

carried out on a timely basis, the Commission may borrow money from the Treasury of the United States in such amounts as the Commission considers necessary, but not to exceed a total of \$65,000,000. Borrowed amounts shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the month in which the obligations of the Commission are issued. The interest payments on such obligations may be deferred with the approval of the Secretary, but any interest payment so deferred shall also bear interest.

(2) The borrowing of money by the Commission under paragraph (1) shall be subject to such maturities, terms, and conditions as may be agreed upon by the Commission and the Secretary, except that the maturities may not exceed 20 years and such borrowings may be redeemable at the option of the Commission before maturity.

(3) The obligations of the Commission shall be issued in amounts and at prices approved by the Secretary. The authority of the Commission to issue obligations under this subsection shall remain available without fiscal year limitation. The Secretary of the Treasury shall purchase any obligations of the Commission to be issued under this subsection, and for such purpose the Secretary of the Treasury may use as a public debt transaction of the United States the proceeds from the sale of any securities issued under chapter 31 of title 31. The purposes for which securities may be issued under such chapter are extended to include any purchase of the Commission's obligations under this subsection.

(4) Repayment of the interest and principal on any funds borrowed by the Commission under paragraph (1) shall be made from amounts in the fund. The Commission may not use for such purpose any funds appropriated for any other activities of the Commission.

(e) TREATMENT OF BORROWING AUTHORITY.—In determining whether the Commission has sufficient funds to complete construction of the World War II memorial, as required by section 8906 of title 40, the Secretary of the Interior shall consider the funds that the Commission may borrow from the Treasury under subsection (d) as funds available to complete construction of the memorial, whether or not the Commission has actually exercised the authority to borrow such funds.

(f) VOLUNTARY SERVICES.—(1) Notwithstanding section 1342 of title 31, the Commission may accept from any person voluntary services to be provided in furtherance of the fund-raising activities of the Commission relating to the World War II memorial.

(2) A person providing voluntary services under this subsection shall be considered to be a Federal employee for purposes of chapter 81 of title 5, relating to compensation for work-related injuries, and chapter 171 of title 28, relating to tort claims. A volunteer who is not otherwise employed by the United States shall not be considered to be a Federal employee for any other purpose by reason of the provision of such vol-

untary service, except that any volunteer given responsibility for the handling of funds or the carrying out of a Federal function is subject to the conflict of interest laws contained in chapter 11 of title 18 and the administrative standards of conduct contained in part 2635 of title 5 of the Code of Federal Regulations.

(3) The Commission may provide for reimbursement of incidental expenses that are incurred by a person providing voluntary services under this subsection. The Commission shall determine those expenses that are eligible for reimbursement under this paragraph.

(4) Nothing in this subsection shall be construed to require any Federal employee to work without compensation or to allow the use of volunteer services to displace or replace any Federal employee.

(g) TREATMENT OF CERTAIN CONTRACTS.—A contract entered into by the Commission for the design or construction of the World War II memorial is not a funding agreement as that term is defined in section 201 of title 35.

(h) EXTENSION OF AUTHORITY TO ESTABLISH MEMORIAL.—Notwithstanding section 8903(e) of title 40, the authority for the construction of the World War II memorial provided by Public Law 103-32 (40 U.S.C. 8903 note) expires on December 31, 2005.

(Added Pub. L. 106-117, title VI, § 601(a)(1), Nov. 30, 1999, 113 Stat. 1576; amended Pub. L. 108-178, § 4(h), Dec. 15, 2003, 117 Stat. 2641.)

#### REFERENCES IN TEXT

The World War II 50th Anniversary Commemorative Coins Act, referred to in subsec. (b)(1)(C) is Pub. L. 102-414, Oct. 14, 1992, 106 Stat. 2106, which is classified as a note under section 5112 of Title 31, Money and Finance.

#### AMENDMENTS

2003—Subsec. (a)(2). Pub. L. 108-178, § 4(h)(1), substituted “(40 U.S.C. 8903 note)” for “(40 U.S.C. 1003 note)”.

Subsec. (c)(1). Pub. L. 108-178, § 4(h)(2), substituted “section 8906(b) of title 40” for “section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b))”.

Subsec. (e). Pub. L. 108-178, § 4(h)(3), substituted “section 8906 of title 40” for “section 8 of the Commemorative Works Act (40 U.S.C. 1008)”.

Subsec. (h). Pub. L. 108-178, § 4(h)(4), substituted “section 8903(e) of title 40” for “section 10 of the Commemorative Works Act (40 U.S.C. 1010)” and “(40 U.S.C. 8903 note)” for “(40 U.S.C. 1003 note)”.

#### EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-178 effective Aug. 21, 2002, see section 5 of Pub. L. 108-178, set out as a note under section 5334 of Title 5, Government Organization and Employees.

