

(c) **REPORTS AND RECOMMENDATIONS.**—The advisory committee shall make periodic reports and recommendations to the Secretary of the Army.

(d) **SUBMISSION TO CONGRESS.**—Not later than 90 days after receiving a report or recommendations from the advisory committee under subsection (c), the Secretary of the Army shall submit the report or recommendations to the congressional defense committees and the Committees on Veterans' Affairs of the Senate and House of Representatives and include such comments and recommendations of the Secretary as the Secretary considers appropriate.

(Added Pub. L. 112-81, div. A, title V, § 591(a)(1), Dec. 31, 2011, 125 Stat. 1440.)

§ 4724. Executive Director

(a) **APPOINTMENT AND QUALIFICATIONS.**—(1) There shall be an Executive Director of the Army National Military Cemeteries who shall meet such professional qualifications as may be established by the Secretary of the Army.

(2) The Executive Director reports directly to the Secretary.

(b) **RESPONSIBILITIES.**—The Executive Director is responsible for the following:

(1) Exercising authority, direction and control over all aspects of the Cemeteries.

(2) Establishing and maintaining full accountability for all gravesites and inurnment niches in the Cemeteries.

(3) Oversight of the construction, operation and maintenance, and repair of the buildings, structures, and utilities of the Cemeteries.

(4) Acquisition and maintenance of real property and interests in real property for the Cemeteries.

(5) Planning and conducting private ceremonies at the Cemeteries, including funeral and memorial services for interment and inurnment, and planning and conducting public ceremonies, as directed by the Secretary of the Army.

(6) Formulating, promulgating, administering, and overseeing policies and addressing proposals for the placement of memorials and monuments in the Cemeteries.

(7) Formulating and implementing a master plan for Arlington National Cemetery that, at a minimum, addresses interment and inurnment capacity, visitor accommodation, operation and maintenance, capital requirements, preservation of the cemetery's special features, and other matters the Executive Director considers appropriate.

(8) Overseeing the programming, planning, budgeting, and execution of funds authorized and appropriated for the Cemeteries.

(9) Providing recommendations regarding any request for an exception to interment and inurnment eligibility policy.

(10) Supervising the superintendents of the Cemeteries.

(Added Pub. L. 112-81, div. A, title V, § 591(a)(1), Dec. 31, 2011, 125 Stat. 1440.)

§ 4725. Superintendents

(a) **APPOINTMENT AND QUALIFICATIONS.**—An individual serving as the superintendent of one of

the Cemeteries should have, as determined by the Secretary of the Army—

(1) experience in the administration, management, and operation of cemeteries under the jurisdiction of the National Cemeteries System administered by the Department of Veterans Affairs; or

(2) experience in the administration, management, and operation of large civilian cemeteries equivalent to the experience described in paragraph (1).

(b) **DUTIES.**—The superintendents of the Cemeteries report directly to the Executive Director and performs such duties and responsibilities as the Executive Director prescribes.

(Added Pub. L. 112-81, div. A, title V, § 591(a)(1), Dec. 31, 2011, 125 Stat. 1441.)

§ 4726. Oversight and inspections

(a) **INSPECTIONS REQUIRED.**—The Secretary of the Army shall provide for the oversight of the Cemeteries to ensure the highest quality standards are maintained by providing for the periodic inspection of the administration, operation and maintenance, and construction elements applicable to the Cemeteries. The inspections shall be conducted by personnel of the Department of the Army with the assistance, as the Secretary considers appropriate, of personnel from other Federal agencies and civilian experts.

(b) **SUBMISSION OF RESULTS.**—Not later than 120 days after the completion of an inspection conducted under subsection (a), the Secretary of the Army shall submit to the congressional defense committees a report containing the results of the inspection and recommendations and a plan for corrective actions to be taken in response to the inspection.

(Added Pub. L. 112-81, div. A, title V, § 591(a)(1), Dec. 31, 2011, 125 Stat. 1441.)

§ 4727. Cemetery concessions contracts

(a) **CONTRACTS AUTHORIZED.**—The Secretary of the Army may enter into a contract with an appropriate entity for the provision of transportation, interpretative, or other necessary or appropriate concession services to visitors at the Army National Military Cemeteries.

(b) **SPECIAL REQUIREMENTS.**—(1) The Secretary of the Army shall establish and include in each concession contract such requirements as the Secretary determines are necessary to ensure the protection, dignity, and solemnity of the cemetery at which services are provided under the contract.

(2) A concession contract shall not include operation of the gift shop at Arlington National Cemetery without the specific prior authorization by an Act of Congress.

(c) **FRANCHISE FEES.**—A concession contract shall provide for payment to the United States of a franchise fee or such other monetary consideration as determined by the Secretary of the Army. The Secretary shall ensure that the objective of generating revenue for the United States is subordinate to the objectives of honoring the service and sacrifices of the deceased members of the armed forces and of providing necessary and appropriate services for visitors to the Cemeteries at reasonable rates.

(d) **SPECIAL ACCOUNT.**—All franchise fees (and other monetary consideration) collected by the United States under subsection (c) shall be deposited into a special account established in the Treasury of the United States. The funds deposited in such account shall be available for expenditure by the Secretary of the Army, to the extent authorized and in such amounts as are provided in advance in appropriations Acts, to support activities at the Cemeteries. The funds deposited into the account shall remain available until expended.

