

sary. The words “duties and powers” are substituted for “functions” for consistency in the revised title and with other titles of the United States Code. In clause (2), the words “in nature” are omitted as unnecessary.

RESTORATION, OPERATION, AND MAINTENANCE OF CLARK VETERANS CEMETERY

Pub. L. 112-260, title I, §106, Jan. 10, 2013, 126 Stat. 2421, provided that:

“(a) IN GENERAL.—After an agreement is made between the Government of the Republic of the Philippines and the United States Government, Clark Veterans Cemetery in the Republic of the Philippines shall be treated, for purposes of section 2104 of title 36, United States Code, as a cemetery for which it was decided under such section that the cemetery will become a permanent cemetery and the American Battle Monuments Commission shall restore, operate, and maintain Clark Veterans Cemetery (to the degree the Commission considers appropriate) under such section in cooperation with the Government of the Republic of the Philippines.

“(b) LIMITATION ON FUTURE BURIALS.—Burials at the cemetery described in subsection (a) after the date of the agreement described in such subsection shall be limited to eligible veterans, as determined by the Commission, whose burial does not incur any cost to the Commission.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission—

“(1) \$5,000,000 for site preparation, design, planning, construction, and associated administrative costs for the restoration of the cemetery described in subsection (a); and

“(2) amounts necessary to operate and maintain the cemetery described in subsection (a).”

§ 2105. Monuments built by the United States Government

(a) MEMORIALS.—The American Battle Monuments Commission shall prepare plans and estimates to build suitable memorials commemorating the service of American Armed Forces, and shall build and maintain memorials in the United States and, as the Commission decides, at any place outside the United States where the Armed Forces have served since April 6, 1917.

(b) ARCHITECTURE AND ART.—The Commission shall build and maintain works of architecture and art in United States cemeteries located outside the United States and the territories and possessions of the United States that are permanent cemeteries. The Secretary of Veterans Affairs shall maintain works of architecture and art built by the Commission in the National Cemetery Administration, as described in section 2400(b) of title 38.

(c) CONTROL AND SUPERVISION OF MATERIALS, DESIGN, AND BUILDING.—(1) The Commission shall control the materials and design and prescribe regulations for, and supervise the building of, all memorial monuments and buildings in United States cemeteries located outside the United States and the territories and possessions of the United States.

(2) The Commission shall control the design and prescribe regulations for the building of all memorial monuments and buildings commemorating the service of American Armed Forces that are built in a foreign country or political division of the foreign country that authorizes the Commission to carry out those duties and powers.

(d) APPROVAL BY NATIONAL COMMISSION OF FINE ARTS.—A design for a memorial must be approved by the National Commission of Fine Arts before the Commission can accept it.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1271; Pub. L. 105-368, title IV, §403(d)(1), Nov. 11, 1998, 112 Stat. 3339.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2105(a)	36:123 (1st par. 1st sentence).	Mar. 4, 1923, ch. 283, §3, 42 Stat. 1509; June 26, 1946, ch. 502, 60 Stat. 317; July 25, 1956, ch. 721, §§2(b), (d), 3(b), 70 Stat. 640, 641.
2105(b)	36:123 (1st par. 2d, last sentences).	
2105(c)	36:123 (2d, last pars.).	
2105(d)	36:124.	Mar. 4, 1923, ch. 283, §4, 42 Stat. 1510; June 26, 1946, ch. 502, 60 Stat. 317; July 25, 1956, ch. 721, §§2(b), (d), 3(c), 70 Stat. 640, 641.

In subsections (a) and (c)(2), the word “American” is omitted as unnecessary.

In subsection (a), the words “or shall hereafter serve” are omitted as obsolete.

In subsection (b), the words “Secretatry [sic] of Veterans Affairs” are substituted for “Department of Defense”, and the words “the National Cemetery System, as described in section 2400(b) of title 38” are substituted for “cemeteries within the United States, its Territories and possessions”, because of section 6 of the National Cemeteries Act of 1973 (Public Law 93-43, 38 U.S.C. 2404 note), which transferred jurisdiction over and responsibility for the national cemeteries (with certain exceptions) from the Secretary of the Army to the Administrator of Veterans’ Affairs.

In subsection (c)(2), the words “duties and powers” are substituted for “functions” for consistency in the revised title and with other titles of the United States Code.

AMENDMENTS

1998—Subsec. (b). Pub. L. 105-368 substituted “National Cemetery Administration” for “National Cemetery System”.

§ 2106. War memorials not built by the United States Government

(a) COOPERATION WITH OTHERS.—The American Battle Monuments Commission may cooperate with citizens of the United States, States, municipalities, or associations desiring to build war memorials outside the continental limits of the United States in the way the Commission decides. An administrative agency of the United States Government may give assistance to build the memorial only if a plan for the memorial has been approved under this chapter.

