

105TH CONGRESS
1ST SESSION

S. 871

AMENDMENT

In the House of Representatives, U. S.,

September 23, 1997.

Resolved, That the bill from the Senate (S. 871) entitled “An Act 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.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

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

4 ***SEC. 2. FINDINGS AND PURPOSES.***

5 *Congress finds that—*

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

12 *(2) the resulting deaths of 168 people, some of*
13 *whom were children, immediately touched thousands*

1 *of family members whose lives will forever bear scars*
2 *of having those precious to them taken away so bru-*
3 *tally;*

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

9 *(4) such losses and struggles are personal and,*
10 *since they resulted from so public an attack, they are*
11 *also shared with a community, a Nation, and the*
12 *world;*

13 *(5) the story of the bombing does not stop with*
14 *the attack itself or with the many losses it caused. The*
15 *responses of Oklahoma's public servants and private*
16 *citizens, and those from throughout the Nation, re-*
17 *main as a testament to the sense of unity, compas-*
18 *sion, even heroism, that characterized the rescue and*
19 *recovery following the bombing;*

20 *(6) during the days immediately following the*
21 *Oklahoma City bombing, Americans and people from*
22 *around the world of all races, political philosophies,*
23 *religions and walks of life responded with unprece-*
24 *dent solidarity and selflessness; and*

1 (7) *given the national and international impact*
2 *and reaction, the Federal character of the site of the*
3 *bombing, and the significant percentage of the victims*
4 *and survivors who were Federal employees the Okla-*
5 *homa City Memorial will be established, designed,*
6 *managed and maintained to educate present and fu-*
7 *ture generations, through a public/private partner-*
8 *ship, to work together efficiently and respectfully in*
9 *developing a National Memorial relating to all as-*
10 *pects of the April 19, 1995, bombing in Oklahoma*
11 *City.*

12 **SEC. 3. DEFINITIONS.**

13 *In this Act—*

14 (1) *MEMORIAL.*—*The term “Memorial” means*
15 *the Oklahoma City National Memorial designated*
16 *under section 4(a).*

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

19 (3) *TRUST.*—*The term “Trust” means the Okla-*
20 *homa City National Memorial Trust designated under*
21 *section 5(a).*

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

23 (a) *In order to preserve for the benefit and inspiration*
24 *of the people of the United States and the world, as a Na-*
25 *tional Memorial certain lands located in Oklahoma City,*

1 *Oklahoma, there is established as a unit of the National*
2 *Park System the Oklahoma City National Memorial. The*
3 *Memorial shall be administered by the Trust in cooperation*
4 *with the Secretary and in accordance with the provisions*
5 *of this Act, the Act of August 25, 1916 (39 Stat. 535; 16*
6 *U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat.*
7 *666; 16 U.S.C. 461–467).*

8 *(b) The Memorial area shall be comprised of the lands,*
9 *facilities and structures generally depicted on the map enti-*
10 *tled “Oklahoma City National Memorial”, numbered*
11 *OCNM 001, and dated May 1997 (hereafter referred to in*
12 *this Act as the “map”):*

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

16 *(2) After advising the Committee on Energy and*
17 *Natural Resources of the Senate and the Committee*
18 *on Resources of the House of Representatives, in writ-*
19 *ing, the Trust, as established by section 5 of this Act,*
20 *in consultation with the Secretary, may make minor*
21 *revisions of the boundaries of the Memorial when nec-*
22 *essary by publication of a revised drawing or other*
23 *boundary description in the Federal Register.*

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

2 (a) *ESTABLISHMENT.*—*There is established a wholly*
3 *owned Government corporation to be known as the Okla-*
4 *homa City National Memorial Trust.*

5 (b) *BOARD OF DIRECTORS.*—

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

10 (A) *The Secretary or the Secretary’s des-*
11 *ignee.*

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

24 (2) *TERMS.*—*Members of the Board appointed*
25 *under paragraph (1)(B) shall each serve for a term*
26 *of 4 years, except that of the members first appointed,*

1 2 shall serve for a term of 3 years; and 2 shall serve
2 a term of 2 years. Any vacancy in the Board shall
3 be filled in the same manner in which the original
4 appointment was made, and any member appointed
5 to fill a vacancy shall serve for the remainder of that
6 term for which his or her predecessor was appointed.
7 No appointed member may serve more than 8 years
8 in consecutive terms.

