).

(2) USE OF FUND.—The fund shall be used for the expenses of establishing the memorial.

(3) INTEREST.—The Secretary of the Treasury shall credit to the fund the interest on obligations held in the fund.

(o) STAFF AND SUPPORT SERVICES.—

(1) IN GENERAL.—

(A) POWERS.—The Commission may—

(i) make such expenditures for services and materials for the purpose of carrying out this section as the Commission considers advisable from funds appropriated or received as gifts for that purpose;

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

(iii) hold hearings and enter into contracts;

(iv) enter into contracts for specialized or professional services as necessary to carry out this section; and

(v) take such actions as are necessary to carry out this section.

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

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

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

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

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(C) TREATMENT.—An authorized member or agent of the Commission (including an individual appointed under subparagraph (B)) providing services to the Commission shall be considered an employee of the Federal Government in the performance of those services for the purposes of chapter 171 of title 28, United States Code, relating to tort claims.

(5) TRAVEL.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

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

(q) APPROPRIATION OF FUNDS.—In addition to amounts provided elsewhere in this Act, there is appropriated to the Commission \$300,000, to remain available until expended.

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