

Union Calendar No. 432

106TH CONGRESS
2^D SESSION

H. R. 4115

[Report No. 106-751]

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

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. FILLNER, 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

JULY 17, 2000

Additional sponsors: Mr. HINCHEY, Mr. MALONEY of Connecticut, Mr. REGULA, Mrs. BIGGERT, and Mr. ROMERO-BARCELO

JULY 17, 2000

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 29, 2000]

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 amended*
 5 *to read as follows:*

6 **“CHAPTER 23—UNITED STATES**
 7 **HOLOCAUST 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. Insurance for 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.

8 **“SEC. 2301. ESTABLISHMENT OF THE UNITED STATES**
 9 **HOLOCAUST MEMORIAL MUSEUM; FUNC-**
 10 **TIONS.**

11 *“The United States Holocaust Memorial Museum*
 12 *(hereinafter in this chapter referred to as the ‘Museum’) is*
 13 *an independent establishment of the United State Govern-*
 14 *ment. The Museum shall—*

15 *“(1) provide for appropriate ways for the Nation*
 16 *to commemorate the Days of Remembrance, as an an-*
 17 *nual, national, civic commemoration of the Holo-*
 18 *caust, and encourage and sponsor appropriate observ-*

1 *ances of such Days of Remembrance throughout the*
2 *United States;*

3 *“(2) operate and maintain a permanent living*
4 *memorial museum to the victims of the Holocaust, in*
5 *cooperation with the Secretary of the Interior and*
6 *other Federal agencies as provided in section 2306 of*
7 *this title; and*

8 *“(3) carry out the recommendations of the Presi-*
9 *dent’s Commission on the Holocaust in its report to*
10 *the President of September 27, 1979, to the extent*
11 *such recommendations are not otherwise provided for*
12 *in this chapter.*

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

14 *“(a) IN GENERAL.—The United States Holocaust Me-*
15 *morial Council (hereinafter in this chapter referred to as*
16 *the ‘Council’) shall be the board of trustees of the Museum*
17 *and shall have overall governance responsibility for the Mu-*
18 *seum, including policy guidance and strategic direction,*
19 *general oversight of Museum operations, and fiduciary re-*
20 *sponsibility. The Council shall establish an Executive Com-*
21 *mittee which shall exercise ongoing governance responsi-*
22 *bility when the Council is not in session.*

23 *“(b) COMPOSITION OF COUNCIL; APPOINTMENT; VA-*
24 *CANCIES.—The Council shall consist of 65 voting members*
25 *appointed (except as otherwise provided in this section) by*

1 *the President and the following ex officio nonvoting mem-*
2 *bers:*

3 “(1) 1 appointed by the Secretary of the Interior.

4 “(2) 1 appointed by the Secretary of State.

5 “(3) 1 appointed by the Secretary of Education.

6 *Of the 65 voting members, 5 shall be appointed by the*
7 *Speaker of the United States House of Representatives from*
8 *among Members of the United States House of Representa-*
9 *tives and 5 shall be appointed by the President pro tempore*
10 *of the United States Senate upon the recommendation of*
11 *the majority and minority leaders from among Members of*
12 *the United States Senate. Any vacancy in the Council shall*
13 *be filled in the same manner as the original appointment*
14 *was made.*

15 “(c) *TERM OF OFFICE.*—

16 “(1) *Except as otherwise provided in this sub-*
17 *section, Council members shall serve for 5-year terms.*

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

23 “(3) *Any member appointed to fill a vacancy oc-*
24 *curring before the expiration of the term for which his*
25 *predecessor was appointed shall be appointed only for*

1 *the remainder of such term. A member, other than a*
2 *Member of Congress appointed by the Speaker of the*
3 *United States House of Representatives or the Presi-*
4 *dent pro tempore of the United States Senate, may*
5 *serve after the expiration of his term until his suc-*
6 *cessor has taken office.*

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

12 *“(e) REAPPOINTMENT.—Members whose terms expire*
13 *may be reappointed, and the Chairperson and Vice Chair-*
14 *person may be reappointed to those offices.*

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

1 “(g) *QUORUM.*—*One-third of the members of the Coun-*
2 *cil shall constitute a quorum, and any vacancy in the*
3 *Council shall not affect its powers to function.*

4 “(h) *ASSOCIATED COMMITTEES.*—*Subject to appoint-*
5 *ment by the Chairperson, an individual who is not a mem-*
6 *ber of the Council may be designated as a member of a com-*
7 *mittee associated with the Council. Such an individual*
8 *shall serve without cost to the Federal Government.*

9 “**SEC. 2303. COMPENSATION; TRAVEL EXPENSES; FULL-TIME**
10 **OFFICERS OR EMPLOYEES OF UNITED**
11 **STATES OR MEMBERS OF CONGRESS.**

12 “(a) *IN GENERAL.*—*Except as provided in subsection*
13 *(b) of this section, members of the Council are each author-*
14 *ized to be paid the daily equivalent of the annual rate of*
15 *basic pay in effect for positions at level IV of the Executive*
16 *Schedule under section 5315 of title 5, for each day (includ-*
17 *ing travel time) during which they are engaged in the ac-*
18 *tual performance of duties of the Council. While away from*
19 *their homes or regular places of business in the performance*
20 *of services for the Council, members of the Council shall be*
21 *allowed travel expenses, including per diem in lieu of sub-*
22 *sistence, in the same manner as persons employed intermit-*
23 *tently in Government service are allowed expenses under*
24 *section 5703 of title 5.*