(b) CONTROL, ADMINISTRATION, AND MAINTENANCE OF WAR MEMORIALS.—(1) The Commission may assume responsibility for the control, administration, and maintenance of any war memorial built outside the United States by a citizen of the United States, a State, a political subdivision of a State, a governmental authority (except a department, agency, or instrumentality of the United States Government), a foreign agency, or a private association to commemorate the services of any of the Armed Forces in hostilities occurring since April 6, 1917, if—

(A) the memorial is not built on the territory of the applicable former enemy; and

(B) the sponsors of the memorial consent to the Commission assuming those responsibilities and transfer to the Commission all their rights and interests in the memorial.

(2) If reasonable effort fails to locate the sponsors of a memorial, the Commission may assume responsibility for the memorial under this subsection by agreement with the appropriate foreign authorities. A decision of the Commission to assume responsibility for a war memorial under this subsection is final.

(3) Sponsors of a war memorial for which the Commission assumes responsibility under this subsection may transfer amounts accumulated to maintain and repair the memorial to the Commission for use in carrying out this chapter. Except as provided in subsection (c) of this section, the Commission shall deposit transferred amounts as provided in section 2103(e) of this title.

(c) ARRANGEMENTS FOR REPAIR OR LONG-TERM MAINTENANCE OF MEMORIALS.—In assuming responsibility for a war memorial under subsection (b)(1) or (2) of this section, the Commission may arrange with the sponsors of the memorial to provide for repair or long-term maintenance of the memorial. An amount transferred to the Commission for the purpose of this subsection shall be deposited by the Commission in the fund established under subsection (d) of this section.

(d) FUND FOR ARRANGEMENTS FOR REPAIR OR LONG-TERM MAINTENANCE OF MEMORIALS.—(1) There is a fund in the Treasury that is available to the Commission for expenses of repair and long-term maintenance of memorials for which the Commission has made arrangements under subsection (c) of this section. The fund consists of—

(A) amounts deposited into, and interest and proceeds credited to, the fund under paragraph (2) of this subsection; and

(B) obligations obtained under paragraph (3) of this subsection.

(2) The Commission shall deposit into the fund the amounts that are accepted under subsection (c) of this section. The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from the sale or redemption of, obligations held in the fund.

(3) The Secretary shall invest any part of the fund that the Commission decides is not required to meet current expenses. Each investment shall be made in an interest-bearing obligation of the United States Government, or an obligation that has its principal and interest guaranteed by the Government, that the Commission decides has a maturity suitable for the fund.

(4) The Commission shall separately account for all amounts deposited in and expended from the fund for each war memorial for which an arrangement for repair or long-term maintenance is made under subsection (c) of this section.

(e) DEMOLITION OF WAR MEMORIAL BUILT IN A FOREIGN COUNTRY AND DISPOSITION OF SITE.—The Commission may take necessary action to de-

molish any war memorial built outside the United States by a citizen of the United States, a State, a political subdivision of a State, a governmental authority (except a department, agency, or instrumentality of the United States Government), a foreign agency, or a private association and to dispose of the site of the memorial in a way the Commission decides is proper, if—

(1) the appropriate foreign authorities agree to the demolition; and

(2)(A) the sponsor of the memorial consents to the demolition; or

(B) the memorial has fallen into disrepair and a reasonable effort by the Commission has failed—

(i) to persuade the sponsor to maintain the memorial at a standard acceptable to the Commission; or

(ii) to locate the sponsor.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1272.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
2106(a)	36:125(a).	Mar. 4, 1923, ch. 283, § 5(a), 42 Stat. 1509; June 26, 1946, ch. 502, 60 Stat. 317; July 25, 1956, ch. 721, § 2(b), (d), 70 Stat. 640; Jan. 2, 1974, Pub. L. 93-244, 87 Stat. 1070.
2106(b)(1)	36:125(b)(1) (1st sentence), (d).	Mar. 4, 1923, ch. 283, § 5(b)-(d), as added Jan. 2, 1974, Pub. L. 93-244, 87 Stat. 1070; Oct. 9, 1996, Pub. L. 104-275, title VI, § 602(a), 110 Stat. 3344.
2106(b)(2)	36:125(b)(1) (last sentence), (d).	
2106(b)(3)	36:125(b)(2)(A), (d).	
2106(c)	36:125(b)(2)(B), (d).	
2106(d)	36:125(b)(3).	
2106(e)	36:125(c), (d).	

In subsections (b), (c), and (e), the text of 36:125(d) is omitted as unnecessary.

In subsection (b)(1), before clause (A), the words “in its discretion” and “before, on, or after the effective date of this subsection” are omitted as unnecessary. The words “governmental authority (except a department, agency, or instrumentality of the United States Government)” are substituted for “non-Federal governmental agency” for consistency in the revised title and with other titles of the United States Code. In clause (B), the word “title” is omitted as included in “rights”.

MAINTENANCE AND REPAIR OF PACIFIC BATTLE MONUMENTS

Pub. L. 103-160, div. A, title III, § 369, Nov. 30, 1993, 107 Stat. 1634, provided that:

“(a) AUTHORITY.—The Commandant of the Marine Corps may provide necessary minor maintenance and repairs to the Pacific battle monuments until such time as the Secretary of the American Battle Monuments Commission and the Commandant of the Marine Corps agree that the repair and maintenance will be performed by the American Battle Monuments Commission.