#### EFFECT OF REPEAL OF CURRENT MEMORIAL FUND

Pub. L. 106-117, title VI, § 601(c), Nov. 30, 1999, 113 Stat. 1578, provided that: “Upon the enactment of this Act [Nov. 30, 1999], the Secretary of the Treasury shall transfer amounts in the fund created by section 4(a) of Public Law 103-32 (40 U.S.C. 1003 note) [now 40 U.S.C. 8903 note] to the fund created by section 2113(b) of title 36, United States Code, as added by subsection (a).”

#### § 2114. Intellectual property and related items

(a) AUTHORITY TO USE AND REGISTER INTELLECTUAL PROPERTY.—The American Battle Monuments Commission may—

(1) adopt, use, register, and license trademarks, service marks, and other marks;

(2) obtain, use, register, and license the use of copyrights consistent with section 105 of title 17;

(3) obtain, use, and license patents; and

(4) accept gifts of marks, copyrights, patents, and licenses for use by the Commission.

(b) **AUTHORITY TO GRANT LICENSES.**—The Commission may grant exclusive and nonexclusive licenses in connection with any mark, copyright, patent, or license for the use of such mark, copyright or patent, except to the extent the grant of such license by the Commission would be contrary to any contract or license by which the use of the mark, copyright, or patent was obtained.

(c) **ENFORCEMENT AUTHORITY.**—The Commission may enforce any mark, copyright, or patent by an action in the district courts under any law providing for the protection of such marks, copyrights, or patents.

(d) **LEGAL REPRESENTATION.**—The Attorney General shall furnish the Commission with such legal representation as the Commission may require under subsection (c). The Secretary of Defense shall provide representation for the Commission in administrative proceedings before the Patent and Trademark Office and Copyright Office.

(e) **IRREVOCABILITY OF TRANSFERS OF COPYRIGHTS TO COMMISSION.**—Section 203 of title 17 shall not apply to any copyright transferred in any manner to the Commission.

(Added Pub. L. 106-117, title VI, §603(a), Nov. 30, 1999, 113 Stat. 1579.)

**§ 2115. Acquisition, operation, and maintenance of Lafayette Escadrille Memorial**

The American Battle Monuments Commission may enter into an agreement with the Lafayette Escadrille Memorial Foundation to acquire, operate, and maintain the Lafayette Escadrille Memorial in Marnes-la-Coquette, France. Under such an agreement, the Commission shall make necessary arrangements to ensure the ongoing maintenance of the memorial, including the cemetery at the memorial that contains the remains of 49 aviators of the United States who died during World War I.

(Added Pub. L. 114-227, §1(a), Sept. 29, 2016, 130 Stat. 934.)

**CHAPTER 23—UNITED STATES HOLOCAUST MEMORIAL MUSEUM**

Sec.	
2301.	Establishment of the United States Holocaust Memorial Museum; functions.
2302.	Functions of the Council; membership.
2303.	Compensation; travel expenses; full-time officers or employees of United States or Members of Congress.
2304.	Administrative provisions.
2305.	Staff.
2306.	Insurance for Museum.
2307.	Gifts, bequests, and devises of property; tax treatment.
2308.	Annual report.
2309.	Audit of financial transactions.

Sec.  
2310. Authorization of appropriations.

**PRIOR PROVISIONS**

A prior chapter 23, consisting of sections 2301 to 2309, related to the United States Holocaust Memorial Council, prior to the general amendment of this chapter by Pub. L. 106-292, §1.

**AMENDMENTS**

2006—Pub. L. 109-284, §5(3), Sept. 27, 2006, 120 Stat. 1211, substituted “Museum” for “museum” in item 2306.

**§ 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 States 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 2304 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.

(Added Pub. L. 106-292, §1, Oct. 12, 2000, 114 Stat. 1030; amended Pub. L. 109-284, §5(4), Sept. 27, 2006, 120 Stat. 1211; Pub. L. 113-237, §3(c)(2), Dec. 18, 2014, 128 Stat. 2840.)

**PRIOR PROVISIONS**

A prior section 2301, Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1277, related to the establishment and purposes of the Holocaust Memorial Council, prior to the general amendment of this chapter by Pub. L. 106-292.

**AMENDMENTS**

2014—Par. (2). Pub. L. 113-237 substituted “section 2304” for “section 2306”.

2006—Pub. L. 109-284 substituted “United States Government” for “United State Government” in introductory provisions.

**TRANSFER OF AUDITORS WEST BUILDING (ANNEX 3); RESPONSIBILITY FOR REPAIRS AND ALTERATIONS**

Pub. L. 101-45, title II, June 30, 1989, 103 Stat. 125, provided that:

“Notwithstanding any other provision of law, the Administrator of General Services (Administrator) shall transfer to the administrative jurisdiction of the Holocaust Memorial Council (Council), without consideration, the Auditors West Building (Annex 3) located at Raoul Wallenberg Place and Independence Avenue Southwest, Washington, District of Columbia.

“Prior to such transfer of jurisdiction to the Council, the Council shall agree to perform all necessary repairs and alterations to the Auditors West Building so as to renovate the exterior of the Auditors West Building in a manner consistent with preservation of the historic architecture of the building, and to preserve the structural integrity of the building. The Council, prior to