(e) **CONCESSION CONTRACT DEFINED.**—In this section, the term “concession contract” means a contract authorized and entered into under this section.

(Added Pub. L. 113-66, div. A, title V, §585(a), Dec. 26, 2013, 127 Stat. 777.)

CHAPTER 447—TRANSPORTATION

Sec.

[4741 to 4748. Repealed or Renumbered.]

4749. Property: for United States surveys.

AMENDMENTS

2004—Pub. L. 108-375, div. A, title X, §1072(d)(2), Oct. 28, 2004, 118 Stat. 2058, struck out items 4741 “Control and supervision”, 4743 “Officers: use of transportation”, 4744 “Persons and supplies: sea transportation”, 4745 “Civilian passengers and commercial cargoes: transports in trans-Atlantic service”, 4746 “Civilian personnel in Alaska”, and 4747 “Passengers and merchandise to Guam: sea transport”.

1996—Pub. L. 104-201, div. A, title IX, §906(d)(2), Sept. 23, 1996, 110 Stat. 2620, struck out item 4742 “Control of transportation systems in time of war”.

1962—Pub. L. 87-651, title I, §119(2), Sept. 7, 1962, 76 Stat. 513, struck out item 4748 “Motor vehicles: for members on permanent change of station”.

[§ 4741. Repealed. Pub. L. 108-375, div. A, title X, § 1072(c), Oct. 28, 2004, 118 Stat. 2058]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 266, related to control and supervision of transportation of members, munitions of war, equipment, military property, and stores of the Army throughout the United States.

[§ 4742. Renumbered § 2644]

[§ 4743. Repealed. Pub. L. 108-375, div. A, title X, § 1072(c), Oct. 28, 2004, 118 Stat. 2058]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 266, related to use of transportation by officers of the Army.

[§§ 4744 to 4747. Renumbered §§ 2648 to 2651]

[§ 4748. Repealed. Pub. L. 87-651, title I, § 119(1), Sept. 7, 1962, 76 Stat. 513]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 268, related to transportation of motor vehicles for members on permanent change of station.

§ 4749. Property: for United States surveys

Under regulations governing the transportation of Army supplies, any branch, office, or officer designated by the Secretary of the Army shall receive, transport, and be responsible for property turned over by the officers or agents of any United States survey, for the National Museum or for a department of the United States or field office thereof. The amount paid by the

Army for transportation under this section shall be refunded to the Army by the National Museum or the department to which the property is consigned.

(Aug. 10, 1956, ch. 1041, 70A Stat. 268.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4749	10:1377.	July 5, 1884, ch. 217 (9th proviso under “Quartermaster’s Department”), 23 Stat. 111; June 28, 1950, ch. 383, § 402(b), 64 Stat. 272.

The words “a department of the United States or a field office thereof” are substituted for the words “the civil or naval departments of the Government, in Washington or elsewhere”. The words “National Museum or the department to which the property is consigned” are substituted for the words “bureau to which such property or stores pertain”. The words “United States” are substituted for the word “Government”. The words “wherever stationed” are omitted as surplusage.

CHAPTER 449—REAL PROPERTY

Sec.

4771. Acceptance of donations: land for mobilization, training, supply base, or aviation field.

4772. Heritage Center for the National Museum of the United States Army: development and operation.

[4774, 4775. Repealed.]

4776. Emergency construction: fortifications.

4777. Permits: military reservations; landing ferries, erecting bridges, driving livestock.

4778. Licenses: military reservations; erection and use of buildings; Young Men’s Christian Association.

4779. Use of public property.

4780. Acquisition of buildings in District of Columbia.

AMENDMENTS

2004—Pub. L. 108-375, div. B, title XXVIII, §2822(b), Oct. 28, 2004, 118 Stat. 2132, added item 4772.

1982—Pub. L. 97-295, §1(43)(B), Oct. 12, 1982, 96 Stat. 1298, struck out item 4772 “Reservation and use for air base or testing field”.

Pub. L. 97-214, §10(a)(9)(A), July 12, 1982, 96 Stat. 175, struck out item 4774 “Construction: limitations”.

1973—Pub. L. 93-166, title V, §509(c), Nov. 29, 1973, 87 Stat. 677, substituted “Construction: limitations” for “Construction of quarters: limitations on space and cost” in item 4774.

1971—Pub. L. 92-145, title V, §509(a), Oct. 27, 1971, 85 Stat. 408, struck out item 4775 “Quarters: officers”.

1958—Pub. L. 85-861, §1(105)(B), Sept. 2, 1958, 72 Stat. 1490, added item 4780.

§ 4771. Acceptance of donations: land for mobilization, training, supply base, or aviation field

The Secretary of the Army may accept for the United States a gift of—

(1) land that he considers suitable and desirable for a permanent mobilization, training, or supply station; and

(2) land that he considers suitable and desirable for an aviation field, if the gift is from a citizen of the United States and its terms authorize the use of the property by the United States for any purpose.

(Aug. 10, 1956, ch. 1041, 70A Stat. 268.)