

(2) DAYS SPECIFIED.—The days specified in this paragraph are the following:

- (A) U.S. Hostage and Wrongful Detainee Day, March 9.
- (B) Flag Day, June 14.
- (C) Independence Day, July 4.
- (D) Any day on which a citizen or lawful permanent resident of the United States—

- (i) returns to the United States from being held hostage or wrongfully detained abroad; or
- (ii) dies while being held hostage or wrongfully detained abroad.

(3) LOCATIONS SPECIFIED.—The locations specified in this paragraph are the following:

- (A) The Capitol.
- (B) The White House.
- (C) The buildings containing the official office of—
  - (i) the Secretary of State; and
  - (ii) the Secretary of Defense.

(c) DISPLAY TO BE IN A MANNER VISIBLE TO THE PUBLIC.—Display of the Hostage and Wrongful Detainee flag pursuant to this section shall be in a manner designed to ensure visibility to the public.

(d) LIMITATION.—This section may not be construed or applied so as to require any employee to report to work solely for the purpose of providing for the display of the Hostage and Wrongful Detainee flag.

(Added Pub. L. 118-31, div. A, title XVIII, §1804(a)(2)(A), Dec. 22, 2023, 137 Stat. 686.)

**Part B—United States Government Organizations Involved With Observances and Ceremonies**

**CHAPTER 21—AMERICAN BATTLE MONUMENTS COMMISSION**

Sec. 2101. 2102. 2103. 2104. 2105. 2106. 2107. 2108. 2109. 2110. 2111. 2112. 2113. 2114. 2115.	Membership. Employment of personnel. Administrative. Military cemeteries in foreign countries. Monuments built by the United States Government. War memorials not built by the United States Government. National Memorial Cemetery of the Pacific. Pacific War Memorial and other historical and memorial sites on Corregidor. Foreign Currency Fluctuations Account. Claims against the Commission. Presidential duties and powers. Care and maintenance of Surrender Tree site. World War II memorial in the District of Columbia. Intellectual property and related items. Acquisition, operation, and maintenance of Lafayette Escadrille Memorial.
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**Editorial Notes**

**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 405 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 expenses when traveling on business of the Commission in the same way as civilian members of the Commission.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1269; Pub. L. 106-117, title VI, §604(1), Nov. 30, 1999, 113 Stat. 1580; Pub. L. 112-81, div. A, title VI, §631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948; Pub. L. 117-263, div. A, title VI, §626(g), Dec. 23, 2022, 136 Stat. 2629.)

**HISTORICAL AND REVISION NOTES**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
2101(a) .....	36:121 (1st par.).	Mar. 4, 1923, ch. 283, §1 (1st par.). 42 Stat. 1509; June 26, 1946, ch. 502, 60 Stat. 317; Dec. 18, 1989, Pub. L. 101-237, title V, §503, 103 Stat. 2094.
2101(b) .....	36:121 (2d par.).	Mar. 4, 1923, ch. 283, §1 (2d par.). 42 Stat. 1509; June 26, 1946, ch. 502, 60 Stat. 317; July 25, 1956, ch. 721, §1, 70 Stat. 640; Oct. 21, 1970, Pub. L. 91-480, 84 Stat. 1081; Apr. 1, 1976, Pub. L. 94-256, 90 Stat. 301.
	36:121 (last par.).	Mar. 4, 1923, ch. 283, §1 (last par.). 42 Stat. 1509; June 26, 1946, ch. 502, 60 Stat. 317; July 25, 1956, ch. 721, §1, 70 Stat. 640.
2101(c) .....	36:122.	Sept. 26, 1996, Pub. L. 104-204, title III, (2d proviso in par. under heading “American Battle Monuments Commission”), 110 Stat. 2907.

In subsection (a), the words “from time to time” are omitted as unnecessary.

In subsection (b), before clause (1), the text of 36:121 (last par.) is omitted as executed. In clauses (2) and (3), the word “same” is omitted as unnecessary. In clause (2), the words “authorized to be paid” are substituted for “prescribed” for consistency with clause (3) and 37:405.

Subsection (c) is based on 36:122 which is from the 2d proviso in the paragraph under the heading “American Battle Monuments Commission” in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104-204, 110 Stat. 2907). The provision has been repeated each year in prior appropriations acts and therefore is restated as a permanent provision. For prior provisions, see citations under 36:122 (1994 ed.). In the restatement, the words “in the same way as” are substituted for “as provided for” for clarity and consistency in the revised title.

(d) CITIZENSHIP REQUIREMENT.—An individual may be employed as the superintendent, or as an assistant superintendent, of a cemetery operated by the Commission only if the individual is a citizen of the United States.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1269; Pub. L. 105-354, §1(2), Nov. 3, 1998, 112 Stat. 3239; Pub. L. 106-117, title VI, §604(2), Nov. 30, 1999, 113 Stat. 1580.)

