

105TH CONGRESS  
1ST SESSION

# S. 871

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## 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.

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”.

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1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

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

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

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

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

23 (5) the story of the bombing does not stop with  
24 the attack itself or with the many losses it caused.  
25 The responses of Oklahoma's public servants and  
26 private citizens, and those from throughout the na-

1 tion, remain as a testament to the sense of unity,  
2 compassion, even heroism, that characterized the  
3 rescue and recovery following the bombing;

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

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

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) MEMORIAL.—The term “memorial” means  
23 the Oklahoma City National Memorial designated  
24 under section 4(a).

1           (2) SECRETARY.—The term “Secretary” means  
2           the Secretary of the Interior.

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

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

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

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

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

21                (2) After advising the Committee on Energy  
22                and Natural Resources of the Senate and the Com-  
23                mittee on Resources of the House of Representa-  
24                tives, in writing, the Trust, as established by section  
25                5 of this Act, may take minor revisions of the

1 boundaries of the memorial when necessary by publi-  
2 cation of a revised drawing or other boundary de-  
3 scription in the Federal Register.

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

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

8 (b) BOARD OF DIRECTORS.—

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

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

15 (B) 8 individuals, appointed by the Presi-  
16 dent, from a list of recommendations submitted  
17 by the Governor of the State of Oklahoma; and  
18 a list of recommendations submitted by the  
19 Mayor of Oklahoma City, Oklahoma; and a list  
20 of recommendations submitted by the United  
21 States Senators from Oklahoma; and a list of  
22 recommendations submitted by United States  
23 Representatives from Oklahoma. The President  
24 shall make the appointments referred to in this

1           subparagraph within 90 days after the enact-  
2           ment of this Act.

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

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

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

1           (5) LIABILITY OF DIRECTORS.—Members of the  
2 Board of Directors shall not be considered Federal  
3 employees by virtue of their membership on the  
4 Board, except for purposes of the Federal Tort  
5 Claims Act and the Ethics in Government Act, and  
6 the provisions of chapter 11 of title 18, United  
7 States Code.

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

18           (7) STAFF.—

19           (A) NON-NATIONAL PARK SERVICE  
20 STAFF.—The Trust is authorized to appoint  
21 and fix the compensation and duties of an execu-  
22 tive director and such other officers and em-  
23 ployees as it deems necessary without regard to  
24 the provisions of title 5, United States Code,  
25 governing appointments in the competitive serv-

1 ice, and may pay them without regard to the  
2 provisions of chapter 51, and subchapter III of  
3 chapter 53, title 5, United States Code, relating  
4 to classification and General Schedule pay  
5 rates.

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

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

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

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

24 (9) TAXES.—The Trust and all properties ad-  
25 ministered by the Trust shall be exempt from all

1 taxes and special assessments of every kind by the  
2 State of Oklahoma, and its political subdivisions in-  
3 cluding the County of Oklahoma and the City of  
4 Oklahoma City.

5 (10) GOVERNMENT CORPORATION.—

6 (A) The Trust shall be treated as a wholly  
7 owned Government corporation subject to chap-  
8 ter 91 of title 31, United States Code (com-  
9 monly referred to as the Government Corpora-  
10 tion Control Act). Financial statements of the  
11 Trust shall be audited annually in accordance  
12 with section 9105 of title 31 of the United  
13 States Code.

14 (B) At the end of each calendar year, the  
15 Trust shall submit to the Committee on Energy  
16 and Natural Resources of the United States  
17 Senate and the Committee on Resources of the  
18 House of Representatives a comprehensive and  
19 detailed report of its operations, activities, and  
20 accomplishments for the prior fiscal year. The  
21 report also shall include a section that describes  
22 in general terms the Trust's goals for the cur-  
23 rent fiscal year.

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

2 (a) OVERALL REQUIREMENTS OF THE TRUST.—The  
3 Trust shall administer the operation, maintenance, man-  
4 agement and interpretation of the Memorial including, but  
5 not limited to, leasing, rehabilitation, repair and improve-  
6 ment of property within the Memorial under its adminis-  
7 trative jurisdiction using the authorities provided in this  
8 section, which shall be exercised in accordance with—

9 (1) the provisions of law generally applicable to  
10 units of the National Park Service, including: “An  
11 Act to establish a National Park Service, and for  
12 other purposes” approved August 25, 1916 (39 Stat.  
13 535; 16 U.S.C. 1, 2–4);

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

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

19 (4) the “Oklahoma Memorial Foundation Inter-  
20 governmental Letter of Understanding”, dated, Oc-  
21 tober 28, 1996.

22 (b) AUTHORITIES.—

23 (1) The Trust may participate in the develop-  
24 ment of programs and activities at the properties  
25 designated by the map, and the Trust shall have the  
26 authority to negotiate and enter into such agree-

1 ments, leases, contracts and other arrangements  
2 with any person, firm, association, organization, cor-  
3 poration or governmental entity, including, without  
4 limitation, entities of Federal, State and local gov-  
5 ernments as are necessary and appropriate to carry  
6 out its authorized activities. Any such agreements  
7 may be entered into without regard to section 321  
8 of the Act of June 30, 1932 (40 U.S.C. 303b).

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

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

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

23 (5) The Trust, in consultation with the Admin-  
24 istrator of Federal Procurement Policy, shall estab-  
25 lish and promulgate procedures applicable to the

1 Trust's procurement of goods and services including,  
2 but not limited to, the award of contracts on the  
3 basis of contractor qualifications, price, commercially  
4 reasonable buying practices, and reasonable competi-  
5 tion.

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

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

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

1 of the Treasury taking into consideration the current aver-  
2 age market yield on outstanding marketable obligations of  
3 the United States of comparable maturity.

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

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

23 (h) INSURANCE.—The Trust shall require that all  
24 leaseholders and contractors procure proper insurance  
25 against any loss in connection with properties under lease

1 or contract, or the authorized activities granted in such  
2 lease or contract, as is reasonable and customary.

3 **SEC. 7. LIMITATIONS ON FUNDING.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

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

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

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

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

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

          Passed the Senate July 31, 1997.

          Attest:

*Secretary.*

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

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