

AMENDMENTS

2002—Subsec. (c)(2). Pub. L. 107-323, §2(b), added subpar. (A) and redesignated former subpars. (A) and (B) as (B) and (C), respectively.

Subsec. (d)(3). Pub. L. 107-323, §2(a), substituted "The World War II Memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial" for "The Korean War Veterans Memorial and the Vietnam Veterans Memorial".

1998—Subsecs. (b) to (g). Pub. L. 105-354 added subsecs. (b) to (g) and struck out former subsecs. (b) and (c) which read as follows:

"(b) DISPLAY.—The flag shall be displayed—

"(1) at each national cemetery and at the National Vietnam Veterans Memorial each year on Memorial Day and Veterans Day and on any day designated by law as National POW/MIA Recognition Day; and

"(2) on, or on the grounds of, the buildings containing the primary offices of the Secretaries of State, Defense, and Veterans Affairs, and the Director of the Selective Service System on any day designated by law as National POW/MIA Recognition Day.

"(c) TERMINATION OF FLAG DISPLAY REQUIREMENT.—Subsection (b) of this section ceases to apply when the President decides that the fullest possible accounting has been made of all members of the Armed Forces and civilian employees of the United States Government who have been identified as prisoners of war or missing in action in Southeast Asia."

DISPLAY ON EXISTING FLAGPOLE

Pub. L. 107-323, §2(c), Dec. 4, 2002, 116 Stat. 2788, provided that: "No element of the United States Government may construe the amendments made by this section [amending this section] as requiring the acquisition [sic] erection of a new or additional flagpole for purposes of the display of the POW/MIA flag."

§ 903. Designation of Medal of Honor Flag

(a) DESIGNATION.—The Secretary of Defense shall design and designate a flag as the Medal of Honor Flag. In selecting the design for the flag, the Secretary shall consider designs submitted by the general public.

(b) PRESENTATION.—The Medal of Honor Flag shall be presented as specified in sections 3755, 6257, and 8755 of title 10 and section 505 of title 14.

(Added Pub. L. 107-248, title VIII, §8143(b)(1), Oct. 23, 2002, 116 Stat. 1570.)

FINDINGS

Pub. L. 107-248, title VIII, §8143(a), Oct. 23, 2002, 116 Stat. 1570, provided that: "Congress finds that—

"(1) the Medal of Honor is the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Forces of the United States;

"(2) the Medal of Honor was established by Congress during the Civil War to recognize soldiers who had distinguished themselves by gallantry in action;

"(3) the Medal of Honor was conceived by Senator James Grimes of the State of Iowa in 1861; and

"(4) the Medal of Honor is the Nation's highest military honor, awarded for acts of personal bravery or self-sacrifice above and beyond the call of duty."

PRESENTATION OF MEDAL OF HONOR FLAG

Pub. L. 107-248, title VIII, §8143(d), Oct. 23, 2002, 116 Stat. 1571, provided that: "The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36, United States Code, as added by subsection (b), to each person awarded the Medal of Honor before the date of enactment of this Act [Oct. 23, 2002] who is living as of that date.

Such presentation shall be made as expeditiously as possible after the date of the designation of the Medal of Honor Flag by the Secretary of Defense under such section."

PART B—UNITED STATES GOVERNMENT ORGANIZATIONS INVOLVED WITH OBSERVANCES AND CEREMONIES

CHAPTER 21—AMERICAN BATTLE MONUMENTS COMMISSION

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AMENDMENTS

2016—Pub. L. 114-227, §1(b), Sept. 29, 2016, 130 Stat. 934, added item 2115.

1999—Pub. L. 106-117, title VI, §§601(a)(2), 603(b), Nov. 30, 1999, 113 Stat. 1578, 1579, added items 2113 and 2114.

§ 2101. Membership

(a) COMPOSITION AND TERMS.—The American Battle Monuments Commission has not more than 11 members appointed by the President. The President also shall appoint one officer of the Regular Army to serve as secretary of the Commission. The members and secretary serve at the pleasure of the President. The President shall fill any vacancies that occur. Notwithstanding any other law, members of the Armed Forces may be appointed members of the Commission.

(b) PAY AND EXPENSES.—The members of the Commission serve without compensation. However, the members of the Commission may receive, from an amount appropriated to carry out this chapter or acquired by another authorized way—

(1) their actual expenses related to the work of the Commission;

(2) when in a travel status outside the continental United States, a per diem at the rate authorized to be paid for members of the uniformed services under section 475 of title 37 instead of subsistence; and

(3) when in a travel status in the continental United States, a per diem at the rate authorized to be paid under sections 5702 and 5703 of title 5 instead of subsistence.

(c) EXPENSES OF OFFICERS OF ARMED FORCES SERVING ON COMMISSION.—An officer of the Armed Forces serving as a member or as secretary of the Commission may be reimbursed for