

Public Law 96-388
96th Congress

An Act

To establish the United States Holocaust Memorial Council.

Oct. 7, 1980

[H.R. 8081]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established the United States Holocaust Memorial Council (hereinafter in this Act referred to as the "Council"). The Council shall—

U.S. Holocaust
Memorial
Council.
Establishment.
36 USC 1401.
Commemora-
tion.

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

Memorial
museum.

(2) plan, construct, and oversee the operation of, 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 5; and

President's
Commission on
the Holocaust.

(3) develop a plan for carrying 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 Act.

SEC. 2. (a) The Council shall consist of sixty voting members appointed (except as otherwise provided in this section) by the President and the following *ex officio* nonvoting members:

Membership;
appointment.
36 USC 1402.

(1) one appointed by the Secretary of the Interior;

(2) one appointed by the Secretary of State, and

(3) one appointed by the Secretary of Education.

Of the sixty 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.

(b) The members of the United States Holocaust Memorial Council, as in effect immediately before the date of the enactment of this Act, are hereby designated as the initial members of the Council. Such initial members (other than the initial members appointed from the United States Senate or the United States House of Representatives) shall serve terms as follows:

Initial members.

(1) All initial members shall serve until January 15, 1986.

(2) On January 15, 1986, the terms of ten of such initial members, as designated in the bylaws of the Council, shall terminate.

Terms.

(3) On January 15 of each year thereafter through 1990 the terms of ten other initial members, as designated in the bylaws of the Council, shall terminate.

The terms of the initial members appointed from the United States Senate or the United States House of Representatives shall expire

- upon the expiration of the term of Congress in session at the time of the enactment of this Act.
- Terms.** (c)(1) Except as provided in subsection (b) with respect to the initial members of the Council and except as otherwise provided in this subsection, Council members shall serve for five-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 each expire at the end of such term of Congress.
- Vacancies.** (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.
- Officers.** (d)(1) Except as provided in paragraph (2), 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 five years. Vacancies in the offices of Chairperson and Vice Chairperson shall be filled, as they arise, by appointment of the President.
 (2) The Chairperson and Vice Chairperson of the United States Holocaust Memorial Council, as in effect immediately before the date of the enactment of this Act, are hereby designated respectively as the initial Chairperson and Vice Chairperson of the Council. Such initial Chairperson and Vice Chairperson shall serve until January 15, 1986.
- Initial officers.** (2) The Chairperson and Vice Chairperson of the United States Holocaust Memorial Council, as in effect immediately before the date of the enactment of this Act, are hereby designated respectively as the initial Chairperson and Vice Chairperson of the Council. Such initial Chairperson and Vice Chairperson shall serve until January 15, 1986.
- Reappointments.** (e) Members whose terms expire may be reappointed, and the Chairperson and Vice Chairperson may be reappointed to those offices.
- Pay.** 36 USC 1403.
 5 USC 5332 note.
- Travel expenses.** SEC. 3. (a) Except as provided in subsection (b), members of the Council are each authorized to be paid the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) 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 of the United States Code.
 (b) Members of the Council who are full-time officers or employees of the United States or Members of the Congress shall receive no additional pay by reason of their service on the Council.
- Bylaws; quorum.** 36 USC 1404.
 5 USC 5332 note.
- Experts and consultants.** SEC. 4. (a) The Council shall adopt bylaws to carry out its functions under this Act. 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.
 (b) The Council may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of the General Schedule.
- Contracts.** (c) The Council 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 Act.

(d) The Secretary of the Smithsonian Institution, the Library of Congress, and all executive branch departments, agencies, and establishments of the United States may assist the Council in the performance of its functions under this Act.

(e) The Secretary of the Interior may provide administrative services and support to the Council on a reimbursable basis.

SEC. 5. (a) The Council shall, without regard to section 5311(b) of title 5, United States Code, have an Executive Director who shall be appointed by the President upon the recommendation of the Chairperson of the Council and who shall be paid at a rate not to exceed the maximum rate of basic pay payable for GS-18 of the General Schedule.

(b) Without regard to section 5311(b) of title 5, United States Code, the Executive Director may appoint and fix the pay of such additional personnel as he considers appropriate. The Executive Director and staff of the Council shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

SEC. 6. (a) For purposes of establishing the memorial museum referred to in paragraph (2) of the first section of this Act, any department, agency, or instrumentality of the United States is authorized to transfer to the administrative jurisdiction of the Council, with the approval of the Secretary of the Interior in consultation with the Commission of Fine Arts and the National Capital Planning Commission, any real property in the District of Columbia which is under the administrative jurisdiction of such department, agency, or instrumentality and which is deemed suitable by the Council for such memorial. With the approval of the Secretary of the Interior, in consultation with the Commission of Fine Arts and the National Capital Planning Commission, the Council may purchase, with the consent of the owner thereof, any real property within the District of Columbia which it deems suitable for purposes of establishing such memorial museum.

(b) The architectural design for such memorial museum shall be subject to the approval of the Secretary of the Interior, in consultation with the Commission of Fine Arts and the National Capital Planning Commission.

(c) The authority conferred pursuant to this Act for the construction and operation of the memorial museum shall lapse on the date five years after the date of the enactment of this Act unless (1) the erection or establishment of such memorial is commenced within such five year period, and (2) prior to the commencement, the Secretary of the Interior certifies that funds are available in an amount sufficient, in the judgment of the Secretary, to ensure completion of the memorial museum.

SEC. 7. The Council may solicit, accept, hold, administer, and use gifts, bequests, and devises of property, both real and personal, to aid or facilitate the construction, maintenance, and operation of the memorial. 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. 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. 8. There is authorized to be appropriated to carry out the purposes of this Act \$722,000 for the fiscal year 1981, \$800,000 for the

Other Federal agencies, assistance.

Administrative services.

Executive Director.
36 USC 1405.

5 USC 5332 note.

Additional personnel.
Appointment.

5 USC 5101 *et seq.*, 5331.

Memorial museum, real property transfer.
36 USC 1406.

Real property purchase.

Architectural design, approval.

Lapse of authority.

Gift, bequests, devises of property.
36 USC 1407.

Taxes.

Appropriation authorization.
36 USC 1408.

Construction,
restriction.

fiscal year 1982, and \$850,000 for the fiscal year 1983: *Provided, however,* That notwithstanding any other provision of this Act, none of the funds authorized herein may be available for construction. Authority to enter into contracts and to make payments under this Act, using funds authorized to be appropriated under this section, shall be effective only to the extent, and in such amounts, as provided in advance in appropriation Acts.

Approved October 7, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1347, Pt. 1 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD, Vol. 126 (1980):

Sept. 23, considered and passed House.

Sept. 24, considered and passed Senate, amended.

Sept. 25, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 41:

Oct. 7, Presidential statement.