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[CHAPTER 497]

AN ACT

August 5, 1947
[H. R. 3394]
[Public Law 368]

To amend the Act entitled "An Act to provide for the evacuation and return of the remains of certain persons who died and are buried outside the continental limits of the United States", approved May 16, 1946, in order to provide for the shipment of the remains of World War II dead to the homeland of the deceased or of next of kin, to provide for the disposition of group and mass burials, to provide for the burial of unknown American World War II dead in United States military cemeteries to be established overseas, to authorize the Secretary of War to acquire land overseas and to establish United States military cemeteries thereon, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of May 16, 1946, entitled "An Act to provide for the evacuation and return of the remains of certain persons who died and are buried outside the continental limits of the United States" (Public Law 383, Seventy-ninth Congress), is hereby amended to read as follows:

Return of remains of certain persons buried outside U. S.

60 Stat. 182.
50 U. S. C. app. §§ 1811–1816.

"That the Congress hereby declares it to be in the public interest to provide for the interment of the remains of certain persons who died on or after September 3, 1939, and whose remains are buried in places located outside the continental limits of the United States and could not be returned to their homeland for burial due to wartime shipping restrictions, by authorizing their permanent interment outside the continental limits of the United States or their evacuation and return either to their homeland or to the homeland of their next of kin, and to centralize in one agency the task of accomplishing the purpose of this Act.

Responsibility.

"SEC. 2. All activities herein provided for are hereby made a responsibility of the Secretary of War, except as expressly reserved to the American Battle Monuments Commission by section 9 of this Act.

Identified remains.

"SEC. 3. The Secretary of War is hereby authorized and directed upon application by the next of kin in the case of individual identified remains to return such remains to the homeland of the decedent or of his next of kin for interment at places designated by the next of kin, including national cemeteries provided such remains are entitled to interment therein; and he is further authorized at his own discretion in the case of group or mass burials, which include the remains of one or more known individuals, to cause them to be interred in such places as he may direct: *Provided*, That this Act shall apply only to the remains of persons who died on or after September 3, 1939, and are buried outside the continental limits of the United States, and who were—

Applicability.

"(a) members of the armed forces of the United States who died in the service;

"(b) civilian officers and employees of the United States;

"(c) citizens of the United States who served in the armed forces of any government at war with Germany, Italy, or Japan and who died while in such service and who were citizens of the United States at the time of such service;

"(d) citizens of the United States whose homes are in fact in the United States and whose death outside the continental limits thereof can be directly attributed to the war or who died while employed or otherwise engaged in activities contributing to the prosecution of the war; and

"(e) such other citizens of the United States, the disposition of the remains of whom under the provisions of this Act would, in the discretion of the Secretary of War, serve the public interest.

Interment in military cemeteries outside U. S.

"SEC. 4. With respect to the remains of all persons who are included in the categories set forth in the preceding section of this Act, the

Secretary of War is further authorized and directed upon application by the next of kin in the case of individual identified remains, and authorized at his own discretion in the case of unidentified remains and in all cases of identified remains which are not returned to the homeland under the provisions of this Act to inter the remains in United States military cemeteries established outside the continental limits of the United States.

Acquisition of land abroad.

"SEC. 5. The Secretary of War is hereby authorized to acquire by purchase, gift, or devise, without submission to the Attorney General of the United States under the provisions of section 355 of the Revised Statutes (34 U. S. C. 520; 40 U. S. C. 255), land or interest in land in foreign countries necessary for the purposes of this Act, and to establish thereon United States military cemeteries. Cemeteries established by the Secretary of War under the authority of this Act are subject to the provisions of section 12, Public Law 456, Seventy-ninth Congress.

60 Stat. 318.
36 U. S. C. § 132.

Rules and regulations.

"SEC. 6. The Secretary of War is authorized to prescribe such rules and regulations as may be necessary to carry out the purposes and provisions of this Act.

Appropriations authorized.
Ante, p. 686.

"SEC. 7. There is hereby authorized to be appropriated from time to time such sums as may be necessary to carry out the provisions of this Act, said sums to be made available for civil functions administered by the War Department, 'Cemeterial expenses, War Department', to be expended under the direction of the Secretary of War.

Termination of Act, etc.

"SEC. 8. This Act and the authority granted therein and all rules and regulations promulgated thereunder shall terminate on December 31, 1951, or upon such earlier date as may be specified in a proclamation by the President, or in a concurrent resolution by the two Houses of Congress as the date beyond which further continuance of the authority granted by this Act is not necessary in the public interest, whichever date is earliest: *Provided*, That as to any applications provided for under sections 3 and 4 filed prior to such termination date, the provisions of this Act and such rules or regulations promulgated pursuant thereto shall be treated as remaining in force for the purpose of providing for the return or overseas burial of remains in proper cases."

Prior applications.

Design and construction of cemeteries abroad.

SEC. 9. The American Battle Monuments Commission shall be solely responsible for the permanent design and construction of the cemeteries to be established in foreign countries under section 5 of this Act and of all buildings, plantings, headstones, and other permanent improvements incidental thereto. The Secretary of War is authorized to undertake such temporary construction as will be necessary for the accomplishment of this Act and to maintain such cemeteries in a suitable condition until such time as the functions of administration thereof shall pass to the American Battle Monuments Commission in accordance with section 12 of Public Law 456, Seventy-ninth Congress, or any other law.

Temporary construction.

60 Stat. 318.
36 U. S. C. § 132.

Approved August 5, 1947.

[CHAPTER 498]

August 5, 1947
[H. R. 4168]
[Public Law 369]

AN ACT

To provide for the reincorporation of The Institute of Inter-American Affairs, and for other purposes.

Institute of Inter-American Affairs Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, as of the date of enactment of this Act, created as an agency of the United States of America a body corporate with the name of "The Institute of Inter-American Affairs" (in this Act called the "Institute").