

Union Calendar No. 182

105TH CONGRESS
1ST SESSION

H. R. 1849

[Report No. 105-316]

A BILL

To establish the Oklahoma City National Memorial as a unit of the National Park System, to designate the Oklahoma City Memorial Trust, and for other purposes.

OCTOBER 8, 1997

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

Calendar No. 182

105TH CONGRESS
1ST SESSION

H. R. 1849

[Report No. 105-316]

To establish the Oklahoma City National Memorial as a unit of the National Park System, to designate the Oklahoma City Memorial Trust, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 1997

Mr. LUCAS of Oklahoma introduced the following bill; which was referred to the Committee on Resources

OCTOBER 8, 1997

Additional sponsors: Mr. FROST, Mr. LIPINSKI, Mr. ENGLISH of Pennsylvania, Mr. WATKINS, Mr. BURR of North Carolina, Mr. WATTS of Oklahoma, Mr. ISTOOK, Mr. UNDERWOOD, Mr. LARGENT, Mr. SNYDER, Mr. BEREUTER, Mr. REYES, Mr. COBURN, Ms. WOOLSEY, and Mr. GOODLATTE

OCTOBER 8, 1997

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 June 10, 1997]

A BILL

To establish the Oklahoma City National Memorial as a unit of the National Park System, to designate the Oklahoma City Memorial Trust, 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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Oklahoma City National*
5 *Memorial Act of 1997”.*

6 **SEC. 2 FINDINGS AND PURPOSES.**

7 *(a) FINDINGS.—Congress finds that—*

8 *(1) few events in the past quarter-century have*
9 *rocked Americans’ perception of themselves and their*
10 *institutions, and brought together the people of our*
11 *Nation with greater intensity than the April 19,*
12 *1995, bombing of the Alfred P. Murrah Federal*
13 *Building in downtown Oklahoma City;*

14 *(2) the resulting deaths of 168 people, some of*
15 *whom were children, immediately touched thousands*
16 *of family members whose lives will forever bear scars*
17 *of having those precious to them taken away so bru-*
18 *tally;*

19 *(3) suffering with such families are countless*
20 *survivors, including children, who struggle not only*
21 *with the suffering around them, but their own phys-*
22 *ical and emotional injuries and with shaping a life*
23 *beyond April 19;*

24 *(4) such losses and struggles are personal and,*
25 *since they resulted from so public an attack, they are*

1 also shared with a community, a nation, and the
2 world; and,

3 (5) the story of the bombing does not stop with
4 the attack itself or with the many losses it caused. The
5 responses of Oklahoma's public servants and private
6 citizens, and those from throughout the nation, re-
7 main as a testament to the sense of unity, compas-
8 sion, even heroism, that characterized the rescue and
9 recovery following the bombing.

10 (6) During the days immediately following the
11 Oklahoma City bombing, Americans and people from
12 around the world of all races, political philosophies,
13 religions and walks of life responded with unprece-
14 dented solidarity and selflessness; and

15 (7) Given the national and international impact
16 and reaction, the federal character of the site of the
17 bombing, and the significant percentage of the victims
18 and survivors who were federal employees the Okla-
19 homa City Memorial will be established, designed,
20 managed and maintained to educate present and fu-
21 ture generations, through a public/private partner-
22 ship, to work together efficiently and respectfully in
23 developing a National Memorial relating to all as-
24 pects of the April 19, 1995, bombing in Oklahoma
25 City.

