

106TH CONGRESS  
2D SESSION

# S. 2598

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

---

## IN THE SENATE OF THE UNITED STATES

MAY 18, 2000

Mr. BINGAMAN (for himself, Mr. MURKOWSKI, Mr. HATCH, Mr. DASCHLE, Mr. ABRAHAM, Mr. SARBANES, Mr. MOYNIHAN, Mrs. BOXER, Mr. SCHUMER, Mr. LAUTENBERG, Mr. SMITH of Oregon, Mr. KOHL, Mr. LEVIN, Mr. WYDEN, Mr. FEINGOLD, Mr. ROBB, Mr. WELLSTONE, Mr. LIEBERMAN, and Mr. INOUE) introduced the following bill, which was read twice and referred to the Committee on Energy and Natural Resources

---

## 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                   **“CHAPTER 23—UNITED STATES**  
 2                   **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. 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 HOL-**  
 4                   **OCAUST MEMORIAL MUSEUM; FUNCTIONS.**

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

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

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

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

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

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

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

21               “(1) 1 appointed by the Secretary of the Inte-  
 22      rior.

23               “(2) 1 appointed by the Secretary of State.

24               “(3) 1 appointed by the Secretary of Education.

25      Of the 65 voting members, 5 shall be appointed by

1 the Speaker of the United States House of Rep-  
2 resentatives from among Members of the United  
3 States House of Representatives and 5 shall be ap-  
4 pointed by the President pro tempore of the United  
5 States Senate upon the recommendation of the ma-  
6 jority and minority leaders from among Members of  
7 the United States Senate. Any vacancy in the Coun-  
8 cil shall be filled in the same manner as the original  
9 appointment was made.

10 “(c) TERM OF OFFICE.—

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

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

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

1 States Senate, may serve after the expiration of his  
2 term until his successor has taken office.

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

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

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

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

23 “(h) ASSOCIATED COMMITTEES.—Subject to appoint-  
24 ment by the Chairperson, an individual who is not a mem-  
25 ber of the Council may be designated as a member of a

1 committee associated with the Council. Such an individual  
 2 shall serve without cost to the Federal Government.

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

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

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

23 **“SEC. 2304. ADMINISTRATIVE PROVISIONS.**

24 “(a) EXPERTS AND CONSULTANTS.—The Museum  
 25 may obtain the services of experts and consultants in ac-

1 cordance with the provisions of section 3109 of title 5,  
2 at rates not to exceed the daily equivalent of the annual  
3 rate of basic pay in effect for positions at level IV of the  
4 Executive Schedule under section 5315 of title 5.

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

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

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

21 **“SEC. 2305. STAFF.**

22 “(a) **ESTABLISHMENT OF THE MUSEUM DIRECTOR**  
23 **AS CHIEF EXECUTIVE OFFICER.**—There shall be a direc-  
24 tor of the Museum (hereinafter in this chapter referred  
25 to as the ‘Director’) who shall serve as chief executive offi-

1 cer of the Museum and exercise day-to-day authority for  
 2 the Museum. The Director shall be appointed by the  
 3 Chairperson of the Council, subject to confirmation of the  
 4 Council. The Director may be paid with nonappropriated  
 5 funds, and, if paid with appropriated funds shall be paid  
 6 the rate of basic pay for positions at level IV of the Execu-  
 7 tive Schedule under section 5315 of title 5. The Director  
 8 shall report to the Council and its Executive Committee  
 9 through the Chairperson. The Director shall serve at the  
 10 pleasure of the Council.

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

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

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

22 “(3) implement the decisions and strategic plan  
 23 for the Museum, as approved by the Council, and  
 24 perform such other functions as may be assigned  
 25 from time to time by the Council, the Executive



1 Committee of the Council, or the Chairperson of the  
2 Council, consistent with this legislation.

3 **“SEC. 2306. MEMORIAL MUSEUM.**

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

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

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

15 “The Museum may solicit, and the Museum may ac-  
16 cept, hold, administer, invest, and use gifts, bequests, and  
17 devises of property, both real and personal, and all reve-  
18 nues received or generated by the Museum to aid or facili-  
19 tate the operation and maintenance of the memorial mu-  
20 seum. Property may be accepted pursuant to this section,  
21 and the property and the proceeds thereof used as nearly  
22 as possible in accordance with the terms of the gift, be-  
23 quest, or devise donating such property. Funds donated  
24 to and accepted by the Museum pursuant to this section  
25 or otherwise received or generated by the Museum are not

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

7 **“SEC. 2308. ANNUAL REPORT.**

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

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

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

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

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

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

24 “Financial transactions of the Museum, including  
25 those involving donated funds, shall be audited by the

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

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

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

○