

it be done this time? Well, I don't think so. I think we can get halfway there, I think we can get three-quarters of the way." Or he'll say, "That's not a bad idea and I do want to help you with that." And he made a commitment with me on trying to make sure our national passenger rail system keeps on functioning. He reaffirmed his commitment to help find a way to get that done.

So I want to say, relatively, as we say around here—looking around here, looking at my white hair, I can say it comfortably—the new kid on the block, the majority leader, has done a good job. It's particularly evident when we look at the accomplishment of this piece of legislation, the one we are about to pass. And he is right; it's going to pass overwhelmingly. We want to have as many people on both sides say yes as we can, to indicate to the American people that we believe in this assignment that we took on.

So, I thank the majority leader for his skill, his patience, and his persistence. I think he helped calm the waters a little bit. Because I don't remember, throughout the 7 or 8 months of discussion, often late at night, often without lunch, munchies, or otherwise, that the patience—the tempers never really got real hot. Am I right? Pete, once in a while, you know, would stamp on the floor or something like that, but he would come right back, bouncing up. We pushed our way through.

So I thank everybody involved in the effort, and I am delighted to be here, to serve in this place and serve at a time like this when we have accomplished something.

Mr. DOMENICI. Would the Senator yield for a minute?

Mr. LAUTENBERG. Yes.

Mr. DOMENICI. You know that little hideaway, the Domenici hideaway with that great view? I think when we are finished, we are going to put a plaque in there; right? It's not mine anymore. But it's going to say, "In this little room this budget agreement was hatched and completed."

Mr. LAUTENBERG. May I add a word of poetry?

We stood and looked away,

Hoping for some accomplishment at the end of this day.

The PRESIDING OFFICER. All time has expired. The question is on the conference report.

Mr. DOMENICI. We don't have the yeas and nays yet. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced, yeas 85, nays 15, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—85

Abraham	Feingold	Mack
Akaka	Feinstein	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Grassley	Murkowski
Boxer	Gregg	Murray
Breaux	Hagel	Nickles
Brownback	Harkin	Reed
Bryan	Hatch	Reid
Bumpers	Hutchinson	Robb
Burns	Hutchison	Roberts
Byrd	Inouye	Rockefeller
Campbell	Jeffords	Roth
Chafee	Johnson	Santorum
Cleland	Kempthorne	Sarbanes
Cochran	Kennedy	Shelby
Collins	Kerrey	Smith (OR)
Conrad	Kerry	Snowe
Coverdell	Kohl	Specter
Craig	Kyl	Stevens
D'Amato	Landrieu	Thomas
Daschle	Lautenberg	Thurmond
DeWine	Leahy	Torricelli
Dodd	Levin	Warner
Domenici	Lieberman	Wyden
Dorgan	Lott	
Durbin	Lugar	

NAYS—15

Allard	Ford	Inhofe
Ashcroft	Gramm	Sessions
Coats	Grams	Smith (NH)
Enzi	Helms	Thompson
Faircloth	Hollings	Wellstone

The conference report was agreed to. Mr. LAUTENBERG. I move to reconsider the vote.

Mr. COATS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS addressed the Chair.

The VICE PRESIDENT. The Senator from Arkansas is recognized.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2014

Mr. BUMPERS. Mr. President, this is a unanimous consent agreement that I have cleared with the minority leader.

I ask unanimous consent that the time controlled by the Democratic leader with respect to H.R. 2014, the revenue reconciliation conference report, that 90 minutes be under my control or my designee's.

The VICE PRESIDENT. Is there objection? Hearing none, without objection, it is so ordered.

Mr. LOTT addressed the Chair.

The VICE PRESIDENT. The majority leader is recognized.

Mr. LOTT. Mr. President, we are glad to have you in this Chamber today.

TAXPAYER RELIEF ACT OF 1997—CONFERENCE REPORT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to consideration of the tax fairness conference report regardless of receipt of the papers from the House.

The VICE PRESIDENT. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the

amendment of the Senate to the bill H.R. 2014, to provide for reconciliation pursuant to subsections (b)(2) and (d) of section 105 of the concurrent resolution on the budget for fiscal year 1998, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of July 30, 1997.)

Mr. NICKLES addressed the Chair.

The VICE PRESIDENT. The Senator from Oklahoma.

OKLAHOMA CITY NATIONAL MEMORIAL ACT OF 1997

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 134, Senate bill 871.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

A bill (S. 871) 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.

The Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, today, the Senate is considering S. 871, the Oklahoma City National Memorial Act of 1997. This important legislation will establish the Oklahoma City National Memorial as a unit of the National Park Service and create the Oklahoma City Memorial Trust. The memorial will commemorate the national tragedy ingrained in all of our minds that occurred in downtown Oklahoma City at 9:02 a.m. on April 19, 1995, in which 168 Americans lost their lives and countless thousands more lost family members and friends.

