

106TH CONGRESS  
2D SESSION

# H. R. 4115

To authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2000

Mr. CANNON (for himself, Mr. FROST, Mr. GILMAN, Mr. LANTOS, Mr. LATOURETTE, Mr. BERMAN, Mr. ACKERMAN, Mr. GEJDENSON, Mr. FILNER, Mr. HOYER, Mr. POMBO, Mr. LEACH, Mr. DEUTSCH, Mrs. LOWEY, Mr. WAXMAN, Mr. CROWLEY, Mr. ROTHMAN, Mr. SISISKY, Mr. KENNEDY of Rhode Island, Mr. FRANKS of New Jersey, Mr. WEXLER, Mr. NADLER, Mrs. MALONEY of New York, Ms. BERKLEY, and Mr. WEINER) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To authorize appropriations for the United States Holocaust Memorial Museum, 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. AMENDMENT.**

4 Chapter 23 of title 36, United States Code, is amend-  
5 ed to read as follows:

1 **“TITLE 23—UNITED STATES HOLOCAUST**  
 2 **MEMORIAL MUSEUM**

“Sec. 2301. Establishment of the United States Holocaust Memorial Museum; functions.

“Sec. 2302. Functions of the Council; membership.

“Sec. 2303. Compensation; travel expenses; full-time officers or employees of United States or Members of Congress.

“Sec. 2304. Administrative provisions.

“Sec. 2305. Staff.

“Sec. 2306. Memorial museum.

“Sec. 2307. Gifts, bequests, and devises of property; tax treatment.

“Sec. 2308. Annual report.

“Sec. 2309. Audit of financial transactions.

“Sec. 2310. Authorization of appropriations.

3 **“SEC. 2301. ESTABLISHMENT OF THE UNITED STATES**  
 4 **HOLOCAUST MEMORIAL MUSEUM; FUNC-**  
 5 **TIONS.**

6 “The United States Holocaust Memorial Museum  
 7 (hereinafter in this chapter referred to as the ‘Museum’)  
 8 is an independent establishment of the United State Gov-  
 9 ernment. The Museum shall—

10 “(1) provide for appropriate ways for the Na-  
 11 tion to commemorate the Days of Remembrance, as  
 12 an annual, national, civic commemoration of the  
 13 Holocaust, and encourage and sponsor appropriate  
 14 observances of such Days of Remembrance through-  
 15 out the United States;

16 “(2) operate and maintain a permanent living  
 17 memorial museum to the victims of the Holocaust,  
 18 in cooperation with the Secretary of the Interior and

1 other Federal agencies as provided in section 2306  
2 of this title; and

3 “(3) carry out the recommendations of the  
4 President’s Commission on the Holocaust in its re-  
5 port to the President of September 27, 1979, to the  
6 extent such recommendations are not otherwise pro-  
7 vided for in this chapter.

8 **“SEC. 2302. FUNCTIONS OF THE COUNCIL; MEMBERSHIP.**

9 “(a) IN GENERAL.—The United States Holocaust  
10 Memorial Council (hereinafter in this chapter referred to  
11 as the ‘Council’) shall be the board of trustees of the Mu-  
12 seum and shall have overall governance responsibility for  
13 the Museum, including policy guidance and strategic direc-  
14 tion, general oversight of Museum operations, and fidu-  
15 ciary responsibility. The Council shall establish an Execu-  
16 tive Committee which shall exercise ongoing governance  
17 responsibility when the Council is not in session.

18 “(b) COMPOSITION OF COUNCIL; APPOINTMENT; VA-  
19 CANCIES.—The Council shall consist of 65 voting members  
20 appointed (except as otherwise provided in this section)  
21 by the President and the following ex officio nonvoting  
22 members:

23 “(1) 1 appointed by the Secretary of the Inte-  
24 rior.

25 “(2) 1 appointed by the Secretary of State.

1           “(3) 1 appointed by the Secretary of Education.  
2 Of the 65 voting members, 5 shall be appointed by the  
3 Speaker of the United States House of Representatives  
4 from among Members of the United States House of Rep-  
5 resentatives and 5 shall be appointed by the President pro  
6 tempore of the United States Senate upon the rec-  
7 ommendation of the majority and minority leaders from  
8 among Members of the United States Senate. Any vacancy  
9 in the Council shall be filled in the same manner as the  
10 original appointment was made.

11           “(c) TERM OF OFFICE.—

12           “(1) Except as otherwise provided in this sub-  
13 section, Council members shall serve for 5-year  
14 terms.

15           “(2) The terms of the 5 Members of the United  
16 States House of Representatives and the 5 Members  
17 of the United States Senate appointed during any  
18 term of Congress shall expire at the end of such  
19 term of Congress.

