

*George*

UNITED STATES  
HOLOCAUST MEMORIAL MUSEUM

RICHARD M. GRAVES  
*Program Assistant  
Congressional Relations*

IB

100 Raoul Wallenberg Place, SW., Washington, DC 20024-2126  
(202) 479-9735 Fax: (202) 488-2693  
Email: rgraves@ushmm.org.

# House Calendar No. 110

105TH CONGRESS  
1ST SESSION

# H. R. 1085

[Report No. 105-326]

To revise, codify, and enact without substantive change certain general and permanent laws, related to patriotic and national observances, ceremonies, and organizations, as title 36, United States Code, "Patriotic and National Observances, Ceremonies, and Organizations".

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 1997

Mr. HYDE introduced the following bill; which was referred to the Committee on the Judiciary

OCTOBER 21, 1997

Reported with an amendment, referred to the House Calendar, 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 introduced on March 17, 1997]

---

## A BILL

To revise, codify, and enact without substantive change certain general and permanent laws, related to patriotic and national observances, ceremonies, and organizations, as title 36, United States Code, "Patriotic and National Observances, Ceremonies, and Organizations".







1 appropriate foreign countries to enable the American Battle Monuments Com-  
2 mission to carry out this chapter.

3 (b) *TRANSFER OF ADMINISTRATIVE DUTIES AND POWERS AND SUPPLIES,*  
4 *MATERIAL, AND EQUIPMENT TO COMMISSION.*—(1) The President by executive  
5 order may transfer to the Commission—

6 (A) the same administrative duties and powers related to a permanent  
7 military cemetery located outside the United States and the territories  
8 and possessions of the United States that were transferred to the Com-  
9 mission by Executive Order 6614, February 26, 1934, and Executive  
10 Order 10057, May 14, 1949, as amended by Executive Order 10087, De-  
11 cember 3, 1949; and

12 (B) supplies, material, and equipment located in the permanent mili-  
13 tary cemetery or in a military depot overseas that—

14 (i) the Department of Defense does not need; and

15 (ii) the Commission requests to carry out the duties and powers  
16 specified in clause (A) of this paragraph.

17 (2) After a transfer under this subsection, the Commission shall maintain  
18 the cemetery and all improvements in it.

19 **§2112. Care and maintenance of Surrender Tree site**

20 The American Battle Monuments Commission is responsible for the care  
21 and maintenance of the Surrender Tree site in Santiago, Cuba.

22 **CHAPTER 23—UNITED STATES HOLOCAUST MEMORIAL**  
23 **COUNCIL**

Sec.

- 2301. Establishment and purposes.
- 2302. Membership.
- 2303. Executive Director.
- 2304. Gifts, bequests, and devises of property.
- 2305. Memorial museum.
- 2306. Audits.
- 2307. Administrative.
- 2308. Annual report.
- 2309. Authorization of appropriations.

24 **§2301. Establishment and purposes**

25 The United States Holocaust Memorial Council is an independent estab-  
26 lishment of the United States Government. The Council shall—

27 (1) provide for appropriate ways for the Nation to commemorate the  
28 Days of Remembrance as an annual, national, civic commemoration of  
29 the holocaust;

30 (2) encourage and sponsor appropriate observances of the Days of Re-  
31 membrance throughout the United States;

32 (3) plan, construct, and operate a permanent living memorial museum  
33 to the victims of the holocaust in cooperation with the Secretary of the







1 Interior and other departments, agencies, and instrumentalities of the  
2 United States Government as provided in section 2305 of this title; and

3 (4) develop a plan for carrying out the recommendations of the Presi-  
4 dent's Commission on the Holocaust in its report to the President of Sep-  
5 tember 27, 1979, to the extent the recommendations are not otherwise  
6 provided for in this chapter.

### 7 **§2302. Membership**

8 (a) COMPOSITION.—(1) The United States Holocaust Memorial Council  
9 consists of 65 voting members and the following ex officio nonvoting members:

10 (A) one appointed by the Secretary of the Interior.

11 (B) one appointed by the Secretary of State.

12 (C) one appointed by the Secretary of Education.

13 (2) Of the 65 voting members—

14 (A) the President of the United States appoints 55;

15 (B) the Speaker of the House of Representatives appoints 5 from  
16 among members of the House of Representatives; and

17 (C) the President pro tempore of the Senate appoints 5, on the rec-  
18 ommendation of the majority and minority leaders, from among mem-  
19 bers of the Senate.

20 (b) TERMS OF OFFICE.—(1) Except as provided in this subsection, Council  
21 members serve for terms of 5 years.