The Oklahoma City National Memorial will serve as a monument to those whose lives were taken and others who will bear the physical and mental scars for the rest of their days. The memorial will stand as a symbol to the hope, generosity, and courage shown by Oklahomans and fellow Americans across the country following the Oklahoma City bombing. This will be a place of remembrance, peace, spirituality, comfort, and learning.

Under this legislation, the National Park Service Memorial site will encompass the footprint of the Alfred P. Murrah Federal Building, 5th Street between Robinson and Harvey, the site of the Water Resources Building, and the Journal Record Building. An international competition was held to determine the design of the Oklahoma City National Memorial, and the winning design was announced on Tuesday, July 1. I commend the Oklahoma City Memorial Foundation for an excellent selection of the winning design.

In addition to designating the memorial site as a unit of the National Park Service, this bill also establishes a

wholly owned government corporation to be known as the Oklahoma City National Memorial Trust. The trust, consisting of a chairman and an eight-member board, will be charged with administering the operation, maintenance, management, and interpretation of the memorial site.

Further, the legislation authorizes a one-time \$5 million Federal donation for construction and maintenance of the memorial. The Federal appropriation will be matched by \$5 million from the Oklahoma State Legislature and \$14 million in private donations.

While the thousands of family members and friends of those killed in the bombing will forever bear scars of having their loved ones taken away, the Oklahoma City National Memorial will revere the memory of the survivors and those lost, and venerate the bonds that drew us all closer together as a result.

Mr. President, while it is impossible to recognize everyone whose hard work and effort made this memorial possible, I will submit for the RECORD a list of individuals who formed the core of the memorial design foundation. In addition, I would like to extend particular appreciation to Gov. Frank Keating; Oklahoma City mayor, Ron Norick; Mr. Bob Johnson, director of the Oklahoma City Memorial Foundation charged with selecting the design for the Memorial; Vice Chairman Karen Luke; Mr. Tom McDaniel; Mrs. Polly Nichols; Mr. Don Ferrell; and Mr. Richard Williams. Our country is proud of you, and I am confident our country will be proud of the Oklahoma City National Memorial.

I ask unanimous consent that the list of individuals who formed the core of the memorial design foundation be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

OKLAHOMA CITY MEMORIAL BOARD OF DIRECTORS

Ann Alspaugh; Anita Arnold; Clark Bailey; Dr. Edward Brandt; Ron Bradshaw; Terry Childers; John Cole; Richard Denman; Tiana Douglas; Jeanette Gamba; Gerald L. Gamble; Dr. Kay Goebel; Kathi Goebel; Kevin Gotshall; Jean Gumerson; Frank D. Hill; LeAnn Jenkins; Kirk Jewell; Robert M. Johnson; Doris Jones; Kim Jones-Shelton; Jackie L. Jones; Barbara Kerrick; Linda Lambert; Sam Armstrong-Lopez; Karen Luke; Deborah Ferrell-Lynn; Thomas J. McDaniel; Sunni Mercer; Leslie Nance; Polly Nichols; Tim O'Connor; Dr. Betty Pfefferbaum; H.E. (Gene) Rainbolt; John Rex; Florence Rogers; Chris Salyer; Lee Allan Smith; Phyllis Stough; Zach D. Taylor; Phillip Thompson; Toby Thompson; Beth Tolbert; Tom Toperzer, III; Kathleen Treanor; Be V Tu; Cheryl Vaught; Bud Welch; G. Rainey Williams; Richard Williams; Kathy Wyche; Sydney W. Dobson.

Mr. NICKLES. Mr. President, I am also proud to be joined by my colleague and friend in the Senate, Senator INHOFE.

Mr. INHOFE. I thank the senior Senator from Oklahoma.

Mr. President, I am pleased to join Senator NICKLES in support of S. 871,

the Oklahoma City National Memorial Act of 1997. I think it is a compassionate piece of legislation that deserves and will receive support for immediate passage.

I thank, not just my colleague, Senator NICKLES, for being the driving force behind this, but also express my appreciation to my colleagues on the Energy and Natural Resources Committee for acting so quickly to bring this matter before us.

Mr. President, it is very easy for us to stand here and for people who were not out there at the time to be compassionate, to be sensitive to the needs of Oklahoma. But I can tell you, after having been there when it happened, it is indescribable when you go through a building that has parts of human bodies stuck to the walls and you see things that are crumbling.

My son is an orthopedic surgeon. One of his partners actually had to go in during this thing and amputate a lady's leg, with no anesthetic, to extract her from that.

Good friends, my closest friends, Don and Sally Ferrell lost their daughter. She was an attorney for HUD. Polly Nichols was not even in the building and came within a quarter of an inch of dying from flying glass.