1 **SEC. 3. DEFINITIONS.**2 *In this Act:*3 (1) *MEMORIAL.*—The term “Memorial” means
4 *the Oklahoma City National Memorial designated*
5 *under section 4(a).*6 (2) *SECRETARY.*—The term “Secretary” means
7 *the Secretary of the Interior.*8 (3) *TRUST.*—The term “Trust” means *the Oklahoma*
9 *City National Memorial Trust designated under*
10 *section 5(a).*11 **SEC. 4. OKLAHOMA CITY NATIONAL MEMORIAL.**12 (a) *ESTABLISHMENT.*—In order to preserve for the
13 *benefit and inspiration of the people of the United States*
14 *and the World, as a National Memorial certain lands lo-*
15 *cated in Oklahoma City, Oklahoma, there is established as*
16 *a unit of the National Park System the Oklahoma City Na-*
17 *tional Memorial. The Memorial shall be administered by*
18 *the Trust in cooperation with the Secretary and in accord-*
19 *ance with the provisions of this Act, the Act of August 25,*
20 *1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), and the Act of*
21 *August 21, 1935 (49 Stat 666; 16 U.S.C. 461–467).*22 (b) *The Memorial area shall be comprised of the lands,*
23 *facilities and structures generally depicted on the map enti-*
24 *tled “Oklahoma City National Memorial”, numbered*
25 *OCNM 001, and dated May 1997 (hereinafter referred to*
26 *in this Act as the “map”):*

1 (1) Such map shall be on file and available for
2 public inspection in the appropriate offices of the Na-
3 tional Park Service and the Trust.

4 (2) After advising the Committee on Energy and
5 Natural Resources of the Senate and the Committee
6 on Resources of the House of Representatives, in writ-
7 ing, the Trust, as established by section 5 of this Act,
8 in consultation with the Secretary, may make minor
9 revisions of the boundaries of the Memorial when nec-
10 essary by publication of a revised drawing or other
11 boundary description in the Federal Register.

12 **SEC. 5. OKLAHOMA CITY NATIONAL MEMORIAL TRUST.**

13 (a) *ESTABLISHMENT.*—There is established a wholly
14 owned government corporation to be known as the Okla-
15 homa City National Memorial Trust.

16 (b) *BOARD OF DIRECTORS.*—

17 (1) *IN GENERAL.*—The powers and management
18 of the Trust shall be vested in a board of Directors
19 (hereinafter referred to as the “Board”) consisting of
20 the following 9 members:

21 (A) The Secretary or the Secretary’s des-
22 ignee.

23 (B) Eight individuals, appointed by the
24 President, from a list of recommendations sub-
25 mitted by the Governor of the State of Oklahoma;

1 *and a list of recommendations submitted by the*
2 *Mayor of Oklahoma City, Oklahoma; and a list*
3 *of recommendations submitted by the United*
4 *States Senators from Oklahoma; and, a list of*
5 *recommendations submitted by United States*
6 *Representatives from Oklahoma. The President*
7 *shall make the appointments referred to in this*
8 *subparagraph within 90 days after the enact-*
9 *ment of this Act.*

10 *(2) TERMS.—Members of the Board appointed*
11 *under paragraph (1)(B) shall each serve for a term*
12 *of 4 years, except that of the members first appointed,*
13 *2 shall serve for a term of 3 years; and 2 shall serve*
14 *a term of 2 years. Any vacancy in the Board shall*
15 *be filled in the same manner in which the original*
16 *appointment was made, and any member appointed*
17 *to fill a vacancy shall serve for the remainder of that*
18 *term for which his or her predecessor was appointed.*
19 *No appointed member may serve more than 8 years*
20 *in consecutive terms.*

21 *(3) QUORUM.—Five members of the Board shall*
22 *constitute a quorum for the conduct of business by the*
23 *Board.*

24 *(4) ORGANIZATION AND COMPENSATION.—The*
25 *Board shall organize itself in such a manner as it*

1 *deems most appropriate to effectively carry out the*
2 *authorized activities of the Trust. Board members*
3 *shall serve without pay, but may be reimbursed for*
4 *the actual and necessary travel and subsistence ex-*
5 *penses incurred by them in the performance of the du-*
6 *ties of the Trust.*

