

Calendar No. 436

110TH CONGRESS
1ST SESSION**H. R. 2094**

IN THE SENATE OF THE UNITED STATES

OCTOBER 23, 2007

Received; read twice and placed on the calendar

AN ACT

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,*

3 **SECTION 1. DWIGHT D. EISENHOWER MEMORIAL COMMIS-**
4 **SION.**

5 Section 8162 of the Department of Defense Appro-
6 priations Act, 2000 (Public Law 106–79; 113 Stat. 1274)
7 is amended—

8 (1) by striking subsection (j) and inserting the
9 following:

10 “(j) POWERS OF THE COMMISSION.—

1 “(1) IN GENERAL.—

2 “(A) POWERS.—The Commission may—

3 “(i) make such expenditures for serv-
4 ices and materials for the purpose of car-
5 rying out this section as the Commission
6 considers advisable from funds appro-
7 priated or received as gifts for that pur-
8 pose;

9 “(ii) solicit and accept contributions
10 to be used in carrying out this section or
11 to be used in connection with the construc-
12 tion or other expenses of the memorial;

13 “(iii) hold hearings and enter into
14 contracts;

15 “(iv) enter into contracts for special-
16 ized or professional services as necessary
17 to carry out this section; and

18 “(v) take such actions as are nec-
19 essary to carry out this section.

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

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

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

5 “(2) GIFTS OF PROPERTY.—The Commission
6 may accept gifts of real or personal property to be
7 used in carrying out this section, including to be
8 used in connection with the construction or other ex-
9 penses of the memorial.

10 “(3) FEDERAL COOPERATION.—At the request
11 of the Commission, a Federal department or agency
12 may provide any information or other assistance to
13 the Commission that the head of the Federal depart-
14 ment or agency determines to be appropriate.

15 “(4) POWERS OF MEMBERS AND AGENTS.—

16 “(A) IN GENERAL.—If authorized by the
17 Commission, any member or agent of the Com-
18 mission may take any action that the Commis-
19 sion is authorized to take under this section.

20 “(B) ARCHITECT.—The Commission may
21 appoint an architect as an agent of the Com-
22 mission to—

23 “(i) represent the Commission on var-
24 ious governmental source selection and
25 planning boards on the selection of the

1 firms that will design and construct the
2 memorial; and

3 “(ii) perform other duties as des-
4 ignated by the Chairperson of the Commis-
5 sion.

6 “(C) TREATMENT.—An authorized mem-
7 ber or agent of the Commission (including an
8 individual appointed under subparagraph (B))
9 providing services to the Commission shall be
10 considered an employee of the Federal Govern-
11 ment in the performance of those services for
12 the purposes of chapter 171 of title 28, United
13 States Code, relating to tort claims.

14 “(5) TRAVEL.—Each member of the Commis-
15 sion shall be allowed travel expenses, including per
16 diem in lieu of subsistence, at rates authorized for
17 employees of agencies under subchapter I of chapter
18 57 of title 5, United States Code, while away from
19 their homes or regular places of business in the per-
20 formance of services for the Commission.”;

21 (2) by redesignating subsection (o) as sub-
22 section (q); and

23 (3) by adding after subsection (n) the following:

24 “(o) STAFF AND SUPPORT SERVICES.—

1 “(1) EXECUTIVE DIRECTOR.—There shall be an
2 Executive Director appointed by the Commission to
3 be paid at a rate not to exceed the maximum rate
4 of basic pay for level IV of the Executive Schedule.

5 “(2) STAFF.—

6 “(A) IN GENERAL.—The staff of the Com-
7 mission may be appointed and terminated with-
8 out regard to the provisions of title 5, United
9 States Code, governing appointments in the
10 competitive service, and may be paid without
11 regard to the provisions of chapter 51 and sub-
12 chapter III of chapter 53 of that title, relating
13 to classification and General Schedule pay
14 rates, except that an individual appointed under
15 this paragraph may not receive pay in excess of
16 the maximum rate of basic pay for GS–15 of
17 the General Schedule.

18 “(B) SENIOR STAFF.—Notwithstanding
19 subparagraph (A), not more than 3 staff em-
20 ployees of the Commission (in addition to the
21 Executive Director) may be paid at a rate not
22 to exceed the maximum rate of basic pay for
23 level IV of the Executive Schedule.

24 “(3) STAFF OF FEDERAL AGENCIES.—On re-
25 quest of the Commission, the head of any Federal

1 department or agency may detail any of the per-
2 sonnel of the department or agency to the Commis-
3 sion to assist the Commission to carry out its duties
4 under this section.

5 “(4) FEDERAL SUPPORT.—The Commission
6 shall obtain administrative and support services
7 from the General Services Administration on a reim-
8 bursable basis. The Commission may use all con-
9 tracts, schedules, and acquisition vehicles allowed to
10 external clients through the General Services Admin-
11 istration.

12 “(5) COOPERATIVE AGREEMENTS.—The Com-
13 mission may enter into cooperative agreements with
14 Federal agencies, State, local, tribal and inter-
15 national governments, and private interests and or-
16 ganizations which will further the goals and pur-
17 poses of this section.

18 “(6) TEMPORARY, INTERMITTENT, AND PART-
19 TIME SERVICES.—

20 “(A) IN GENERAL.—The Commission may
21 obtain temporary, intermittent, and part-time
22 services under section 3109 of title 5, United
23 States Code, at rates not to exceed the max-
24 imum annual rate of basic pay payable under
25 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) LIABILITY.—

16 “(i) IN GENERAL.—Subject to clause
17 (ii), a volunteer described in subparagraph
18 (A) shall be considered to be a volunteer
19 for purposes of the Volunteer Protection
20 Act of 1997 (42 U.S.C. 14501 et seq.).

21 “(ii) EXCEPTION.—Section 4(d) of the
22 Volunteer Protection Act of 1997 (42
23 U.S.C. 14503(d)) shall not apply for pur-
24 poses of a claim against a volunteer de-
25 scribed in subparagraph (A).

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

Passed the House of Representatives October 22,
2007.

Attest: LORRAINE C. MILLER,
Clerk.

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