This is an opportunity for us to say to these people how much we love them. The 168 individuals who were killed during this cowardly attack and those who were fortunate to survive deserve our honor and respect. It is a fitting memorial that has been designed to honor not just the individuals who lost their lives, but the families of those who lost their lives and those who are survivors.

Beyond the immediate victims of the bombing, we also recognize law enforcement officers and emergency people. I can remember on the first night, as I was walking toward the building, hearing this thundering cadence behind me. I turned to see several hundred firemen, all dressed up with their emergency equipment. They were not just from Oklahoma; they were from all over America, from as far away as right here, from Maryland. They were going in there, each one of them taking 30-minute spells. They were volunteers. They did not have to do this. They went in knowing they could very well lose their lives crawling through the rubble of a building still crumbling to save lives.

So there are many, many heroes in this thing. And this is certainly a fitting tribute.

I can only say, on behalf of all Oklahomans, we thank you for your generosity, your promptness, and your compassion.

Mr. MURKOWSKI. Mr. President, with the passage of this legislation we are embarking on a new road. We will establish a new park area operated by the private sector rather than the traditional park operated by park service personnel that we are accustomed to visiting.

Upon visiting the Oklahoma City National Memorial you will still observe the traditional park ranger in his flat hat, but behind the scenes things will be a little different.

The legislation establishes a trust composed of civic leaders who will manage the park in accordance with Park Service standards, rules and regulations. I anticipate these leaders will maintain and operate the facilities at this memorial at the highest standard ever achieved by any NPS unit.

I do not believe we will ever have to revisit this issue in the appropriations process. I expect the leaders of the trust will maintain their facilities with proper preventative maintenance programs so America's investment will be more than properly protected without the deferred maintenance programs which currently plague the NPS and the Congress.

I expect that the programs and operations at the memorial will be above and beyond anything we have ever experienced in a park unit to date.

Is this road risky? The answer is yes. We are now facing \$8.6 billion in unfunded NPS programs. The private sector has the answers, and it may teach us a few lessons on how to avoid the situation that we are currently facing in the National Park Service.

The passage of this legislation will begin to show us how to achieve a National Park Service unit that will be a model for the future.

In the absence of a report, that will follow shortly, I have included information in my statement for the benefit of my colleagues that explains the background and the provisions of the legislation.

BACKGROUND

One hundred and sixty-eight Americans lost their lives and many more were injured on April 19, 1995, when a bomb was detonated at the Alfred P. Murrah Federal Building in Oklahoma City, OK. This tragedy constitutes the worst terrorist incident in American history.

This legislation would create a memorial at the site of the Murrah Federal Building in Oklahoma City on 5th Street, between Robinson and Harvey Streets, and would also include the sites of the Water Resources Building and the Journal RECORD Building.

Concepts for the Memorial were solicited through a design competition. We received 624 design submissions from 50 States and 23 foreign countries. The design selected was created by Hans-Ekkehard Butzer, Torrey Butzer and Sven Berg, a German-based design team. The design includes 168 chairs in the Murrah Building footprint, a water element designed to reflect a spirit of change, a survivor tree, envisioned to reflect hope, and "gates of time" on each end of Fifth Street that focus the visitor's attention on memorial inscriptions and the other elements of the Memorial. Torrey Butzer of the German team states, "We watched Oklahomans and the world respond to

this tragedy from afar. This is our way of giving something to honor the Victims, survivors and the heroes. This design will tell the story of all of us changed forever.”

The Memorial established by this Act would serve not only as a monument to those who died and were injured in the bombing on April 19, but as a symbol of the courage and goodwill shown by local citizens and Americans across the country following the incident. The Oklahoma City National Memorial will be designated a unit of the National Park Service. It will be placed under the charge of a wholly-owned government corporation, to be known as the Oklahoma City National Trust (Trust). The Trust will be governed by a nine-member Board of Directors (Board) which will have the authority to appoint an executive director and other key staff. Interim staff are authorized for 2 years to assist in the development of the Memorial. Permanent National Park service staff and the ability to retain staff from other Federal agencies are also provided by this measure on a reimbursable basis.

The act authorizes \$5 million of Federal funds for construction and maintenance, but stipulates that any Federal expenditures must be matched by non-Federal funds, dollar for dollar. It is expected that matching funding sources will include the Oklahoma State legislature and private donations.

LEGISLATIVE HISTORY

S. 871 was introduced by Senator NICKLES and Senator INHOFE on June 12, 1997 and was referred to the Senate Committee on Energy and Natural Resources. The Subcommittee on National Parks, Historic Preservation and Recreation held a field hearing on the bill in Oklahoma City on July 3, 1997. An additional hearing was held by the Subcommittee in Washington on July 17, 1997.