7 *(5) LIABILITY OF DIRECTORS.—Members of the*
8 *Board of Directors shall not be considered Federal*
9 *employees by virtue of their membership on the*
10 *Board, except for purposes of the Federal Tort Claims*
11 *Act and the Ethics in Government Act, and the provi-*
12 *sions of chapter 11 of title 18, United States Code.*

13 *(6) MEETINGS.—The Board shall meet at least*
14 *three times per year in Oklahoma City, Oklahoma*
15 *and at least two of those meetings shall be opened to*
16 *the public. Upon a majority vote, the Board may*
17 *close any other meetings to the public. The Board*
18 *shall establish procedures for providing public infor-*
19 *mation and opportunities for public comment regard-*
20 *ing operations maintenance and management of the*
21 *Memorial; as well as, policy, planning and design is-*
22 *sues.*

23 *(7) STAFF.—*

24 *(A) NON-NATIONAL PARK SERVICE STAFF.—*
25 *The Trust is authorized to appoint and fix the*

1 *compensation and duties of an executive director*
2 *and such other officers and employees as it deems*
3 *necessary without regard to the provisions of*
4 *title 5, United States Code, governing appoint-*
5 *ments in the competitive service, and may pay*
6 *them without regard to the provisions of chapter*
7 *51, and subchapter III of chapter 53, title 5,*
8 *United States Code, relating to classification and*
9 *General Schedule pay rates.*

10 *(B) INTERIM PARK SERVICE STAFF.—At the*
11 *request of the Trust, the Secretary shall provide*
12 *for a period not to exceed 2 years, such personnel*
13 *and technical expertise, as necessary, to provide*
14 *assistance in the implementation of the provi-*
15 *sions of this Act.*

16 *(C) PARK SERVICE STAFF.—At the request*
17 *of the Trust, the Secretary shall provide such*
18 *uniformed personnel, on a reimbursable basis, to*
19 *carry out day to day visitor service programs.*

20 *(D) OTHER FEDERAL EMPLOYEES.—At the*
21 *request of the Trust, the Director of any other*
22 *Federal agency may provide such personnel, on*
23 *a reimbursable basis, to carry out day to day*
24 *visitor service programs.*

10 (10) GOVERNMENT CORPORATION.—

1 *eral terms the Trust's goals for the current fiscal*
2 *year.*

3 **SEC. 6. DUTIES AND AUTHORITIES OF THE TRUST.**

4 *(a) OVERALL REQUIREMENTS OF THE TRUST.—The*
5 *Trust shall administer the operation, maintenance, man-*
6 *agement and interpretation of the Memorial including, but*
7 *not limited to, leasing, rehabilitation, repair and improve-*
8 *ment of property within the Memorial under its adminis-*
9 *trative jurisdiction using the authorities provided in this*
10 *section, which shall be exercised in accordance with—*

11 *(1) the provisions of law generally applicable to*
12 *units of the National Park Service, including: “An*
13 *Act to establish a National Park Service, and for*
14 *other purposes” approved August 25, 1916 (39 Stat.*
15 *535; 16 U.S.C. 1, 2–4);*

16 *(2) the Act of August 21, 1935 (49 Stat. 666;*
17 *U.S.C. 461–467;*

18 *(3) the general objectives of the “Memorial Mis-*
19 *sion Statement”, adopted March 26, 1996, by the*
20 *Oklahoma City Memorial Foundation;*

21 *(4) the “Oklahoma City Memorial Foundation*
22 *Intergovernmental Letter of Understanding”, dated,*
23 *October 28, 1996; and*

4 (b) AUTHORITIES.—

14 (c) MANAGEMENT PROGRAM.—Within one year after
15 the enactment of this Act, the Trust, in consultation with
16 the Secretary, shall develop a cooperative agreement for
17 management of those lands, operations and facilities within
18 the Memorial established by this Act. In furtherance of the
19 general purposes of this Act, the Secretary and the Trust
20 shall enter into a Cooperative Agreement pursuant to which
21 the Secretary shall provide technical assistance for the plan-
22 ning, preservation, maintenance, management, and inter-
23 pretation of the Memorial. The Secretary also shall provide
24 such maintenance, interpretation, curatorial management,

1 and general management as mutually agreed to by the Sec-
2 retary and the Trust.

