

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.

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 Re-
sources

JUNE 26, 2007

Reported by Mr. BINGAMAN, with amendments

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

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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