SECTION BY SECTION ANALYSIS

Section 4(a) establishes the Oklahoma City National Memorial (Memorial) and further establishes the Memorial as a unit of the National Park Service.

Section 4(b) directs that the lands, facilities and structures of the memorial shall be depicted upon an official map and that the official map shall be on file and available for inspection in the appropriate offices of the National Park Service and Oklahoma City Memorial Trust (Trust). The Section also allows minor boundary adjustments as necessary with publication of such adjustments by drawing or description within the Federal Register.

Section 5(a) establishes a wholly-owned government corporation to be known as the Oklahoma City National Memorial Trust.

Section 5(b)(1) directs that there will exist a Board of Directors (Board) for the Trust consisting of 9 members. The Section directs that the Board shall consist of the Secretary of the Interior (Secretary) or his designee and 8 addi-

tional members appointed by the President, but selected from lists of nominees submitted by the Governor of Oklahoma, the Mayor of Oklahoma City and the Oklahoma delegations from the United States House of Representatives and Senate. This section also directs that the President appoint the Board within 90 days of passage of this Act.

Section 5(b)(2) sets the terms of Board members at 4 years and limits consecutive terms to 8 years. The section also stipulates that in the first series of appointments, two members will serve for only 2 years and two initial members will serve a term of 3 years.

Section 5(b)(3) directs that 5 members shall constitute a quorum for purposes of conducting Board business.

Section 5(b)(4) directs that the Board shall organize itself in a manner it deems most appropriate and that members shall not receive compensation, but may be reimbursed for actual and necessary travel and subsistence associated with Trust duties.

Section 5(b)(5) establishes that Board members will not be considered federal employees except for purposes of the Federal Tort Claims Act, the Ethics in Government Act and provisions of Titles 11 and 18 of the United States Code.

Section 5(b)(6) directs the Board to meet at least 3 times per year in Oklahoma City, with at least two of those meetings open to the public. The Section also allows the Board to hold additional meetings and the authority to determine if those meetings are open or closed to the public by majority vote. The Section also authorizes the Board the ability to establish procedures for providing public information and soliciting public comment regarding operations, maintenance and management of the Memorial as well as input on policy, planning and design issues.

Section 5(b)(7) authorizes the Trust to appoint and fix compensation and duties of an executive director of the Memorial and other officers it deems necessary without regard to provisions of Title 5 of the United States Code. The Section also authorizes the Secretary of the Interior (at the request of the Trust) to provide interim employees as necessary for appointments not to exceed 2 years; to provide uniformed personnel on a reimbursable basis to carry out day to day duties; and at the request of the Trust, the Director of any other federal agency may provide personnel on a reimbursable basis to carry out day to day visitor services programs.

Section 5(b)(8) establishes that the Trust shall have all powers necessary and proper to exercise the authorities vested in it.

Section 5(b)(9) establishes that the Trust and all properties administered by the Trust shall be exempt from all city, state and local taxes.

Section 5(b)(10) establishes that the Trust shall be treated as a wholly-

owned government corporation, subject to 31 U.S.C. Government Corporations Act and that Trust financial statements shall be audited annually. The Section also directs the Trust to submit a comprehensive report of operations, activities and accomplishments for the prior fiscal year to the Senate Committee on Energy and Natural Resources and the House Committee on Resources—as well as a report, in general terms, of goals for the current fiscal year.

Section 6(a) directs that the Trust shall administer the operation, maintenance, management and interpretation of the Memorial, including, but not limited to leasing, rehabilitation, repair and improvement of Memorial property in accordance with existing Federal law including: provisions of law generally applicable to the National Park Service (16 U.S.C. 1, 2-4; 49 Stat. 666; the general objectives set forth in the “Memorial Mission Statement”, adopted March 26, 1996 and the Oklahoma Memorial Foundation Inter-governmental Letter of Understanding, dated, October 28, 1996.

Section 6(b)(1) authorizes the Trust to participate in the development of programs and activities at the Memorial and to negotiate and enter into agreements, leases, and contracts with persons, firms, organizations including Federal, State, and local government entities, as necessary to carry out its authorized activities. Such agreements may be entered into without regard to Section 301, 40 U.S.C. 303(b).

Section 6(b)(2) directs the Trust to establish procedures for lease agreements for use and occupancy of Memorial facilities, including a requirement that in entering such agreements, the Trust shall obtain reasonable competition.

Section 6(b)(3) prohibits the Trust from disposing of or reconveying title to any real property transferred to the Trust under this Act.

Section 6(b)(4) directs that Federal laws and regulations governing procurement shall not apply to the Trust with the exception of those related to Federal contracts governing working conditions and any applicable civil rights provisions which are otherwise applicable.

Section 6(b)(5) directs the Trust, in consultation with the Administrator of Federal Procurement Policy to establish and promulgate procedures enabling the Trust's procurement of goods and services, including, but not limited to the award of contracts on the basis of price, reasonable buying practices, competition and qualifications.