3 (d) DONATIONS.—The Trust may solicit and accept
4 donations of funds, property, supplies, or services from in-
5 dividuals, foundations, corporations, and other private or
6 public entities for the purposes of carrying out its duties.

7 (e) PROCEEDS.—Notwithstanding section 1341 of title
8 31 of the United States Code, all proceeds received by the
9 Trust shall be retained by the Trust, and such proceeds shall
10 be available, without further appropriation, for the admin-
11 istration, operation, preservation, restoration, operation
12 and maintenance, improvement, repair and related ex-
13 penses incurred with respect to Memorial properties under
14 its administrative jurisdiction. The Secretary of the Treas-
15 ury, at the option of the Trust shall invest excess monies
16 of the Trust in public debt securities which shall bear inter-
17 est at rates determined by the Secretary of the Treasury
18 taking into consideration the current average market yield
19 on outstanding marketable obligations of the United States
20 of comparable maturity.

21 (f) SUITS.—The Trust may sue and be sued in its own
22 name to the same extent as the Federal Government. Litiga-
23 tion arising out of the activities of the Trust shall be con-
24 ducted by the Attorney General; except that the Trust may
25 retain private attorneys to provide advice and counsel. The

1 *District Court for the Western District of Oklahoma shall*
2 *have exclusive jurisdiction over any suit filed against the*
3 *Trust.*

4 (g) *BYLAWS, RULES AND REGULATIONS.—The Trust*
5 *may adopt, amend, repeal, and enforce bylaws, rules and*
6 *regulations governing the manner in which its business*
7 *may be conducted and the powers vested in it may be exer-*
8 *cised. The Trust is authorized, in consultation with the Sec-*
9 *retary, to adopt and to enforce those rules and regulations*
10 *that are applicable to the operation of the National Park*
11 *System and that may be necessary and appropriate to*
12 *carry out its duties and responsibilities under this Act. The*
13 *Trust shall give notice of the adoption of such rules and*
14 *regulations by publication in the Federal Register.*

15 (h) *INSURANCE.—The Trust shall require that all*
16 *leaseholders and contractors procure proper insurance*
17 *against any loss in connection with properties under lease*
18 *or contract, or the authorized activities granted in such*
19 *lease or contract, as is reasonable and customary.*

20 **SEC. 7. LIMITATIONS ON FUNDING.**

21 (a) *AUTHORIZATION OF APPROPRIATIONS.—*

22 (1) *IN GENERAL.—In furtherance of the purposes*
23 *of this Act, there is hereby authorized the sum of*
24 *\$5,000,000, to remain available until expended.*

12 SEC. 8. ALFRED P. MURRAH FEDERAL BUILDING.

13 (a) Prior to the construction of the Memorial the Ad-
14 ministrator of General Services shall, among other actions,
15 exchange, sell, lease, donate, or otherwise dispose of the site
16 of the Alfred P. Murrah Federal Building, or a portion
17 thereof, to the Trust. Any such disposal shall not be subject
18 to—

(2) the Federal Property and Administrative Services Act of 1949 (40 U.S.C. et seq.); or

1 **SEC. 9. GENERAL ACCOUNTING OFFICE STUDY.**

2 (a) *Six years after the first meeting of the Board of*
3 *Directors of the Trust, the General Accounting Office shall*
4 *conduct an interim study of the activities of the Trust and*
5 *shall report the results of the study to the Committee on*
6 *Energy and Natural Resources and the Committee on Ap-*
7 *propriations of the United States Senate, and the Commit-*
8 *tee on Resources and Committee on Appropriations of the*
9 *House of Representatives. The study shall include, but shall*
10 *not be limited to, details of how the Trust is meeting its*
11 *obligations under this Act.*