

105TH CONGRESS
1ST SESSION

H. R. 1849

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

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 Na-
5 tional 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

1 their institutions, and brought together the people of
2 our Nation with greater intensity than the April 19,
3 1995, bombing of the Alfred P. Murrah Federal
4 Building in downtown Oklahoma City;

5 (2) the resulting deaths of 168 people, some of
6 whom were children, immediately touched thousands
7 of family members whose lives will forever bear scars
8 of having those precious to them taken away so bru-
9 tally;

10 (3) suffering with such families are countless
11 survivors, including children, who struggle not only
12 with the suffering around them, but their own phys-
13 ical and emotional injuries and with shaping a life
14 beyond April 19;

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

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

1 (6) During the days immediately following the
2 Oklahoma City bombing, Americans and people from
3 around the world of all races, political philosophies,
4 religions and walks of life responded with unprece-
5 dented solidarity and selflessness; and

6 (7) Given the national and international impact
7 and reaction, the federal character of the site of the
8 bombing, and the significant percentage of the vic-
9 tims and survivors who were federal employees the
10 Oklahoma City Memorial will be established, de-
11 signed, managed and maintained to educate present
12 and future generations, through a public/private
13 partnership, to work together efficiently and respect-
14 fully in developing a National Memorial relating to
15 all aspects of the April 19, 1995, bombing in Okla-
16 homa City.

17 **SEC. 3. DEFINITIONS.**

18 In this Act:

19 (1) **MEMORIAL.**—The term “memorial” means
20 the Oklahoma City National Memorial designated
21 under section 4(a).

22 (2) **SECRETARY.**—The term “Secretary” means
23 the Secretary of the Interior.

1 (3) TRUST.—The term “trust” means the Okla-
2 homa City National Memorial Trust designated
3 under section 5(a).

4 **SEC. 4. OKLAHOMA CITY NATIONAL MEMORIAL.**

5 (a) ESTABLISHMENT.—In order to preserve for the
6 benefit and inspiration of the people of the United States
7 and the World, as a National Memorial certain lands lo-
8 cated in Oklahoma City, Oklahoma, there is established
9 as a unit of the National Park System the Oklahoma City
10 National Memorial.

11 (b) The memorial area shall be comprised of the
12 lands, facilities and structures generally depicted on the
13 map entitled “Oklahoma City National Memorial”, num-
14 bered OCNM 001, and dated May 1997 (hereinafter re-
15 ferred to in this Act as the “map”):

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

19 (2) After advising the Committee on Energy
20 and Natural Resources of the Senate and the Com-
21 mittee on Resources of the House of Representa-
22 tives, in writing, the Trust, as established by section
23 5 of this Act, may make minor revisions of the
24 boundaries of the memorial when necessary by publi-

1 cation of a revised drawing or other boundary de-
2 scription in the Federal Register.

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

4 (a) ESTABLISHMENT.—There is established a wholly
5 owned government corporation to be known as the Okla-
6 homa City National Memorial Trust.

7 (b) BOARD OF DIRECTORS.—

8 (1) IN GENERAL.—The powers and manage-
9 ment of the Trust shall be vested in a board of Di-
10 rectors (hereinafter referred to as the “Board”) con-
11 sisting of the following 9 members:

12 (A) The Secretary or the Secretary’s des-
13 ignee.

14 (B) Eight individuals, appointed by the
15 President, from a list of recommendations sub-
16 mitted by the Governor of the State of Okla-
17 homa; and a list of recommendations submitted
18 by the Mayor of Oklahoma City, Oklahoma; and
19 a list of recommendations submitted by the
20 United States Senators from Oklahoma; and, a
21 list of recommendations submitted by United
22 States Representatives from Oklahoma. The
23 President shall make the appointments referred
24 to in this subparagraph within 90 days after
25 the enactment of this Act.

1 (2) TERMS.—Members of the Board appointed
2 under paragraph (1)(B) shall each serve for a term
3 of 4 years, except that of the members first ap-
4 pointed, 2 shall serve for a term of 3 years; and 2
5 shall serve a term of 2 years. Any vacancy in the
6 Board shall be filled in the same manner in which
7 the original appointment was made, and any mem-
8 ber appointed to fill a vacancy shall serve for the re-
9 mainder of that term for which his or her prede-
10 cessor was appointed. No appointed member may
11 serve more than 8 years in consecutive terms.

12 (3) QUORUM.—Five members of the Board
13 shall constitute a quorum for the conduct of busi-
14 ness by the Board.

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

23 (5) LIABILITY OF DIRECTORS.—Members of the
24 Board of Directors shall not be considered Federal
25 employees by virtue of their membership on the

1 Board, except for purposes of the Federal Tort
2 Claims Act and the Ethics in Government Act, and
3 the provisions of chapter 11 of title 18, United
4 States Code.

5 (6) MEETINGS.—The Board shall meet at least
6 three times per year in Oklahoma City, Oklahoma
7 and at least two of those meetings shall be opened
8 to the public. Upon a majority vote, the Board may
9 close any other meetings to the public. The Board
10 shall establish procedures for providing public infor-
11 mation and opportunities for public comment re-
12 garding operations maintenance and management of
13 the Memorial; as well as, policy, planning and design
14 issues.

15 (7) STAFF.—

16 (A) NON-NATIONAL PARK SERVICE
17 STAFF.—The Trust is authorized to appoint
18 and fix the compensation and duties of an exec-
19 utive director and such other officers and em-
20 ployees as it deems necessary without regard to
21 the provisions of title 5, United States Code,
22 governing appointments in the competitive serv-
23 ice, and may pay them without regard to the
24 provisions of chapter 51, and subchapter III of
25 chapter 53, title 5, United States Code, relating

1 to classification and General Schedule pay
2 rates.

