

publish in the Federal Register, see section 10(c) of Pub. L. 93-43, set out as a note under section 2306 of Title 38, Veterans' Benefits.

FUNCTIONS, POWERS, AND DUTIES OF SECRETARIES  
UNAFFECTED

Pub. L. 93-43, §7(b), June 18, 1973, 87 Stat. 88, provided that: "Nothing in this section [repealing sections 271 to 276, 278 to 279d, 281 to 282, 286 to 290, and 296 of this title and enacting provisions set out as a note under sections 271 to 276] shall be deemed to affect in any manner the functions, powers, and duties of—

"(1) the Secretary of the Interior with respect to those cemeteries, memorials, or monuments under his jurisdiction on the effective date of this section [see note above], or

"(2) the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force with respect to those cemeteries, memorials, or monuments under his jurisdiction to which the transfer provisions of section 6(a) of this Act [set out as a note under section 2404 of Title 38, Veterans' Benefits] do not apply."

**§ 277. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 646**

Section, acts Feb. 12, 1925, ch. 225, title II, 43 Stat. 926; Apr. 15, 1926, ch. 146, title II, 44 Stat. 288, provided for appointment and pay of a superintendent of Antietam Battlefield.

**§§ 278 to 279d. Repealed. Pub. L. 93-43, § 7(a)(1), (4), (5), (7), June 18, 1973, 87 Stat. 82**

Section 278, acts July 24, 1876, ch. 226, §1, 19 Stat. 99; June 10, 1921, ch. 18, §§206, 215, 42 Stat. 21, 23; Sept. 12, 1950, ch. 946, title III, §301(96), 64 Stat. 844, provided for care and maintenance of cemeteries. See section 2404(a), (e) of Title 38, Veterans' Benefits.

Section 279, R.S. §4877, related to inclosure, headstones, and registers. See section 2404(a), (c), (d) of Title 38.

Section 279a, acts July 1, 1948, ch. 791, §1, 62 Stat. 1215; Aug. 14, 1958, Pub. L. 85-644, §1(1), 72 Stat. 601; Aug. 28, 1958, Pub. L. 85-811, 72 Stat. 978; Sept. 1, 1970, Pub. L. 91-369, 84 Stat. 836, provided for headstones for unmarked graves of Civil War soldiers, members of armed forces, reserve components, National Guard, Air National Guard, and Reserve Officers Training Corps; compilation of list; and inscription of names on Memorial. See sections 2306 and 2403 of Title 38.

Section 279b, acts July 1, 1948, ch. 791, §2, 62 Stat. 1216; Aug. 14, 1958, Pub. L. 85-644, §1(2), 72 Stat. 602, authorized rules and regulations for the headstones, list, and inscription of names.

Section 279c, act July 1, 1948, ch. 791, §3, 62 Stat. 1216, related to preservation of records respecting the headstones, list, and inscription of names. See section 2404(d) of Title 38.

Section 279d, acts Aug. 27, 1954, ch. 1013, 68 Stat. 880; July 3, 1956, ch. 509, 70 Stat. 489, provided for markers to honor memory of certain Armed Forces personnel. See section 2403(a), (b) of Title 38.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1973, or such earlier date as the President may prescribe and publish in the Federal Register, see section 10(c) of Pub. L. 93-43, set out as a note under section 2306 of Title 38, Veterans' Benefits.

MATURED RIGHTS AND DUTIES, INCURRED PENALTIES,  
LIABILITIES, AND FORFEITURES, AND COMMENCED PRO-  
CEEDINGS EXCEPTED IN REPEAL OF NATIONAL CEME-  
TERIES PROVISIONS

Provisions repealed except with respect to rights and duties matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun before effective date of section 7 of Pub. L. 93-43, see

section 7(a) of Pub. L. 93-43, set out as a note under sections 271 to 276 of this title.

**§§ 280 to 280b. Repealed. July 1, 1948, ch. 791, § 4, 62 Stat. 1216**

Section 280, act Feb. 3, 1879, ch. 44, 20 Stat. 281, related to headstones in private cemeteries. See sections 2306 and 2400 et seq. of Title 38, Veterans' Benefits.

Section 280a, act Feb. 26, 1929, ch. 324, 45 Stat. 1307, related to headstones for Confederate soldiers. See sections 2306 and 2400 et seq. of Title 38.

Section 280b, act Apr. 18, 1940, ch. 109, 54 Stat. 142, related to standard headstones. See sections 2306 and 2400 et seq. of Title 38.

**§§ 281 to 282. Repealed. Pub. L. 93-43, § 7(a)(6), (8), (10)-(12), (60), June 18, 1973, 87 Stat. 82, 88**

Section 281, acts May 14, 1948, ch. 289, §1, 62 Stat. 234; Sept. 14, 1959, Pub. L. 86-260, 73 Stat. 547, enumerated classes of persons eligible for burial in national cemeteries and provided for removal of remains. See section 2402 of Title 38, Veterans' Benefits.

Section 281a, act Aug. 4, 1947, ch. 467, §1, 61 Stat. 742, provided for utilization of surplus military real property for cemeteries.