22 (2) The terms of the 5 members of the House of Representatives and the  
23 5 members of the Senate appointed during a term of Congress expire at the  
24 end of that term of Congress.

25 (c) CHAIRPERSON AND VICE CHAIRPERSON.—The President of the United  
26 States shall appoint the Chairperson and Vice Chairperson of the Council  
27 from among the members of the Council. The Chairperson and Vice Chair-  
28 person serve for terms of 5 years.

29 (d) VACANCIES.—(1) A vacancy on the Council shall be filled in the same  
30 manner as the original appointment was made.

31 (2) A member appointed to fill a vacancy occurring before the expiration  
32 of the term for which the predecessor was appointed shall be appointed only  
33 for the remainder of the term. A member, except a Member of Congress ap-  
34 pointed by the Speaker of the House of Representatives or the President pro  
35 tempore of the Senate, may serve after the expiration of a term until a succes-  
36 sor takes office.

37 (3) The President of the United States fills a vacancy in the offices of the  
38 Chairperson and Vice Chairperson.

39 (e) REAPPOINTMENT.—A member whose term expires may be reappointed.  
40 The Chairperson and Vice Chairperson may be reappointed to those offices.







1 (f) *PAY AND EXPENSES.*—(1) *Except as provided in paragraph (2) of this*  
 2 *subsection, members of the Council may be paid the daily equivalent of the*  
 3 *maximum annual rate of basic pay payable under section 5376 of title 5 for*  
 4 *each day (including traveltime) during which they perform duties of the*  
 5 *Council. A member is entitled to travel expenses, including a per diem allow-*  
 6 *ance, as provided under section 5703 of title 5.*

7 (2) *Members who are full-time officers or employees of the United States*  
 8 *Government or Members of Congress may not receive additional pay because*  
 9 *of their service on the Council.*

10 (g) *ASSOCIATED COMMITTEES.*—*Subject to appointment by the Chair-*  
 11 *person, an individual who is not a member of the Council may be designated*  
 12 *as a member of a committee associated with the Council. The individual*  
 13 *serves without cost to the Government.*

#### 14 **§2303. Executive Director**

15 (a) *APPOINTMENT AND PAY.*—*The Chairperson of the United States Holo-*  
 16 *caust Memorial Council shall appoint an Executive Director, subject to con-*  
 17 *firmation by the Council. The Executive Director may be paid with non-*  
 18 *appropriated funds. However, if the Executive Director is paid with appro-*  
 19 *propriated funds, the rate of pay shall be a rate that is not more than the maxi-*  
 20 *mum rate of basic pay payable under section 5376 of title 5. The Executive*  
 21 *Director serves at the pleasure of the Council.*

22 (b) *DUTIES AND POWERS.*—*The Executive Director may—*

23 (1) *appoint employees in the competitive service subject to chapter 51*  
 24 *and subchapter III of chapter 53 of title 5;*

25 (2) *appoint and fix the compensation (at a rate that is not more than*  
 26 *the maximum rate of basic pay payable under section 5376 of title 5)*  
 27 *of not more than 3 employees, notwithstanding any other law; and*

28 (3) *implement decisions of the Council, in the manner the Council di-*  
 29 *rects, and carry out other functions the Council, the Executive Committee*  
 30 *of the Council, or the Chairperson assigns.*

#### 31 **§2304. Gifts, bequests, and devises of property**

32 (a) *GENERAL.*—*The United States Holocaust Memorial Council may so-*  
 33 *licit, accept, own, administer, invest, and use gifts, bequests, and devises of*  
 34 *property to aid or facilitate the construction, maintenance, and operation of*  
 35 *the memorial museum. The property and the proceeds of the property shall*  
 36 *be used as nearly as possible in accordance with the terms of the gift, bequest,*  
 37 *or devise donating the property. Funds donated to and accepted by the Coun-*  
 38 *cil under this section are not considered appropriated funds and are not sub-*  
 39 *ject to any requirements or restrictions applicable to appropriated funds.*







1 (b) *TAX TREATMENT.*—For the purposes of Federal income, estate, and gift  
2 taxes, property accepted under this section is deemed to be a gift, bequest, or  
3 devise to the United States Government.