Section 6(c) directs that the Trust shall, within one year of passage of the Act, develop in consultation with the Secretary, a comprehensive program for management of those lands, operations, and facilities associated with the Memorial.

Section 6(d) authorizes the Trust to solicit and accept donations for the purposes of carrying out its duties.

Section 6(e) authorizes that all proceeds received by the Trust may be retained and used by the Trust without further appropriation for uses in the administration, operation, preservation, restoration, maintenance, repair and improvement of the Memorial, and that the Secretary of the Treasury, at the request of the Trust, shall invest excess monies in public debt securities.

Section 6(f) establishes that the trust may sue and be sued to the same extent as the Federal Government and that litigation shall be conducted by the Attorney General, with the provision that the trust may retain private attorneys for advice and counsel and that the District Court of the Western District of Oklahoma shall have exclusive jurisdiction over suits filed against the Trust.

Section 6(g) authorizes the Trust to adopt, amend, repeal and enforce bylaws, rules and regulations governing the way it conducts its business and the way by which its powers may be exercised. The Section also authorizes the Trust, in consultation with the Secretary to adopt and enforce those National Park Service regulations necessary and appropriate to carry out its duties and requires that the Trust shall give notice of its adoption of any such rules or regulations through the Federal Register.

Section 6(h) directs the trust to require any contractors or leaseholders to procure insurance, as is reasonable and customary, against any loss connected with properties under lease or contract or from related activities.

Section 7 authorizes \$5 million for the furtherance of the Act and stipulates that expenditure of any federally appropriated money must be matched, one to one, with non-Federal monies and that donated monies will be construed, for purposes of this Section, as non-Federal matching monies.

Section 8 establishes that prior to the construction of the Memorial, the General Services Administration shall exchange, sell, lease, donate or otherwise dispose of the Alfred P. Murrah Federal Building to the Trust and that such transfer shall not be subject to the Public Building Act of 1959; the Federal Property and Administration Services Act of 1949 or any other Federal law establishing requirements or procedures for the disposal of Federal property.

Section 9 directs that 6 years after the first meeting of the Board, the General Accounting Office will conduct an interim study on the activities of the Trust (and how it is meeting its obligations under this Act), and report the results of that study to the Senate Committee on Energy and Natural Resources and to the Senate Committee on Appropriations along with the House Committee on Resources and the Committee on Appropriations of the House of Representatives.

Costs—S. 871 authorizes a one-time \$5,000,000 appropriation for the development and construction of the Memorial.

Mr. President, this act of terrorism horrified all Americans. It must never be forgotten. May the victims of this tragedy rest in peace, may the survivors be comforted and may such an evil act never be perpetrated upon innocent men, women, and children again.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Is there further debate on the bill? If not, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 871) was passed, as follows:

S. 871

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

SECTION 1. SHORT TITLE

This Act may be cited as the "Oklahoma City National Memorial Act of 1997".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Few events in the past quarter-century have rocked Americans' perception of themselves and their institutions, and brought together the people of our nation with greater intensity than the April 19, 1995, bombing of the Alfred P. Murrah Federal Building in downtown Oklahoma City;

(2) the resulting deaths of 168 people, some of whom were children, immediately touched thousands of family members whose lives will forever bear scars of having those precious to them taken away so brutally;

(3) suffering with such families are countless survivors, including children, who struggle not only with the suffering around them, but their own physical and emotional injuries and with shaping a life beyond April 19;

(4) such losses and struggles are personal and, since they resulted from so public an attack, they are also shared with a community, a nation, and the world;

(5) the story of the bombing does not stop with the attack itself or with the many losses it caused. The responses of Oklahoma's public servants and private citizens, and those from throughout the nation, remain as a testament to the sense of unity, compassion, even heroism, that characterized the rescue and recovery following the bombing;

(6) During the days immediately following the Oklahoma City bombing, Americans and people from around the world of all races, political philosophies, religions and walks of life responded with unprecedented solidarity and selflessness; and

(7) Given the national and international impact and reaction, the federal character of the site of the bombing, and the significant percentage of the victims and survivors who were federal employees the Oklahoma City Memorial will be established, designed, managed and maintained to educate present and future generations, through a public/private partnership, to work together efficiently and respectfully in developing a National Memorial relating to all aspects of the April 19, 1995, bombing in Oklahoma City.

SEC. 3. DEFINITIONS.

In this Act:

(1) MEMORIAL.—The term "memorial" means the Oklahoma City National Memorial designated under section 4(a).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) TRUST.—The term "trust" means the Oklahoma City National Memorial Trust designated under section 5(a).

SEC. 4. OKLAHOMA CITY NATIONAL MEMORIAL.

