

(2) One appointed by the Secretary of State.

(3) One appointed by the Secretary of Education.

Of the 65 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.

(c) TERM OF OFFICE.—

(1) Except as otherwise provided in this subsection, Council members shall serve for 5-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 expire at the end of such term of Congress.

(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.

(d) CHAIRPERSON AND VICE CHAIRPERSON; TERM OF OFFICE.—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 5 years.

(e) REAPPOINTMENT.—Members whose terms expire may be reappointed, and the Chairperson and Vice Chairperson may be reappointed to those offices.

(f) BYLAWS.—The Council shall adopt bylaws to carry out its functions under this chapter. The Chairperson may waive a bylaw when the Chairperson decides that waiver is in the best interest of the Council. Immediately after waiving a bylaw, the Chairperson shall send written notice of the waiver to every voting member of the Council. The waiver becomes final 30 days after the notice is sent unless a majority of Council members disagree in writing before the end of the 30-day period.

(g) QUORUM.—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.

(h) 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. Such an individual shall serve without cost to the Federal Government.

(Added Pub. L. 106-292, §1, Oct. 12, 2000, 114 Stat. 1031.)

PRIOR PROVISIONS

A prior section 2302, Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1277, related to the membership of the Holocaust

Memorial Council, prior to the general amendment of this chapter by Pub. L. 106-292.

§ 2303. Compensation; travel expenses; full-time officers or employees of United States or Members of Congress

(a) IN GENERAL.—Except as provided in subsection (b) of this section, members of the Council are each authorized to be paid the daily equivalent of the annual rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5, for each day (including travel time) 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.

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

(Added Pub. L. 106-292, §1, Oct. 12, 2000, 114 Stat. 1032.)

PRIOR PROVISIONS

A prior section 2303, Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1278, related to the Executive Director of the Holocaust Memorial Council, prior to the general amendment of this chapter by Pub. L. 106-292.

§ 2304. Administrative provisions

(a) EXPERTS AND CONSULTANTS.—The Museum may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, at rates not to exceed the daily equivalent of the annual rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5.

(b) AUTHORITY TO CONTRACT.—The Museum 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 chapter.

(c) ASSISTANCE FROM OTHER FEDERAL DEPARTMENTS AND AGENCIES.—The Secretary of the Smithsonian Institution, the Library of Congress, and the heads of all executive branch departments, agencies, and establishments of the United States may assist the Museum in the performance of its functions under this chapter.

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

(Added Pub. L. 106-292, §1, Oct. 12, 2000, 114 Stat. 1032.)

PRIOR PROVISIONS

A prior section 2304, Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1278, related to gifts, bequests, and devises of property to the Holocaust Memorial Council, prior to

the general amendment of this chapter by Pub. L. 106-292.

§ 2305. Staff

(a) ESTABLISHMENT OF THE MUSEUM DIRECTOR AS CHIEF EXECUTIVE OFFICER.—There shall be a director of the Museum (hereafter in this chapter referred to as the “Director”) who shall serve as chief executive officer of the Museum and exercise day-to-day authority for the Museum. The Director shall be appointed by the Chairperson of the Council, subject to confirmation of the Council. The Director may be paid with nonappropriated funds, and, if paid with appropriated funds shall be paid the rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5. The Director shall report to the Council and its Executive Committee through the Chairperson. The Director shall serve at the pleasure of the Council.

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

(1) appoint employees in the competitive service subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, relating to classification and general schedule pay rates;

(2) appoint and fix the compensation (at a rate not to exceed the rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5) of up to three employees notwithstanding any other provision of law; and

(3) implement the decisions and strategic plan for the Museum, as approved by the Council, and perform such other functions as may be assigned from time-to-time by the Council, the Executive Committee of the Council, or the Chairperson of the Council, consistent with this legislation.

(Added Pub. L. 106-292, § 1, Oct. 12, 2000, 114 Stat. 1032.)

PRIOR PROVISIONS

A prior section 2305, Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1278, related to the establishment of the memorial museum, prior to the general amendment of this chapter by Pub. L. 106-292.

§ 2306. Insurance for Museum

The Museum shall maintain insurance on the memorial museum to cover such risks, in such amount, and containing such terms and conditions as the Museum deems necessary.

(Added Pub. L. 106-292, § 1, Oct. 12, 2000, 114 Stat. 1033.)

PRIOR PROVISIONS

A prior section 2306, Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1279, related to audits of the Holocaust Memorial Council, prior to the general amendment of this chapter by Pub. L. 106-292.

§ 2307. Gifts, bequests, and devises of property; tax treatment

The Museum may solicit, and the Museum may accept, hold, administer, invest, and use gifts, bequests, and devises of property, both real and personal, and all revenues received or

generated by the Museum to aid or facilitate the operation and maintenance of the memorial museum. 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. Funds donated to and accepted by the Museum pursuant to this section or otherwise received or generated by the Museum are not to be regarded as appropriated funds and are not subject to any requirements or restrictions applicable to appropriated funds. 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.

(Added Pub. L. 106-292, § 1, Oct. 12, 2000, 114 Stat. 1033.)

PRIOR PROVISIONS

A prior section 2307, Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1279, provided for administrative provisions, prior to the general amendment of this chapter by Pub. L. 106-292.

§ 2308. Annual report

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

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

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

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

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

(Added Pub. L. 106-292, § 1, Oct. 12, 2000, 114 Stat. 1033.)

PRIOR PROVISIONS

A prior section 2308, Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1280, required the Executive Director to submit an annual report to Congress, prior to the general amendment of this chapter by Pub. L. 106-292.

§ 2309. Audit of financial transactions

Financial transactions of the Museum, including those involving donated funds, shall be audited by the Comptroller General as requested by Congress, in accordance with generally accepted auditing standards. In conducting any audit pursuant to this section, appropriate representatives of the Comptroller General shall have access to all books, accounts, financial records, reports, files and other papers, items or property in use by the Museum, as necessary to facilitate such audit, and such representatives shall be afforded full facilities for verifying transactions with the balances.

(Added Pub. L. 106-292, § 1, Oct. 12, 2000, 114 Stat. 1034.)

PRIOR PROVISIONS

A prior section 2309, Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1280, related to authorization of appropriations,