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

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

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

1 (6) *MEETINGS.*—*The Board shall meet at least*
 2 *three times per year in Oklahoma City, Oklahoma*
 3 *and at least two of those meetings shall be opened to*
 4 *the public. Upon a majority vote, the Board may*
 5 *close any other meetings to the public. The Board*
 6 *shall establish procedures for providing public infor-*
 7 *mation and opportunities for public comment regard-*
 8 *ing operations maintenance and management of the*
 9 *Memorial; as well as, policy, planning and design is-*
 10 *sues.*

11 (7) *STAFF.*—

12 (A) *NON-NATIONAL PARK SERVICE STAFF.*—

13 *The Trust is authorized to appoint and fix the*
 14 *compensation and duties of an executive director*
 15 *and such other officers and employees as it deems*
 16 *necessary without regard to the provisions of*
 17 *title 5, United States Code, governing appoint-*
 18 *ments in the competitive service, and may pay*
 19 *them without regard to the provisions of chapter*
 20 *51, and subchapter III of chapter 53, title 5,*
 21 *United States Code, relating to classification and*
 22 *General Schedule pay rates.*

23 (B) *INTERIM PARK SERVICE STAFF.*—*At the*

24 *request of the Trust, the Secretary shall provide*
 25 *for a period not to exceed 2 years, such personnel*

1 *and technical expertise, as necessary, to provide*
2 *assistance in the implementation of the provi-*
3 *sions of this Act.*

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

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

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

16 (9) *TAXES.*—*The Trust and all properties ad-*
17 *ministered by the Trust shall be exempt from all taxes*
18 *and special assessments of every kind by the State of*
19 *Oklahoma, and its political subdivisions including*
20 *the county of Oklahoma and the city of Oklahoma*
21 *City.*

22 (10) *GOVERNMENT CORPORATION.*—

23 (A) *The Trust shall be treated as a wholly*
24 *owned Government corporation subject to chapter*
25 *91 of title 31, United States Code (commonly re-*

1 *ferred to as the Government Corporation Control*
2 *Act). Financial statements of the Trust shall be*
3 *audited annually in accordance with section*
4 *9105 of title 31 of the United States Code.*

5 *(B) At the end of each calendar year, the*
6 *Trust shall submit to the Committee on Energy*
7 *and Natural Resources of the United States Sen-*
8 *ate and the Committee on Resources of the House*
9 *of Representatives a comprehensive and detailed*
10 *report of its operations, activities, and accom-*
11 *plishments for the prior fiscal year. The report*
12 *also shall include a section that describes in gen-*
13 *eral terms the Trust's goals for the current fiscal*
14 *year.*

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

16 *(a) OVERALL REQUIREMENTS OF THE TRUST.—The*
17 *Trust shall administer the operation, maintenance, man-*
18 *agement and interpretation of the Memorial including, but*
19 *not limited to, leasing, rehabilitation, repair and improve-*
20 *ment of property within the Memorial under its adminis-*
21 *trative jurisdiction using the authorities provided in this*
22 *section, which shall be exercised in accordance with—*

23 *(1) the provisions of law generally applicable to*
24 *units of the National Park Service, including: “An*
25 *Act to establish a National Park Service, and for*

1 *other purposes” approved August 25, 1916 (39 Stat.*
2 *535; 16 U.S.C. 1, 2–4);*

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

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

8 *(4) the “Oklahoma City Memorial Foundation*
9 *Intergovernmental Letter of Understanding”, dated*
10 *October 28, 1996; and*

11 *(5) the Cooperative Agreement to be entered into*
12 *between the Trust and the Secretary pursuant to this*
13 *Act.*

14 *(b) AUTHORITIES.—*

15 *(1) The Trust may participate in the develop-*
16 *ment of programs and activities at the properties des-*
17 *ignated by the map, and the Trust shall have the au-*
18 *thority to negotiate and enter into such agreements,*
19 *leases, contracts and other arrangements with any*
20 *person, firm, association, organization, corporation or*
21 *governmental entity, including, without limitation,*
22 *entities of Federal, State and local governments as*
23 *are necessary and appropriate to carry out its au-*
24 *thorized activities. Any such agreements may be en-*

1 *tered into without regard to section 321 of the Act of*
2 *June 30, 1932 (40 U.S.C. 303b).*

3 *(2) The Trust shall establish procedures for lease*
4 *agreements and other agreements for use and occu-*
5 *pancy of Memorial facilities, including a requirement*
6 *that in entering into such agreements the Trust shall*
7 *obtain reasonable competition.*