(a) ESTABLISHMENT.—In order to preserve for the benefit and inspiration of the people of the United States and the World, as a National Memorial certain lands located in Oklahoma City, Oklahoma, there is established as a unit of the National Park System the Oklahoma City National Memorial.

(b) The memorial area shall be comprised of the lands, facilities and structures generally depicted on the map entitled "Oklahoma City National Memorial", numbered OCNM 001, and dated May 1997 (hereinafter referred to in this Act as the "map").

(1) Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Trust.

(2) After advising the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives, in writing, the Trust, as established by section 5 of this Act, may take minor revisions of the boundaries of the memorial when necessary by publication of a revised drawing or other boundary description in the Federal Register.

SEC. 5. OKLAHOMA CITY NATIONAL MEMORIAL TRUST.

(a) ESTABLISHMENT.—There is established a wholly owned government corporation to be known as the Oklahoma City National Memorial Trust.

(b) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The powers and management of the Trust shall be vested in a Board of Directors (hereinafter referred to as the "Board") consisting of the following 9 members:

(A) The Secretary or the Secretary's designee.

(B) 8 individuals, appointed by the President, from a list of recommendations submitted by the Governor of the State of Oklahoma; and a list of recommendations submitted by the Mayor of Oklahoma City, Oklahoma; and a list of recommendations submitted by the United States Senators from Oklahoma; and a list of recommendations submitted by United States Representatives from Oklahoma. The President shall make the appointments referred to in this subparagraph within 90 days after the enactment of this Act.

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

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

(4) ORGANIZATION AND COMPENSATION.—The Board shall organize itself in such a manner as it deems most appropriate to effectively carry out the authorized activities of the Trust. Board members shall serve without pay, but may be reimbursed for the actual and necessary travel and subsistence expenses incurred by them in the performance of the duties of the Trust.

(5) LIABILITY OF DIRECTORS.—Members of the Board of Directors shall not be considered Federal employees by virtue of their membership on the Board, except for purposes of the Federal Tort Claims Act and the

Ethics in Government Act, and the provisions of chapter 11 of title 18, United States Code.

(6) **MEETINGS.**—The Board shall meet at least three times per year in Oklahoma City, Oklahoma and at least two of those meetings shall be opened to the public. Upon a majority vote, the Board may close any other meetings to the public. The Board shall establish procedures for providing public information and opportunities for public comment regarding operations maintenance and management of the Memorial; as well as, policy, planning and design issues.

(7) **STAFF.**—

(A) **NON-NATIONAL PARK SERVICE STAFF.**—The Trust is authorized to appoint and fix the compensation and duties of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay them without regard to the provisions of chapter 51, and subchapter III of chapter 53, title 5, United States Code, relating to classification and General Schedule pay rates.

(B) **INTERIM PARK SERVICE STAFF.**—At the request of the Trust, the Secretary shall provide for a period not to exceed 2 years, such personnel and technical expertise, as necessary, to provide assistance in the implementation of the provisions of this Act.

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

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

(8) **NECESSARY POWERS.**—The Trust shall have all necessary and proper powers for the exercise of the authorities vested in it.

(9) **TAXES.**—The Trust and all properties administered by the Trust shall be exempt from all taxes and special assessments of every kind by the State of Oklahoma, and its political subdivisions including the County of Oklahoma and the City of Oklahoma City.

(10) **GOVERNMENT CORPORATION.**—

(A) The Trust shall be treated as a wholly owned Government corporation subject to chapter 91 of title 31, United States Code (commonly referred to as the Government Corporation Control Act). Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31 of the United States Code.

(B) At the end of each calendar year, the Trust shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives a comprehensive and detailed report of its operations, activities, and accomplishments for the prior fiscal year. The report also shall include a section that describes in general terms the Trust's goals for the current fiscal year.

SEC. 6. DUTIES AND AUTHORITIES OF THE TRUST.

(a) **OVERALL REQUIREMENTS OF THE TRUST.**—The Trust shall administer the operation, maintenance, management and interpretation of the Memorial including, but not limited to, leasing, rehabilitation, repair and improvement of property within the Memorial under its administrative jurisdiction using the authorities provided in this section, which shall be exercised in accordance with—

(1) the provisions of law generally applicable to units of the National Park Service, including: "An Act to establish a National Park Service, and for other purposes" ap-

proved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4);

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

(3) the general objectives of the "Memorial Mission Statement", adopted March 26, 1996, by the Oklahoma City Memorial Foundation; and

(4) the "Oklahoma Memorial Foundation Intergovernmental Letter of Understanding", dated, October 28, 1996.