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

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

13 (D) OTHER FEDERAL EMPLOYEES.—At
14 the request of the Trust, the Director of any
15 other Federal agency may provide such person-
16 nel, on a reimbursable basis, to carry out day
17 to day visitor service programs.

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

21 (9) TAXES.—The Trust and all properties ad-
22 ministered by the Trust shall be exempt from all
23 taxes and special assessments of every kind by the
24 State of Oklahoma, and its political subdivisions in-

cluding 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

1 not limited to, leasing, rehabilitation, repair and improve-
2 ment of property within the Memorial under its adminis-
3 trative jurisdiction using the authorities provided in this
4 section, which shall be exercised in accordance with—

5 (1) the provisions of law generally applicable to
6 units of the National Park Service, including: “An
7 Act to establish a National Park Service, and for
8 other purposes” approved August 25, 1916 (39 Stat.
9 535; 16 U.S.C. 1, 2–4);

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

12 (3) the general objectives of the “Memorial Mis-
13 sion Statement”, adopted March 26, 1996, by the
14 Oklahoma City Memorial Foundation; and,

15 (4) the “Oklahoma Memorial Foundation Inter-
16 governmental Letter of Understanding”, dated, Oc-
17 tober 28, 1996.

18 (b) AUTHORITIES.—

19 (1) The Trust may participate in the develop-
20 ment of programs and activities at the properties
21 designated by the map, and the Trust shall have the
22 authority to negotiate and enter into such agree-
23 ments, leases, contracts and other arrangements
24 with any person, firm, association, organization, cor-
25 poration or governmental entity, including, without

1 limitation, entities of Federal, State and local gov-
2 ernments as are necessary and appropriate to carry
3 out its authorized activities. Any such agreements
4 may be entered into without regard to section 321
5 of the Act of June 30, 1932 (40 U.S.C. 303b).

6 (2) The Trust shall establish procedures for
7 lease agreements and other agreements for use and
8 occupancy of Memorial facilities, including a require-
9 ment that in entering into such agreements the
10 Trust shall obtain reasonable competition.

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

14 (4) Federal laws and regulations governing pro-
15 curement by Federal Agencies shall not apply to the
16 Trust, with the exception of laws and regulations re-
17 lated to Federal Government contracts governing
18 working conditions, and any civil rights provisions
19 otherwise applicable thereto.

20 (5) The Trust, in consultation with the Admin-
21 istrator of Federal Procurement Policy, shall estab-
22 lish and promulgate procedures applicable to the
23 Trust's procurement of goods and services including,
24 but not limited to, the award of contracts on the
25 basis of contractor qualifications, price, commercially

1 reasonable buying practices, and reasonable competi-
2 tion.

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

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

12 (e) PROCEEDS.—Notwithstanding section 1341 of
13 title 31 of the United States Code, all proceeds received
14 by the Trust shall be retained by the Trust, and such pro-
15 ceeds shall be available, without further appropriation, for
16 the administration, operation, preservation, restoration,
17 operation and maintenance, improvement, repair and re-
18 lated expenses incurred with respect to Memorial prop-
19 erties under its administrative jurisdiction. The Secretary
20 of the Treasury, at the option of the Trust shall invest
21 excess monies of the Trust in public debt securities which
22 shall bear interest at rates determined by the Secretary
23 of the Treasury taking into consideration the current aver-
24 age market yield on outstanding marketable obligations of
25 the United States of comparable maturity.

1 (f) SUITS.—The Trust may sue and be sued in its
2 own name to the same extent as the Federal Government.
3 Litigation arising out of the activities of the Trust shall
4 be conducted by the Attorney General; except that the
5 Trust may retain private attorneys to provide advice and
6 council. The District Court for the Western District of
7 Oklahoma shall have exclusive jurisdiction over any suit
8 filed against the Trust.

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

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

1 **SEC. 7. LIMITATIONS ON FUNDING.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—

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

6 (2) MATCHING REQUIREMENT.—Amounts ap-
7 propriated in any fiscal year to carry out the provi-
8 sions of this Act may only be expended on a match-
9 ing basis in a ratio of at least one non-Federal dollar
10 to every Federal Dollar. For the purposes of this
11 provision, each non-Federal dollar donated to the
12 Trust or to the Oklahoma City Memorial Founda-
13 tion for the creation, maintenance, or operation of
14 the Memorial shall satisfy the matching dollar re-
15 quirement without regard to the fiscal year in which
16 such donation is made.

17 **SEC. 8. ALFRED P. MURRAH FEDERAL BUILDING.**

18 (a) Prior to the construction of the Memorial the Ad-
19 ministrator of the General Services Administration shall,
20 among other actions, exchange, sell, lease, donate, or oth-
21 erwise dispose of the site of the Alfred P. Murrah Federal
22 Building, or a portion thereof, to the Trust. Any such dis-
23 posal shall not be subject to—

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

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

3 (3) any other Federal law establishing require-
4 ments or procedures for the disposal of Federal
5 property.

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

7 (a) Six years after the first meeting of the Board of
8 Directors of the Trust, the General Accounting Office
9 shall conduct an interim study of the activities of the
10 Trust and shall report the results of the study to the Com-
11 mittee on Energy and Natural Resources and the Commit-
12 tee on Appropriations of the United States Senate, and
13 the Committee on Resources and Committee on Appro-
14 priations of the House of Representatives. The study shall
15 include, but shall not be limited to, details of how the
16 Trust is meeting its obligations under this Act.

○