Section 281b, act Aug. 4, 1947, ch. 467, §2, 61 Stat. 742, related to utilization of surplus military real property for expansion of existing cemeteries and limited the expanded national cemetery area to six hundred and forty acres.

Section 281c, act Aug. 4, 1947, ch. 467, §3, 61 Stat. 742, authorized regulations respecting utilization of surplus military real property for cemeteries.

Section 281d, act Mar. 10, 1950, ch. 52, §1, 64 Stat. 12, related to utilization of surplus military real property for cemeteries at Fort Logan, Colo.

Section 281e, act Mar. 10, 1950, ch. 52, §2, 64 Stat. 12, provided for selection of lands, care and maintenance, and limitation of area of national cemetery at Fort Logan, Colo.

Section 281f, act Mar. 10, 1950, ch. 52, §3, 64 Stat. 12, authorized Secretary of the Army to prescribe rules and regulations for administration of national cemetery at Fort Logan, Colo.

Section 281g, act Aug. 10, 1950, ch. 672, §§1, 2, 64 Stat. 434, provided for expansion of existing cemeteries at Rock Island National Cemetery, Rock Island, Illinois, Fort Leavenworth, National Cemetery, Fort Leavenworth, Kansas, and Barrancas National Cemetery, near Pensacola, Florida.

Section 282, act Aug. 24, 1912, ch. 355, §1, 37 Stat. 440, provided for burial of Confederate veterans.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1973, or such earlier date as the President may prescribe and publish in the Federal Register, see section 10(c) of Pub. L. 93-43, set out as a note under section 2306 of Title 38, Veterans' Benefits.

MATURED RIGHTS AND DUTIES, INCURRED PENALTIES,  
LIABILITIES, AND FORFEITURES, AND COMMENCED PRO-  
CEEDINGS EXCEPTED IN REPEAL OF NATIONAL CEME-  
TERIES PROVISIONS

Provisions repealed except with respect to rights and duties matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun before effective date of section 7 of Pub. L. 93-43, see section 7(a) of Pub. L. 93-43, set out as a note under sections 271 to 276 of this title.

**§§ 283 to 285. Omitted**

CODIFICATION

Section 283, R.S. §4879, related to the military cemetery near Mexico City. See section 2111 of Title 36, Patriotic and National Observances, Ceremonies, and Organizations.

Section 284, R.S. § 4880, related to the regulations for the military cemetery near Mexico City, and is covered by Ex. Ord. No. 9873, July 17, 1947, 12 F.R. 4777, set out as a note under section 2111 of Title 36.

Section 285, acts Feb. 24, 1925, ch. 306, § 2, 43 Stat. 970; May 10, 1928, ch. 515, 45 Stat. 494, which authorized the Secretary of War to accept the land comprising the burial place of President Zachary Taylor, and to establish a national cemetery thereon, has been omitted as executed.

**§§ 286 to 290. Repealed. Pub. L. 93-43, § 7(a)(1), (13)-(18), (42), (44)-(46), June 18, 1973, 87 Stat. 82, 83, 85**

Section 286, R.S. § 4881; act Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167, provided penalty for defacing cemeteries. See section 901 of Title 38, Veterans' Benefits.

Section 287, R.S. § 4882, related to jurisdiction of United States upon purchase of any national cemetery with consent of any State legislature.

Section 288, acts Feb. 12, 1925, ch. 225, title II, 43 Stat. 926; Apr. 15, 1926, ch. 146, title II, 44 Stat. 287; Feb. 23, 1927, ch. 167, title II, 44 Stat. 1138; Mar. 23, 1928, ch. 232, title II, 45 Stat. 354; Feb. 28, 1929, ch. 366, title II, 45 Stat. 1375; June 30, 1954, ch. 425, § 101, 68 Stat. 331; July 15, 1955, ch. 370, title III, 69 Stat. 360; July 2, 1956, ch. 490, title III, 70 Stat. 479, prohibited expenditure of any appropriation for maintenance of more than a single approach to any national cemetery.

Section 289, act May 23, 1941, ch. 130, 55 Stat. 191, provided for conveyance to State or municipality of approach road to national cemetery. See section 2404(f) of Title 38, Veterans' Benefits.

Section 290, act July 27, 1953, ch. 245, § 101, 67 Stat. 197, prohibited encroachment by railroad on rights of way. See section 2404 of Title 38.

**EFFECTIVE DATE OF REPEAL**

Repeal effective Sept. 1, 1973, or such earlier date as the President may prescribe and publish in the Federal Register, see section 10(c) of Pub. L. 93-43, set out as a note under section 2306 of Title 38, Veterans' Benefits.

**MATURED RIGHTS AND DUTIES, INCURRED PENALTIES, LIABILITIES, AND FORFEITURES, AND COMMENCED PROCEEDINGS EXCEPTED IN REPEAL OF NATIONAL CEMETERIES PROVISIONS**

Provisions repealed except with respect to rights and duties matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun before effective date of section 7 of Pub. L. 93-43, see section 7(a) of Pub. L. 93-43, set out as a note under sections 271 to 276 of this title.