(b) **AUTHORITIES.**—

(1) The Trust may participate in the development of programs and activities at the properties designated by the map, and the Trust shall have the authority to negotiate and enter into such agreements, leases, contracts and other arrangements with any person, firm, association, organization, corporation or governmental entity, including, without limitation, entities of Federal, State and local governments as are necessary and appropriate to carry out its authorized activities. Any such agreements may be entered into without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(2) The Trust shall establish procedures for lease agreements and other agreements for use and occupancy of Memorial facilities, including a requirement that in entering into such agreements the Trust shall obtain reasonable competition.

(3) The Trust may not dispose of or convey fee title to any real property transferred to it under this Act.

(4) Federal laws and regulations governing procurement by Federal Agencies shall not apply to the Trust, with the exception of laws and regulations related to Federal government contracts governing working conditions, and any civil rights provisions otherwise applicable thereto.

(5) The Trust, in consultation with the Administrator of Federal Procurement Policy, shall establish and promulgate procedures applicable to the Trust's procurement of goods and services including, but not limited to, the award of contracts on the basis of contractor qualifications, price, commercially reasonable buying practices, and reasonable competition.

(c) **MANAGEMENT PROGRAM.**—Within one year after the enactment of this Act, the Trust, in consultation with the Secretary, shall develop a comprehensive program for management of those lands, operations and facilities within the Memorial established by this Act.

(d) **DONATIONS.**—The Trust may solicit and accept donations of funds, property, supplies, or services from individuals, foundations, corporations, and other private or public entities for the purposes of carrying out its duties.

(e) **PROCEEDS.**—Notwithstanding section 1341 of title 31 of the United States Code, all proceeds received by the Trust shall be retained by the Trust, and such proceeds shall be available, without further appropriation, for the administration, operation, preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Memorial properties under its administrative jurisdiction. The Secretary of the Treasury, at the option of the Trust shall invest excess monies of the Trust in public debt securities which shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturity.

(f) **SUITS.**—The Trust may sue and be sued in its own name to the same extent as the Federal Government. Litigation arising out of the activities of the Trust shall be conducted by the Attorney General; except that the Trust may retain private attorneys to

provide advice and council. The District Court for the Western District of Oklahoma shall have exclusive jurisdiction over any suit filed against the Trust.

(g) **BYLAWS, RULES AND REGULATIONS.**—The Trust may adopt, amend, repeal, and enforce bylaws, rules and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised. The Trust is authorized, in consultation with the Secretary, to adopt and to enforce those rules and regulations that are applicable to the operation of the National Park System and that may be necessary and appropriate to carry out its duties and responsibilities under this Act. The Trust shall give notice of the adoption of such rules and regulations by publication in the Federal Register.

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

SEC. 7. LIMITATIONS ON FUNDING.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—

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

(2) **MATCHING REQUIREMENT.**—Amounts appropriated in any fiscal year to carry out the provisions of this Act may only be expended on a matching basis in a ratio of at least one non-Federal dollar to every Federal dollar. For the purposes of this provision, each non-Federal dollar donated to the Trust or to the Oklahoma City Memorial Foundation for the creation, maintenance, or operation of the Memorial shall satisfy the matching dollar requirement without regard to the fiscal year in which such donation is made.

SEC. 8. ALFRED P. MURRAH FEDERAL BUILDING

(a) Prior to the construction of the memorial the Administrator of the General Services Administration shall, among other actions, exchange, sell, lease, donate, or otherwise dispose of the site of the Alfred P. Murrah Federal Building, or a portion thereof, to the Trust. Any such disposal shall not be subject to—

(1) the Public Buildings Act of 1959 (40 U.S.C. 601 et seq.);

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

(3) any other Federal law establishing requirements or procedures for the disposal of Federal property.

SEC. 9. GENERAL ACCOUNTING OFFICE STUDY.

(a) Six years after the first meeting of the Board of Directors of the Trust, the General Accounting Office shall conduct an interim study of the activities of the Trust and shall report the results of the study to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, and the Committee on Resources and Committee on Appropriations of the House of Representatives. The study shall include, but shall not be limited to, details of how the Trust is meeting its obligations under this Act.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES. Mr. President, I wish to thank my colleagues for their cooperation, particularly the chairman of the Finance Committee and the Senator from New York for their patience.

I know they have a challenge before them today. I wish to compliment them, incidentally, on the work that they have done in the last 3 months putting both bills together, both the Balanced Budget Act and the Tax Relief Act that we will be passing later today. They worked unbelievable hours. I compliment them for their very fine work. I thank all of my colleagues for their cooperation in allowing us to pass this bill so quickly this morning.

I thank my colleagues, and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAXPAYER RELIEF ACT OF 1997— CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. ROTH. Mr. President, I yield such time as he may consume to the junior Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Thank you, Mr. President.

I thank the Senator from Delaware for his courtesy and consideration in allowing me to take this time. I also congratulate both the Senator from Delaware and the Senator from New York for their ability in crafting this particular piece of legislation.