“(b) FUNDING.—Of the amounts authorized to be appropriated to the Marine Corps for operation and maintenance in a fiscal year, not more than \$15,000 may be made available to repair and maintain Pacific battle monuments, except that of the amounts available to the Marine Corps for operation and maintenance in fiscal year 1994, \$150,000 may be made available to repair and relocate a monument located on Iwo Jima commemorating the heroic efforts of United States military personnel during World War II.”

§ 2107. National Memorial Cemetery of the Pacific

With the consent of the Secretary of Veterans Affairs, the American Battle Monuments Commission may build works of architecture and art in the National Memorial Cemetery of the Pacific.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1274.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2107	36:125a.	June 24, 1954, ch. 359, §101 (1st proviso in last par. under heading "American Battle Monuments Commission"), 68 Stat. 275.

The words "Secretary of Veterans Affairs" are substituted for "Secretary of the Army" because of section 6 of the National Cemeteries Act of 1973 (Public Law 93-43, 38 U.S.C. 2404 note), which transferred jurisdiction over and responsibility for the national cemeteries (with certain exceptions) from the Secretary of the Army to the Administrator of Veterans' Affairs. The words "as may be determined by the Commission" are omitted as unnecessary.

§ 2108. Pacific War Memorial and other historical and memorial sites on Corregidor

(a) GENERAL.—After an agreement is made between the Government of the Republic of the Philippines and the United States Government, the American Battle Monuments Commission shall restore, operate, and maintain the Pacific War Memorial and other historical and memorial sites on Corregidor.

(b) PERSONNEL.—The Commission may employ necessary personnel to carry out this section.

(c) USE OF OTHER DEPARTMENTS, AGENCIES, AND INSTRUMENTALITIES.—Departments, agencies, and instrumentalities of the United States Government may assist the Commission, on a reimbursable basis, in carrying out this section.

(d) AUTHORITY TO SOLICIT CONTRIBUTIONS.—To carry out this section, the Commission may solicit and accept private contributions and shall deposit the contributions in the fund established by subsection (f) of this section.

(e) USE OF PRIVATE AMOUNTS.—The Commission shall carry out this section with private amounts except to the extent amounts are appropriated under subsection (g) of this section.

(f) FUND.—(1) There is a fund in the Treasury that is available to the Commission only to carry out this section. The fund consists of—

(A) amounts deposited into, and interest and proceeds credited to, the fund under paragraph (2) of this subsection; and

(B) obligations obtained under paragraph (3) of this subsection.

(2) The Chairman of the Commission shall deposit into the fund the amounts that are accepted under subsection (d) of this section. The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from the sale or redemption of, obligations held in the fund.

(3) The Secretary shall invest any part of the fund that the Chairman decides is not required to meet current expenses. Each investment shall

be made in an interest-bearing obligation of the United States Government, or an obligation that has its principal and interest guaranteed by the Government, that the Chairman decides has a maturity suitable for the fund.

(4) Amounts in the fund exceeding the cost of carrying out this section, as decided by the Chairman, shall be deposited in the Treasury as miscellaneous receipts to reimburse the United States Government for amounts appropriated under subsection (g) of this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) \$6,000,000 for site preparation, design, planning, construction, and associated administrative costs for the restoration of the Memorial and other historical and memorial sites referred to in subsection (a) of this section; and

(2) amounts necessary to operate and maintain the Memorial and those other historical and memorial sites.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1274.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2108(a)	36:125b(a), (b).	Nov. 18, 1988, Pub. L. 100-687, title XVI, §1602, 102 Stat. 4137.
2108(b)	36:125b(c).	
2108(c)	36:125b(d).	
2108(d)	36:125b(f).	
2108(e)	36:125b(e).	
2108(f)	36:125b(g).	
2108(g)	36:125b(h).	

§ 2109. Foreign Currency Fluctuations Account

(a) ESTABLISHMENT AND PURPOSE.—There is an account in the Treasury known as the "Foreign Currency Fluctuations, American Battle Monuments Commission, Account". The Account shall be used to provide amounts, in addition to amounts appropriated for salaries and expenses of the Commission, to pay the cost of salaries and expenses that exceeds the amount appropriated for salaries and expenses because of fluctuations in currency exchange rates of foreign countries occurring after a budget request for the Commission is submitted to Congress. The Account may not be used for any other purpose.

(b) INCREASE IN PERMISSIBLE OBLIGATIONS OF AMOUNTS.—A provision of law limiting the amounts the Commission may obligate in a fiscal year shall be increased to the extent necessary to reflect fluctuations in exchange rates from those used in preparing the budget submission.

(c) TRANSFERRED AMOUNTS.—(1) Amounts in the Account may be transferred to amounts appropriated for salaries and expenses of the Commission. Transferred amounts shall be merged with, and are available for the same time period as, the appropriation to which they are applied.

(2) AMOUNTS TRANSFERRED FROM THE ACCOUNT MAY BE TRANSFERRED BACK—

(A) if the amounts are not needed to pay obligations incurred because of fluctuations in currency exchange rates of foreign countries in the appropriation to which the amounts were originally transferred; or