4 **§2305. Memorial museum**

5 (a) *TRANSFER OR PURCHASE OF REAL PROPERTY IN THE DISTRICT OF*  
6 *COLUMBIA.*—For the purpose of establishing the memorial museum, and with  
7 the approval of the Secretary of the Interior in consultation with the Commis-  
8 sion of Fine Arts and the National Capital Planning Commission—

9 (1) a department, agency, or instrumentality of the United States  
10 Government may transfer to the administrative jurisdiction of the Unit-  
11 ed States Holocaust Memorial Council, any real property in the District  
12 of Columbia that is under the administrative jurisdiction of the depart-  
13 ment, agency, or instrumentality and that the Council considers suitable  
14 for the memorial museum; and

15 (2) the Council may purchase, with the consent of the owner, any real  
16 property within the District of Columbia that the Council considers suit-  
17 able for the memorial museum.

18 (b) *ARCHITECTURAL DESIGN APPROVAL.*—The architectural design for the  
19 memorial museum is subject to the approval of the Secretary of the Interior,  
20 in consultation with the Commission of Fine Arts and the National Capital  
21 Planning Commission.

22 (c) *INSURANCE.*—The Council shall maintain insurance on the memorial  
23 museum to cover the risks, in the amount, and containing the terms the Coun-  
24 cil considers necessary.

25 **§2306. Audits**

26 When requested by Congress, the Comptroller General shall audit financial  
27 transactions of the United States Holocaust Memorial Council, including  
28 those involving donated funds, under generally accepted auditing standards.  
29 The Council shall make available for an audit under this section all records,  
30 items, or property used by the Council that are necessary for the audit. The  
31 Council shall provide facilities for verifying transactions with the balances.

32 **§2307. Administrative**

33 (a) *BYLAWS.*—(1) The United States Holocaust Memorial Council shall  
34 adopt bylaws to carry out its functions under this chapter.

35 (2) The Chairperson of the Council may waive a bylaw when the Chair-  
36 person decides the waiver is in the best interest of the Council. Immediately  
37 after waiving a bylaw, the Chairperson shall send written notice to every vot-  
38 ing member of the Council. The waiver becomes final 30 days after the notice  
39 is sent unless a majority of Council members disagrees in writing before the  
40 end of the 30-day period.







1 (b) *QUORUM.*—One-third of the members of the Council is a quorum. A va-  
2 cancy in the Council does not affect its power to function.

3 (c) *EXPERTS AND CONSULTANTS.*—The Council may procure the temporary  
4 or intermittent services of experts or consultants under section 3109 of title  
5 5, at rates that are not more than the daily equivalent of the maximum an-  
6 nual rate of basic pay payable under section 5376 of title 5.

7 (d) *CONTRACT AUTHORITY.*—In accordance with applicable law, the Coun-  
8 cil may make contracts or other arrangements with public agencies or au-  
9 thorities and with private organizations and persons and may make pay-  
10 ments necessary to carry out its functions under this chapter.

11 (e) *ASSISTANCE FROM OTHER UNITED STATES GOVERNMENT DEPART-*  
12 *MENTS, AGENCIES, AND INSTRUMENTALITIES.*—The Secretary of the Smithso-  
13 nian Institution, the Library of Congress, and all departments, agencies, and  
14 instrumentalities in the executive branch of the United States Government  
15 may assist the Council in carrying out its functions under this chapter.

16 (f) *ADMINISTRATIVE SERVICES AND SUPPORT.*—The Secretary of the Inte-  
17 rior may provide administrative services and support to the Council on a re-  
18 imburseable basis.

19 **§2308. Annual report**

20 Each year, the Executive Director of the United States Holocaust Memorial  
21 Council shall submit to Congress a report on the Executive Director's steward-  
22 ship of the authority to construct, maintain, and operate the memorial mu-  
23 seum, including an accounting of all financial transactions involving donated  
24 funds.

25 **§2309. Authorization of appropriations**

26 (a) *GENERAL.*—Amounts necessary to carry out this chapter are authorized  
27 to be appropriated for each of the fiscal years ending September 30, 1997-  
28 2000. Notwithstanding any other law, necessary amounts are authorized to  
29 be appropriated to the Council to obtain, from a private insurance carrier,  
30 insurance against loss in connection with the memorial museum and related  
31 property and exhibits.

32 (b) *USE OF AMOUNTS FOR CONSTRUCTION BARRED.*—Amounts authorized  
33 under this chapter may not be used for construction.

34 (c) *PRIOR AUTHORITY REQUIRED.*—Authority to make contracts and to  
35 make payments under this chapter, using amounts authorized to be appro-  
36 priated under this section, are effective only to the extent, and in amounts,  
37 provided in advance in an appropriations law.

38 **CHAPTER 25—PRESIDENT'S COMMITTEE ON**  
39 **EMPLOYMENT OF PEOPLE WITH DISABILITIES**



