

Public Law 106-292
106th Congress

An Act

Oct. 12, 2000
[H.R. 4115]

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT.

Chapter 23 of title 36, United States Code, is amended to read as follows:

“CHAPTER 23—UNITED STATES 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.

“SEC. 2301. ESTABLISHMENT OF THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM; FUNCTIONS.

“The United States Holocaust Memorial Museum (hereafter in this chapter referred to as the ‘Museum’) is an independent establishment of the United State Government. The Museum shall—

“(1) provide for appropriate ways for the Nation to commemorate the Days of Remembrance, as an annual, national, civic commemoration of the Holocaust, and encourage and sponsor appropriate observances of such Days of Remembrance throughout the United States;

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

“(3) carry out the recommendations of the President’s Commission on the Holocaust in its report to the President of September 27, 1979, to the extent such recommendations are not otherwise provided for in this chapter.

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

“(a) IN GENERAL.—The United States Holocaust Memorial Council (hereafter in this chapter referred to as the ‘Council’) shall be the board of trustees of the Museum and shall have overall governance responsibility for the Museum, including policy guidance and strategic direction, general oversight of Museum operations, and fiduciary responsibility. The Council shall establish an Executive Committee which shall exercise ongoing governance responsibility when the Council is not in session.

Establishment.

“(b) COMPOSITION OF COUNCIL; APPOINTMENT; VACANCIES.—The Council shall consist of 65 voting members appointed (except as otherwise provided in this section) by the President and the following *ex officio* nonvoting members:

President.

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

“(2) One appointed by the Secretary of State.

“(3) One appointed by the Secretary of Education.

Of the 65 voting members, five shall be appointed by the Speaker of the United States House of Representatives from among Members of the United States House of Representatives and five shall be appointed by the President *pro tempore* of the United States Senate upon the recommendation of the majority and minority leaders from among Members of the United States Senate. Any vacancy in the Council shall be filled in the same manner as the original appointment was made.

“(c) TERM OF OFFICE.—

“(1) Except as otherwise provided in this subsection, Council members shall serve for 5-year terms.

“(2) The terms of the five Members of the United States House of Representatives and the five Members of the United States Senate appointed during any term of Congress shall expire at the end of such term of Congress.

“(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member, other than a Member of Congress appointed by the Speaker of the United States House of Representatives or the President *pro tempore* of the United States Senate, may serve after the expiration of his term until his successor has taken office.

“(d) CHAIRPERSON AND VICE CHAIRPERSON; TERM OF OFFICE.—

President.

The Chairperson and Vice Chairperson of the Council shall be appointed by the President from among the members of the Council and such Chairperson and Vice Chairperson shall each serve for terms of 5 years.

“(e) REAPPOINTMENT.—Members whose terms expire may be reappointed, and the Chairperson and Vice Chairperson may be reappointed to those offices.

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

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

“(h) ASSOCIATED COMMITTEES.—Subject to appointment by the Chairperson, an individual who is not a member of the Council may be designated as a member of a committee associated with the Council. Such an individual shall serve without cost to the Federal Government.

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

“(a) IN GENERAL.—Except as provided in subsection (b) of this section, members of the Council are each authorized to be paid the daily equivalent of the annual rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5, for each day (including travel time) during which they are engaged in the actual performance of duties of the Council. While away from their homes or regular places of business in the performance of services for the Council, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5.

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

“SEC. 2304. ADMINISTRATIVE PROVISIONS.

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

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

“(c) ASSISTANCE FROM OTHER FEDERAL DEPARTMENTS AND AGENCIES.—The Secretary of the Smithsonian Institution, the Library of Congress, and the heads of all executive branch departments, agencies, and establishments of the United States may assist the Museum in the performance of its functions under this chapter.

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

“SEC. 2305. STAFF.

“(a) ESTABLISHMENT OF THE MUSEUM DIRECTOR AS CHIEF EXECUTIVE OFFICER.—There shall be a director of the Museum (hereafter in this chapter referred to as the ‘Director’) who shall serve as chief executive officer of the Museum and exercise day-to-day authority for the Museum. The Director shall be appointed by the Chairperson of the Council, subject to confirmation of the

Council. The Director may be paid with nonappropriated funds, and, if paid with appropriated funds shall be paid the rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5. The Director shall report to the Council and its Executive Committee through the Chairperson. The Director shall serve at the pleasure of the Council.

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

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

“(2) appoint and fix the compensation (at a rate not to exceed the rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5) of up to three employees notwithstanding any other provision of law; and

“(3) implement the decisions and strategic plan for the Museum, as approved by the Council, and perform such other functions as may be assigned from time-to-time by the Council, the Executive Committee of the Council, or the Chairperson of the Council, consistent with this legislation.

“SEC. 2306. INSURANCE FOR MUSEUM.

“The Museum shall maintain insurance on the memorial museum to cover such risks, in such amount, and containing such terms and conditions as the Museum deems necessary.

“SEC. 2307. GIFTS, BEQUESTS, AND DEVISES OF PROPERTY; TAX TREATMENT.

“The Museum may solicit, and the Museum may accept, hold, administer, invest, and use gifts, bequests, and devises of property, both real and personal, and all revenues received or generated by the Museum to aid or facilitate the operation and maintenance of the memorial museum. Property may be accepted pursuant to this section, and the property and the proceeds thereof used as nearly as possible in accordance with the terms of the gift, bequest, or devise donating such property. Funds donated to and accepted by the Museum pursuant to this section or otherwise received or generated by the Museum are not to be regarded as appropriated funds and are not subject to any requirements or restrictions applicable to appropriated funds. For the purposes of Federal income, estate, and gift taxes, property accepted under this section shall be considered as a gift, bequest, or devise to the United States.

“SEC. 2308. ANNUAL REPORT.

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

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

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

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

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

“SEC. 2309. AUDIT OF FINANCIAL TRANSACTIONS.

“Financial transactions of the Museum, including those involving donated funds, shall be audited by the Comptroller General as requested by Congress, in accordance with generally accepted auditing standards. In conducting any audit pursuant to this section, appropriate representatives of the Comptroller General shall have access to all books, accounts, financial records, reports, files and other papers, items or property in use by the Museum, as necessary to facilitate such audit, and such representatives shall be afforded full facilities for verifying transactions with the balances.

“SEC. 2310. AUTHORIZATION OF APPROPRIATIONS.

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

Approved October 12, 2000.

LEGISLATIVE HISTORY—H.R. 4115:

HOUSE REPORTS: No. 106-751 (Comm. on Resources).

SENATE REPORTS: No. 106-436 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 7, considered and passed House.

Sept. 28, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 12, Presidential statement.