1 “(b) *EXCEPTION.*—*Members of the Council who are*
2 *full-time officers or employees of the United States or Mem-*
3 *bers of Congress shall receive no additional pay by reason*
4 *of their service on the Council.*

5 “**SEC. 2304. ADMINISTRATIVE PROVISIONS.**

6 “(a) *EXPERTS AND CONSULTANTS.*—*The Museum may*
7 *obtain the services of experts and consultants in accordance*
8 *with the provisions of section 3109 of title 5, at rates not*
9 *to exceed the daily equivalent of the annual rate of basic*
10 *pay in effect for positions at level IV of the Executive Sched-*
11 *ule under section 5315 of title 5.*

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

18 “(c) *ASSISTANCE FROM OTHER FEDERAL DEPART-*
19 *MENTS AND AGENCIES.*—*The Secretary of the Smithsonian*
20 *Institution, the Library of Congress, and the heads of all*
21 *executive branch departments, agencies, and establishments*
22 *of the United States may assist the Museum in the perform-*
23 *ance of its functions under this chapter.*

1 “(d) *ADMINISTRATIVE SERVICES AND SUPPORT.*—The
2 *Secretary of the Interior may provide administrative serv-*
3 *ices and support to the Museum on a reimbursable basis.*

4 “**SEC. 2305. STAFF.**

5 “(a) *ESTABLISHMENT OF THE MUSEUM DIRECTOR AS*
6 *CHIEF EXECUTIVE OFFICER.*—There shall be a director of
7 *the Museum (hereinafter in this chapter referred to as the*
8 *‘Director’) who shall serve as chief executive officer of the*
9 *Museum and exercise day-to-day authority for the Museum.*
10 *The Director shall be appointed by the Chairperson of the*
11 *Council, subject to confirmation of the Council. The Direc-*
12 *tor may be paid with nonappropriated funds, and, if paid*
13 *with appropriated funds shall be paid the rate of basic pay*
14 *for positions at level IV of the Executive Schedule under*
15 *section 5315 of title 5. The Director shall report to the*
16 *Council and its Executive Committee through the Chair-*
17 *person. The Director shall serve at the pleasure of the Coun-*
18 *cil.*

19 “(b) *APPOINTMENT OF EMPLOYEES.*—The Director
20 *shall have authority to—*

21 “(1) *appoint employees in the competitive service*
22 *subject to the provisions of chapter 51 and subchapter*
23 *III of chapter 53 of title 5, relating to classification*
24 *and general schedule pay rates;*

1 “(2) appoint and fix the compensation (at a rate
 2 not to exceed the rate of basic pay in effect for posi-
 3 tions at level IV of the Executive Schedule under sec-
 4 tion 5315 of title 5) of up to 3 employees notwith-
 5 standing any other provision of law; and

6 “(3) implement the decisions and strategic plan
 7 for the Museum, as approved by the Council, and per-
 8 form such other functions as may be assigned from
 9 time to time by the Council, the Executive Committee
 10 of the Council, or the Chairperson of the Council, con-
 11 sistent with this legislation.

12 **“SEC. 2306. INSURANCE FOR MUSEUM.**

13 *“The Museum shall maintain insurance on the memo-
 14 rial museum to cover such risks, in such amount, and con-
 15 taining such terms and conditions as the Museum deems
 16 necessary.*

17 **“SEC. 2307. GIFTS, BEQUESTS, AND DEVICES OF PROPERTY;
 18 TAX TREATMENT.**

19 *“The Museum may solicit, and the Museum may ac-
 20 cept, hold, administer, invest, and use gifts, bequests, and
 21 devises of property, both real and personal, and all revenues
 22 received or generated by the Museum to aid or facilitate
 23 the operation and maintenance of the memorial museum.
 24 Property may be accepted pursuant to this section, and the
 25 property and the proceeds thereof used as nearly as possible*

1 *in accordance with the terms of the gift, bequest, or devise*
2 *donating such property. Funds donated to and accepted by*
3 *the Museum pursuant to this section or otherwise received*
4 *or generated by the Museum are not to be regarded as ap-*
5 *propriated funds and are not subject to any requirements*
6 *or restrictions applicable to appropriated funds. For the*
7 *purposes of Federal income, estate, and gift taxes, property*
8 *accepted under this section shall be considered as a gift,*
9 *bequest, or devise to the United States.*

10 **“SEC. 2308. ANNUAL REPORT.**

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

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

17 *“(2) A description of the extent to which the ob-*
18 *jectives of this chapter are being met.*

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

23 *“(4) An examination of the Federal role in the*
24 *funding of the Museum and its activities, and any*
25 *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 access*
8 *to all books, accounts, financial records, reports, files and*
9 *other papers, items or property in use by the Museum, as*
10 *necessary to facilitate such audit, and such representatives*
11 *shall be afforded full facilities for verifying transactions*
12 *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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