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

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

17 *(5) The Trust, in consultation with the Adminis-*
18 *trator of Federal Procurement Policy, shall establish*
19 *and promulgate procedures applicable to the Trust's*
20 *procurement of goods and services including, but not*
21 *limited to, the award of contracts on the basis of con-*
22 *tractor qualifications, price, commercially reasonable*
23 *buying practices, and reasonable competition.*

24 *(c) MANAGEMENT PROGRAM.—Within one year after*
25 *the enactment of this Act, the Trust, in consultation with*

1 *the Secretary, shall develop a cooperative agreement for*
2 *management of those lands, operations and facilities within*
3 *the Memorial established by this Act. In furtherance of the*
4 *general purposes of this Act, the Secretary and the Trust*
5 *shall enter into a Cooperative Agreement pursuant to which*
6 *the Secretary shall provide technical assistance for the plan-*
7 *ning, preservation, maintenance, management, and inter-*
8 *pretation of the Memorial. The Secretary also shall provide*
9 *such maintenance, interpretation, curatorial management,*
10 *and general management as mutually agreed to by the Sec-*
11 *retary and the Trust.*

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

16 (e) *PROCEEDS.—Notwithstanding section 1341 of title*
17 *31 of the United States Code, all proceeds received by the*
18 *Trust shall be retained by the Trust, and such proceeds shall*
19 *be available, without further appropriation, for the admin-*
20 *istration, operation, preservation, restoration, operation*
21 *and maintenance, improvement, repair and related ex-*
22 *penses incurred with respect to Memorial properties under*
23 *its administrative jurisdiction. The Secretary of the Treas-*
24 *ury, at the option of the Trust shall invest excess monies*
25 *of the Trust in public debt securities which shall bear inter-*

1 *est at rates determined by the Secretary of the Treasury*
2 *taking into consideration the current average market yield*
3 *on outstanding marketable obligations of the United States*
4 *of comparable maturity.*

5 (f) *SUITS.—The Trust may sue and be sued in its own*
6 *name to the same extent as the Federal Government. Litiga-*
7 *tion arising out of the activities of the Trust shall be con-*
8 *ducted by the Attorney General; except that the Trust may*
9 *retain private attorneys to provide advice and counsel. The*
10 *District Court for the Western District of Oklahoma shall*
11 *have exclusive jurisdiction over any suit filed against the*
12 *Trust.*

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

24 (h) *INSURANCE.—The Trust shall require that all*
25 *leaseholders and contractors procure proper insurance*

1 *against any loss in connection with properties under lease*
2 *or contract, or the authorized activities granted in such*
3 *lease or contract, as is reasonable and customary.*

4 **SEC. 7. LIMITATIONS ON FUNDING.**

5 *Authorization of Appropriations—*

6 (1) *IN GENERAL.—In furtherance of the purposes*
7 *of this Act, there is hereby authorized the sum of*
8 *\$5,000,000, to remain available until expended.*

9 (2) *MATCHING REQUIREMENT.—Amounts appro-*
10 *propriated in any fiscal year to carry out the provisions*
11 *of this Act may only be expended on a matching basis*
12 *in a ratio of at least one non-Federal dollar to every*
13 *Federal dollar. For the purposes of this provision,*
14 *each non-Federal dollar donated to the Trust or to the*
15 *Oklahoma City Memorial Foundation for the cre-*
16 *ation, maintenance, or operation of the Memorial*
17 *shall satisfy the matching dollar requirement without*
18 *regard to the fiscal year in which such donation is*
19 *made.*

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

21 *Prior to the construction of the Memorial the Adminis-*
22 *trator of General Services shall, among other actions, ex-*
23 *change, sell, lease, donate, or otherwise dispose of the site*
24 *of the Alfred P. Murrah Federal Building, or a portion*

1 *thereof, to the Trust. Any such disposal shall not be subject*
2 *to—*

3 *(1) the Public Buildings Act of 1959 (40 U.S.C.*
4 *601 et seq.);*

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

7 *(3) any other Federal law establishing require-*
8 *ments or procedures for the disposal of Federal prop-*
9 *erty.*

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

11 *Six years after the first meeting of the Board of Direc-*
12 *tors of the Trust, the General Accounting Office shall con-*
13 *duct an interim study of the activities of the Trust and*
14 *shall report the results of the study to the Committee on*
15 *Energy and Natural Resources and the Committee on Ap-*
16 *propriations of the United States Senate, and the Commit-*
17 *tee on Resources and Committee on Appropriations of the*
18 *House of Representatives. The study shall include, but shall*
19 *not be limited to, details of how the Trust is meeting its*
20 *obligations under this Act.*

Attest:

Clerk.