When I ran for the Senate in 1992, I made tax reform one of my primary goals. I must confess that this bill does not meet all of my expectations and promises as I ran in the campaign, because one of the things that I was most devoted to was a determination to make the Tax Code less complex, easier to understand, and tax returns, perhaps, filed that are the size of a postcard.

This bill does not accomplish that, and I still hold that out as a goal for the future. But if this bill does not make the Tax Code less complex, it at least makes the Tax Code less burdensome—less burdensome for middle Americans, middle-class Americans who have not received a significant tax break for a long, long time. There have been tax breaks at the other ends of the Tax Code, yes, at the bottom end for people who received the earned income tax credit and, some would argue, too much at the top end. But there has not been the kind of middle-class tax relief talked about in the 1992 campaign until this bill.

So while it is not everything that I would want—and there is still much unfinished business to be taken care of in terms of tax simplification—it is a

step in the right direction that we should apply. I intend to vote for it enthusiastically and urge all of my colleagues to do the same.

When I came here in January 1993, the atmosphere was completely different than the one we find on the floor today. At that time, there was a determination to see that spending would grow and that taxing would grow. I am delighted to have been able to be a part of an effort that has brought us to a case where spending is going down, at least in percentage terms, and taxes are going down, in terms of the burden that they are placing on the American people.

So I congratulate all connected with this effort, including, yes, Mr. President, the President of the United States. I know it is not common for people on my side of the aisle to stand up and say nice things about this President, and I have said my share of unkind things in areas where I feel he has done things that I think are inappropriate. But as I have said to the President when I have been to the White House on occasions, "When you are right, Mr. President, I will back you. When I think you are wrong, I will oppose you." I owe it to him and to those in his administration who have worked with him on this agreement to publicly acknowledge that this time I think he has been right. I congratulate him and those who work with him for their willingness to do this. I must say that I still had hoped that Senator Dole would be elected President. I think if he had been, we would be here discussing the tax simplification that I believe in as well as some tax reduction. We had our opportunity to make that case in the campaign. For one reason or another, it didn't fly, and it will have to wait for another day. But I congratulate all those who have put partisanship aside and worked together for the good of the people and made a compromise with which perhaps none fully agree, but for which the American people, overall, will ultimately be grateful.

For that reason, Mr. President, I am grateful to the two Senators for allowing me to take this brief time to make these expressions. I conclude as I began, with my congratulations to them and to their colleagues on the Finance Committee, to the leadership of both Houses in both parties, for their ability on the legislative side to work out an agreement with the President and his associates in the executive branch to give us at least this first step in the direction of making the Tax Code less burdensome and less onerous on the American people.

I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I yield myself such time as I may use.

Mr. President, when the 105th Congress began, a promise was made to the American people. They were concerned

about Washington's addiction to spending, and the high deficits that were a consequence of that spending. We promised to give them a balanced budget. They were overburdened by rising taxes. They had been shackled with a record-setting increase in 1992, and were paying more to government than they were for their own food, shelter, and clothing. We promised them relief. Our American families were concerned about the education of their children—about the rising costs of post-secondary schools, and their ability to help their children enter our colleges and universities to learn and to prepare for productive futures. We promised to make education more accessible.

Young Americans, just out of school—many of them starting families—were finding it increasingly more difficult to buy a home. As a proportion of their income, they discovered that a mortgage today is twice as much as it was for their parents. Valiant small businessmen and -women were finding it increasingly more difficult to build successful companies. They had lost their home office deductions, the deductibility of their health insurance, and then—when their company, despite these and other challenges, proved successful—they had to fear losing it to death taxes. Again, we promised relief. We promised peace of mind to senior Americans who were worried about Medicare and its future. We promised to provide future generations the opportunity to become more self-sufficient through enhanced individual retirement accounts, and less dependent on government for their support in the years to come. And we promised that we would do something to increase health care coverage for America's children—for America's future.

These, of course, Mr. President, were bold promises. For years, the Republican Party had advocated these measures, but in a city built on promises—the majority of which unfortunately go unfulfilled—it was reasonable that Americans felt that these, too, would remain empty. But today, Mr. President—today, we can say that these promises made, are promises kept.

For the first time since 1969, Americans have a balanced budget—a balanced budget that will be realized within 5 years. For the first time in 16 years, Americans have real and meaningful tax relief. For the first time ever, our families will have tax-free education savings accounts, and for the first time in a decade, we are bringing back the student loan interest deduction. And these, Mr. President, are not our only firsts. We are allowing penalty-free withdrawals from IRA plans to make first-time home purchases.

We are eliminating the capital gains taxes on \$500,000 of gain for a couple that sells their home. We are strengthening and preserving Medicare by introducing choice and competition to that program. We are giving States