HISTORICAL AND REVISION NOTES  
PUB. L. 105-225

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
2102(a) .....	36:121 (3d par. 2d, 3d sentences).	Mar. 4, 1923, ch. 283, §1 (3d par.), 42 Stat. 1509; June 26, 1946, ch. 502, 60 Stat. 317; July 25, 1956, ch. 721, §1, 70 Stat. 640; Oct. 18, 1978, Pub. L. 95-479, title III, §306, 92 Stat. 1566; Oct. 7, 1980, Pub. L. 96-385, title V, §506, 94 Stat. 1537.
2102(b) .....	36:121 (3d par. 1st sentence). 36:122a.	Sept. 26, 1996, Pub. L. 104-204, title III, (1st, last provisos in par. under heading “American Battle Monuments Commission”), 110 Stat. 2907.
2102(c) .....	36:121b.	
2102(d) .....	36:121 (3d par. last sentence).	

**Editorial Notes**

AMENDMENTS

2022—Subsec. (b)(2). Pub. L. 117-263 substituted “section 405” for “section 475”.

2013—Subsec. (b)(2). Pub. L. 112-239, §1076(a)(9), made technical amendment to directory language of Pub. L. 112-81, §631(f)(4)(B). See 2011 Amendment note below.

2011—Subsec. (b)(2). Pub. L. 112-81, §631(f)(4)(B), as amended by Pub. L. 112-239, §1076(a)(9), substituted “475” for “405”.

1999—Subsec. (b)(2). Pub. L. 106-117, §604(1)(A), struck out “, United States Code,” after “title 37”.

Subsec. (b)(3). Pub. L. 106-117, §604(1)(B), struck out “, United States Code,” after “title 5”.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, §1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

**§ 2102. Employment of personnel**

(a) GENERAL.—Within the limits of an appropriation made to employ personnel, the American Battle Monuments Commission may employ personnel necessary to carry out this chapter. To ensure adequate care and maintenance of cemeteries, monuments, and memorials, the Commission, subject to the availability of appropriations, shall employ—

- (1) at least 50 individuals in the competitive service (as defined in section 2102 of title 5), of whom at least 43 shall be assigned to duty in foreign countries where the cemeteries, monuments, and memorials are located; and
- (2) at least 348 individuals who are citizens of the countries where the cemeteries, monuments, and memorials are located.

(b) DETAILED PERSONNEL.—On request of the Commission, the heads of departments, agencies, and instrumentalities of the United States Government may make available to the Commission their personnel and facilities to assist in carrying out this chapter, and may expend for that purpose amounts appropriated to the department, agency, and instrumentality. The Commission shall reimburse the department, agency, or instrumentality for the pay and allowances of personnel made available to the Commission.

(c) STATION ALLOWANCE FOR OFFICERS ASSIGNED TO THE COMMISSION.—For officers of the Armed Forces assigned to the Commission, the same station allowance shall be authorized for serving at foreign stations as the Secretary of the Army has authorized for officers of the Army.

In subsection (a) before clause (1), the words “or appropriations” are omitted because of 1:1. The words “further” and “under the jurisdiction of the Commission” are omitted as unnecessary. In clause (2), the words “who shall be hired for local employment relating to the care and maintenance of such cemeteries, monuments, and memorials” are omitted as unnecessary.

Subsections (b) and (c) are based in part on 36:121b and 122a, which are from the first and last provisos in the paragraph under the heading “American Battle Monuments Commission” in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104-204, 110 Stat. 2907). The provisions have been repeated each year in prior appropriations acts and therefore are restated as permanent provisions. For prior provisions, see citations under 36:121b and 122a (1994 ed.).

In subsection (b), the words “departments, agencies, and instrumentalities” are substituted for “departments or agencies” and “departments, agencies, and services” in 36:121 and “agencies” in 36:122a for consistency in the revised title and with other titles of the United States Code. The words “or of the Army, Navy, Air Force, or Marine Corps” in 36:121 and “including the Armed Forces” in 36:122a are omitted as included in “department, agency, or instrumentality”. The words “as the case may be” in 36:121 are omitted as unnecessary. The word “salary” in 36:122a is omitted as included in “pay”.

In subsection (c), the words “Secretary of the Army” are substituted for “Department of the Army” because of 10:3013(a)(1).

PUB. L. 105-354

This amends section 2102(b) of title 36 to clarify the language.

**Editorial Notes**

AMENDMENTS

1999—Subsec. (a)(1). Pub. L. 106-117 struck out “, United States Code” after “title 5”.

1998—Subsec. (b). Pub. L. 105-354 substituted “personnel made available to the Commission” for “designated personnel”.