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”.

105TH CONGRESS

1ST SESSION

H. R. 1085

[Report No. 105-326]
appropriate foreign countries to enable the American Battle Monuments Commission to carry out this chapter.

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

(A) the same administrative duties and powers related to a permanent military cemetery located outside the United States and the territories and possessions of the United States that were transferred to the Commission by Executive Order 6614, February 26, 1934, and Executive Order 10057, May 14, 1949, as amended by Executive Order 10087, December 3, 1949; and

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

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

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

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

§2112. Care and maintenance of Surrender Tree site

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

CHAPTER 23—UNITED STATES HOLOCAUST MEMORIAL COUNCIL

Sec. 2301. Establishment and purposes.

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§2301. Establishment and purposes

The United States Holocaust Memorial Council is an independent establishment of the United States Government. The Council shall—

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

(2) encourage and sponsor appropriate observances of the Days of Remembrance throughout the United States;

(3) plan, construct, and operate a permanent living memorial museum to the victims of the holocaust in cooperation with the Secretary of the
§2302. Membership

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

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

(B) one appointed by the Secretary of State.

(C) one appointed by the Secretary of Education.

(2) Of the 65 voting members—

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

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

(C) the President pro tempore of the Senate appoints 5, on the recommendation of the majority and minority leaders, from among members of the Senate.

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

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

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

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

(2) A member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor was appointed shall be appointed only for the remainder of the term. A member, except a Member of Congress appointed by the Speaker of the House of Representatives or the President pro tempore of the Senate, may serve after the expiration of a term until a successor takes office.

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

(e) REAPPOINTMENT.—A member whose term expires may be reappointed. The Chairperson and Vice Chairperson may be reappointed to those offices.
(f) Pay and expenses.—(1) Except as provided in paragraph (2) of this subsection, members of the Council may be paid the daily equivalent of the maximum annual rate of basic pay payable under section 5376 of title 5 for each day (including traveltime) during which they perform duties of the Council. A member is entitled to travel expenses, including a per diem allowance, as provided under section 5703 of title 5.

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

(g) 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. The individual serves without cost to the Government.

§2303. Executive Director

(a) Appointment and Pay.—The Chairperson of the United States Holocaust Memorial Council shall appoint an Executive Director, subject to confirmation by the Council. The Executive Director may be paid with non-appropriated funds. However, if the Executive Director is paid with appropriated funds, the rate of pay shall be a rate that is not more than the maximum rate of basic pay payable under section 5376 of title 5. The Executive Director serves at the pleasure of the Council.

(b) Duties and Powers.—The Executive Director may—

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

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

(3) implement decisions of the Council, in the manner the Council directs, and carry out other functions the Council, the Executive Committee of the Council, or the Chairperson assigns.

§2304. Gifts, bequests, and devises of property

(a) General.—The United States Holocaust Memorial Council may solicit, accept, own, administer, invest, and use gifts, bequests, and devises of property to aid or facilitate the construction, maintenance, and operation of the memorial museum. The property and the proceeds of the property shall be used as nearly as possible in accordance with the terms of the gift, bequest, or devise donating the property. Funds donated to and accepted by the Council under this section are not considered appropriated funds and are not subject to any requirements or restrictions applicable to appropriated funds.
(b) TAX TREATMENT.—For the purposes of Federal income, estate, and gift taxes, property accepted under this section is deemed to be a gift, bequest, or devise to the United States Government.

§2305. Memorial museum

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

(1) a department, agency, or instrumentality of the United States Government may transfer to the administrative jurisdiction of the United States Holocaust Memorial Council, any real property in the District of Columbia that is under the administrative jurisdiction of the department, agency, or instrumentality and that the Council considers suitable for the memorial museum; and

(2) the Council may purchase, with the consent of the owner, any real property within the District of Columbia that the Council considers suitable for the memorial museum.

(b) ARCHITECTURAL DESIGN APPROVAL.—The architectural design for the memorial museum is 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) INSURANCE.—The Council shall maintain insurance on the memorial museum to cover the risks, in the amount, and containing the terms the Council considers necessary.

§2306. Audits

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

§2307. Administrative

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

(2) The Chairperson of the Council may waive a bylaw when the Chairperson decides the waiver is in the best interest of the Council. Immediately after waiving a bylaw, the Chairperson shall send written notice to every voting member of the Council. The waiver becomes final 30 days after the notice is sent unless a majority of Council members disagrees in writing before the end of the 30-day period.
(b) QUORUM.—One-third of the members of the Council is a quorum. A vacancy in the Council does not affect its power to function.

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

(d) CONTRACT AUTHORITY.—In accordance with applicable law, the Council may make contracts or other arrangements with public agencies or authorities and with private organizations and persons and may make payments necessary to carry out its functions under this chapter.

(e) ASSISTANCE FROM OTHER UNITED STATES GOVERNMENT DEPARTMENTS, AGENCIES, AND INSTRUMENTALITIES.—The Secretary of the Smithsonian Institution, the Library of Congress, and all departments, agencies, and instrumentalities in the executive branch of the United States Government may assist the Council in carrying out its functions under this chapter.

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

§2308. Annual report

Each year, the Executive Director of the United States Holocaust Memorial Council shall submit to Congress a report on the Executive Director’s stewardship of the authority to construct, maintain, and operate the memorial museum, including an accounting of all financial transactions involving donated funds.

§2309. Authorization of appropriations

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

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

(c) PRIOR AUTHORITY REQUIRED.—Authority to make contracts and to make payments under this chapter, using amounts authorized to be appropriated under this section, are effective only to the extent, and in amounts, provided in advance in an appropriations law.

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