20           “(3) Any member appointed to fill a vacancy  
21 occurring before the expiration of the term for which  
22 his predecessor was appointed shall be appointed  
23 only for the remainder of such term. A member,  
24 other than a Member of Congress appointed by the  
25 Speaker of the United States House of Representa-

1       tives or the President pro tempore of the United  
2       States Senate, may serve after the expiration of his  
3       term until his successor has taken office.

4       “(d) CHAIRPERSON AND VICE CHAIRPERSON; TERM  
5       OF OFFICE.—The Chairperson and Vice Chairperson of  
6       the Council shall be appointed by the President from  
7       among the members of the Council and such Chairperson  
8       and Vice Chairperson shall each serve for terms of 5 years.

9       “(e) REAPPOINTMENT.—Members whose terms ex-  
10      pire may be reappointed, and the Chairperson and Vice  
11      Chairperson may be reappointed to those offices.

12      “(f) BYLAWS.—The Council shall adopt bylaws to  
13      carry out its functions under this chapter. The Chair-  
14      person may waive a bylaw when the Chairperson decides  
15      that waiver is in the best interest of the Council. Imme-  
16      diately after waiving a bylaw, the Chairperson shall send  
17      written notice of the waiver to every voting member of the  
18      Council. The waiver becomes final 30 days after the notice  
19      is sent unless a majority of Council members disagree in  
20      writing before the end of the 30-day period.

21      “(g) QUORUM.—One-third of the members of the  
22      Council shall constitute a quorum, and any vacancy in the  
23      Council shall not affect its powers to function.

24      “(h) ASSOCIATED COMMITTEES.—Subject to appoint-  
25      ment by the Chairperson, an individual who is not a mem-

1 ber of the Council may be designated as a member of a  
2 committee associated with the Council. Such an individual  
3 shall serve without cost to the Federal Government.

4 **“SEC. 2303. COMPENSATION; TRAVEL EXPENSES; FULL-**  
5 **TIME OFFICERS OR EMPLOYEES OF UNITED**  
6 **STATES OR MEMBERS OF CONGRESS.**

7 “(a) IN GENERAL.—Except as provided in subsection  
8 (b) of this section, members of the Council are each au-  
9 thorized to be paid the daily equivalent of the annual rate  
10 of basic pay in effect for positions at level IV of the Execu-  
11 tive Schedule under section 5315 of title 5, for each day  
12 (including travel time) during which they are engaged in  
13 the actual performance of duties of the Council. While  
14 away from their homes or regular places of business in  
15 the performance of services for the Council, members of  
16 the Council shall be allowed travel expenses, including per  
17 diem in lieu of subsistence, in the same manner as persons  
18 employed intermittently in Government service are allowed  
19 expenses under section 5703 of title 5.

20 “(b) EXCEPTION.—Members of the Council who are  
21 full-time officers or employees of the United States or  
22 Members of Congress shall receive no additional pay by  
23 reason of their service on the Council.

1 **“SEC. 2304. ADMINISTRATIVE PROVISIONS.**

2 “(a) EXPERTS AND CONSULTANTS.—The Museum  
3 may obtain the services of experts and consultants in ac-  
4 cordance with the provisions of section 3109 of title 5,  
5 at rates not to exceed the daily equivalent of the annual  
6 rate of basic pay in effect for positions at level IV of the  
7 Executive Schedule under section 5315 of title 5.

8 “(b) AUTHORITY TO CONTRACT.—The Museum may,  
9 in accordance with applicable law, enter into contracts and  
10 other arrangements with public agencies and with private  
11 organizations and persons and may make such payments  
12 as may be necessary to carry out its functions under this  
13 chapter.

14 “(c) ASSISTANCE FROM OTHER FEDERAL DEPART-  
15 MENTS AND AGENCIES.—The Secretary of the Smithso-  
16 nian Institution, the Library of Congress, and the heads  
17 of all executive branch departments, agencies, and estab-  
18 lishments of the United States may assist the Museum  
19 in the performance of its functions under this chapter.

20 “(d) ADMINISTRATIVE SERVICES AND SUPPORT.—  
21 The Secretary of the Interior may provide administrative  
22 services and support to the Museum on a reimbursable  
23 basis.

24 **“SEC. 2305. STAFF.**

25 “(a) ESTABLISHMENT OF THE MUSEUM DIRECTOR  
26 AS CHIEF EXECUTIVE OFFICER.—There shall be a direc-

1 tor of the Museum (hereinafter in this chapter referred  
2 to as the ‘Director’) who shall serve as chief executive offi-  
3 cer of the Museum and exercise day-to-day authority for  
4 the Museum. The Director shall be appointed by the  
5 Chairperson of the Council, subject to confirmation of the  
6 Council. The Director may be paid with nonappropriated  
7 funds, and, if paid with appropriated funds shall be paid  
8 the rate of basic pay for positions at level IV of the Execu-  
9 tive Schedule under section 5315 of title 5. The Director  
10 shall report to the Council and its Executive Committee  
11 through the Chairperson. The Director shall serve at the  
12 pleasure of the Council.