**CONVEYANCE TO STATE OR MUNICIPALITY OF APPROACH ROAD TO NATIONAL CEMETERY**

Provisions similar to those set out in former section 289 of this title relating to conveyance to State or municipality of approach road to national cemetery, were also repealed by Pub. L. 93-43, § 7(a)(27) to (29), June 18, 1973, 67 Stat. 84. Subject matter was contained in the following prior appropriation acts:

June 24, 1940, ch. 415, 54 Stat. 506.  
June 28, 1939, ch. 246, 53 Stat. 857.  
June 11, 1938, ch. 348, 52 Stat. 668.

**ENCROACHMENT BY RAILROAD ON RIGHTS OF WAY**

Provisions similar to those set out in former section 290 of this title relating to encroachment by railroad on rights of way were also repealed by Pub. L. 93-43, § 7(a)(19) to (41), (43), June 18, 1973, 87 Stat. 83 to 85. Subject matter was contained in the following prior appropriation acts:

July 11, 1952, ch. 669, 66 Stat. 579.  
Oct. 24, 1951, ch. 556, 65 Stat. 617.  
Sept. 6, 1950, ch. 896, ch. IX, 64 Stat. 725.  
Oct. 13, 1949, ch. 688, 63 Stat. 846.  
June 25, 1948, ch. 655, 62 Stat. 1019.

July 31, 1947, ch. 411, 61 Stat. 687.  
May 2, 1946, ch. 247, 60 Stat. 161.  
Mar. 31, 1945, ch. 45, 59 Stat. 39.  
June 26, 1944, ch. 275, 58 Stat. 327.  
June 2, 1943, ch. 115, 57 Stat. 94.  
Apr. 28, 1942, ch. 246, 56 Stat. 220.  
May 23, 1941, ch. 130, 55 Stat. 191.  
June 24, 1940, ch. 415, 54 Stat. 506.  
June 28, 1939, ch. 246, 53 Stat. 857.  
June 11, 1938, ch. 348, 52 Stat. 668.  
July 19, 1937, ch. 511, 50 Stat. 515.  
May 15, 1936, ch. 404, 49 Stat. 1305.  
Apr. 9, 1935, ch. 54, title II, 49 Stat. 145.  
Apr. 26, 1934, ch. 165, title II, 48 Stat. 639.  
Mar. 4, 1933, ch. 281, title II, 47 Stat. 1595.  
July 14, 1932, ch. 482, title II, 47 Stat. 689.  
Feb. 23, 1931, ch. 279, title II, 46 Stat. 1302.  
May 28, 1930, ch. 348, title II, 46 Stat. 458.  
Feb. 28, 1929, ch. 366, title II, 45 Stat. 1375.  
Mar. 23, 1928, ch. 232, title II, 45 Stat. 354.  
Feb. 23, 1927, ch. 167, title II, 44 Stat. 1138.  
Apr. 15, 1926, ch. 146, title II, 44 Stat. 287.  
Feb. 12, 1925, ch. 225, title II, 43 Stat. 926.

**§§ 291 to 295. Repealed. Pub. L. 86-694, § 2, Sept. 2, 1960, 74 Stat. 739**

Section 291, act Mar. 4, 1921, ch. 169, § 1, 41 Stat. 1440, established a commission to make recommendations for memorials and entombments for Arlington Memorial Amphitheater.

Section 292, act Mar. 4, 1921, ch. 169, § 2, 41 Stat. 1440, provided for a chairman and disbursing officer.

Section 293, act Mar. 4, 1921, ch. 169, § 3, 41 Stat. 1440, required specific Congressional authorization for erection of memorials and interments.

Section 294, act Mar. 4, 1921, ch. 169, § 4, 41 Stat. 1440, related to restrictions on inscriptions and entombments.

Section 295, act Mar. 4, 1921, ch. 169, § 5, 41 Stat. 1440, related to character of the inscription.

Sections are covered by section 295a of this title.

**§ 295a. Arlington Memorial Amphitheater**

**(a) Recommendations of Secretary of Defense for memorials and entombments**

The Secretary of Defense or his designee may send to Congress in January of each year, his recommendations with respect to the memorials to be erected, and the remains of deceased members of the Armed Forces to be entombed, in the Arlington Memorial Amphitheater, Arlington National Cemetery, Virginia.

**(b) Specific authorization from Congress**

No memorial may be erected and no remains may be entombed in such amphitheater unless specifically authorized by Congress.

**(c) Character of memorials**

The character, design, or location of any memorial authorized by Congress is subject to the approval of the Secretary of Defense or his designee.

(Pub. L. 86-694, § 1, Sept. 2, 1960, 74 Stat. 739.)

**MEMORIAL TO VETERANS OF VIETNAM CONFLICT**

Pub. L. 95-479, title III, § 307, Oct. 18, 1978, 92 Stat. 1566, provided that: "The Secretary of Defense shall have placed in the Trophy Hall of the Memorial Amphitheater at Arlington National Cemetery a memorial plaque which shall bear the following inscription: 'The people of the United States of America pay tribute to those members of the Armed Forces of the United States who served honorably in Southeast Asia during the Vietnam conflict.' To further honor those members