13 “(b) APPOINTMENT OF EMPLOYEES.—The Director  
14 shall have authority to—

15 “(1) appoint employees in the competitive serv-  
16 ice subject to the provisions of chapter 51 and sub-  
17 chapter III of chapter 53 of title 5, relating to clas-  
18 sification and general schedule pay rates;

19 “(2) appoint and fix the compensation (at a  
20 rate not to exceed the rate of basic pay in effect for  
21 positions at level IV of the Executive Schedule under  
22 section 5315 of title 5) of up to 3 employees not-  
23 withstanding any other provision of law; and

24 “(3) implement the decisions and strategic plan  
25 for the Museum, as approved by the Council, and

1 perform such other functions as may be assigned  
2 from time to time by the Council, the Executive  
3 Committee of the Council, or the Chairperson of the  
4 Council, consistent with this legislation.

5 **“SEC. 2306. MEMORIAL MUSEUM.**

6 “(a) ARCHITECTURAL DESIGN APPROVAL.—The ar-  
7 chitectural design for the memorial museum shall be sub-  
8 ject to the approval of the Secretary of the Interior, in  
9 consultation with the Commission of Fine Arts and the  
10 National Capital Planning Commission.

11 “(b) INSURANCE.—The Museum shall maintain in-  
12 surance on the memorial museum to cover such risks, in  
13 such amount, and containing such terms and conditions  
14 as the Museum deems necessary.

15 **“SEC. 2307. GIFTS, BEQUESTS, AND DEVICES OF PROPERTY;  
16 TAX TREATMENT.**

17 “The Museum may solicit, and the Museum may ac-  
18 cept, hold, administer, invest, and use gifts, bequests, and  
19 devises of property, both real and personal, and all reve-  
20 nues received or generated by the Museum to aid or facili-  
21 tate the operation and maintenance of the memorial mu-  
22 seum. Property may be accepted pursuant to this section,  
23 and the property and the proceeds thereof used as nearly  
24 as possible in accordance with the terms of the gift, be-  
25 quest, or devise donating such property. Funds donated

1 to and accepted by the Museum pursuant to this section  
2 or otherwise received or generated by the Museum are not  
3 to be regarded as appropriated funds and are not subject  
4 to any requirements or restrictions applicable to appro-  
5 priated funds. For the purposes of Federal income, estate,  
6 and gift taxes, property accepted under this section shall  
7 be considered as a gift, bequest, or devise to the United  
8 States.

9 **“SEC. 2308. ANNUAL REPORT.**

10 “The Director shall transmit to Congress an annual  
11 report on the Director’s stewardship of the authority to  
12 operate and maintain the memorial museum. Such report  
13 shall include the following:

14 “(1) An accounting of all financial transactions  
15 involving donated funds.

16 “(2) A description of the extent to which the  
17 objectives of this chapter are being met.

18 “(3) An examination of future major endeavors,  
19 initiatives, programs, or activities that the Museum  
20 proposes to undertake to better fulfill the objectives  
21 of this chapter.

22 “(4) An examination of the Federal role in the  
23 funding of the Museum and its activities, and any  
24 changes that may be warranted.

1 **“SEC. 2309. AUDIT OF FINANCIAL TRANSACTIONS.**

2 “Financial transactions of the Museum, including  
3 those involving donated funds, shall be audited by the  
4 Comptroller General as requested by Congress, in accord-  
5 ance with generally accepted auditing standards. In con-  
6 ducting any audit pursuant to this section, appropriate  
7 representatives of the Comptroller General shall have ac-  
8 cess to all books, accounts, financial records, reports, files  
9 and other papers, items or property in use by the Museum,  
10 as necessary to facilitate such audit, and such representa-  
11 tives shall be afforded full facilities for verifying trans-  
12 actions with the balances.

13 **“SEC. 2310. AUTHORIZATION OF APPROPRIATIONS.**

14 “To carry out the purposes of this chapter, there are  
15 authorized to be appropriated such sums as may be nec-  
16 essary. Notwithstanding any other provision of law, none  
17 of the funds authorized to carry out this chapter may be  
18 made available for construction. Authority to enter into  
19 contracts and to make payments under this chapter, using  
20 funds authorized to be appropriated under this chapter,  
21 shall be effective only to the extent, and in such amounts,  
22 as provided in advance in appropriations Acts.”.

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