

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”.

§ 2103. Administrative

(a) GENERAL AUTHORITY.—Subject to appropriations made to carry out this chapter, the American Battle Monuments Commission may—

(1) acquire land or an interest in land in a foreign country to carry out the purposes of this chapter, or an executive order conferring duties and powers on the Commission, without submission to the Attorney General under section 3111 of title 40;

(2) maintain, repair, and operate motor-propelled passenger-carrying vehicles and other property that another department, agency, or instrumentality of the United States Government provides to the Commission;

(3) establish offices in the District of Columbia and elsewhere in or outside the United States;

(4) rent office and garage space, which may be paid for in advance, in foreign countries; and

(5) procure printing, binding, engraving, lithographing, photographing, and typewriting, including the publication of information on United States activities, battlefields, memorials, and cemeteries with respect to which the Commission may exercise any duties and powers.

(b) DISPOSITION OF LAND.—Under conditions and in the manner the Commission decides is proper, the Commission may dispose of land or an interest in land in a foreign country that the Commission acquires in connection with its work.

(c) CONTRACTING OUT.—Notwithstanding the requirements of existing laws or regulations, the Commission, under conditions the Commission decides are necessary and proper, may contract for work, supplies, materials, and equipment outside or for use outside the United States and engage the services of architects and other technical and professional personnel.

(d) DELEGATION.—Under conditions the Commission may prescribe, the Commission may delegate to its Chairman, secretary, or officials in charge of any of its offices any of its authority it considers necessary and proper.

(e) SOLICITATION AND RECEIPT OF CONTRIBUTIONS.—(1) The Commission may solicit and receive funds and in-kind donations and gifts from any State, municipal, or private source to carry out the purposes of this chapter. The Commission shall deposit such funds in a separate account in the Treasury. Funds from that account shall be disbursed upon vouchers approved by the Chairman of the Commission.

(2) The Commission shall establish written guidelines setting forth the criteria to be used in determining whether the acceptance of funds and in-kind donations and gifts under paragraph (1) would—

(A) reflect unfavorably on the ability of the Commission, or any member or employee of the Commission, to carry out the responsibilities or official duties of the Commission in a fair and objective manner; or

(B) compromise the integrity or the appearance of the integrity of the programs of the Commission or any official involved in those programs.

(f) LIMITATION ON USE OF CONTRIBUTIONS.—The Commission may not obligate, withdraw, or expend amounts received as contributions before March 1, 1998.

(g) STATEMENTS TO PRESIDENT.—The Commission shall transmit to the President on October 1 of each year a statement of all its financial and other transactions during the prior fiscal year.

(h) FINANCIAL STATEMENTS AND AUDITS.—The Commission shall have a system of financial controls to enable the Commission to comply with the requirements of section 3515 of title 31 and with section 2106(d)(4) of this title.

(i) DISPOSITION OF RECORDS AND ARCHIVES.—When no longer required by the Commission, the records and archives of the Commission shall be deposited with the National Archives in accordance with section 2107 of title 44.

(j) SEAL.—The Commission shall have a seal that shall be judicially noticed.

(k) DISBURSEMENTS OUTSIDE CONTINENTAL UNITED STATES.—Disbursements for expenditures outside the continental United States may be made by a special disbursing agent designated by the Commission under regulations it prescribes.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1270; Pub. L. 106–117, title VI, §§ 602, 604(3), Nov. 30, 1999, 113 Stat. 1578, 1580; Pub. L. 107–217, § 3(i)(1), Aug. 21, 2002, 116 Stat. 1300; Pub. L. 112–234, § 2(g), Dec. 28, 2012, 126 Stat. 1625.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
2103(a)	36:138b (1st par.).	Mar. 4, 1923, ch. 283, § 12 (1st–3d, last pars.), 42 Stat. 1509; June 26, 1946, ch. 502, 60 Stat. 317; July 25, 1956, ch. 721, §§ 2(c), (d), 4(c)(1), (2), 70 Stat. 640, 641.
2103(b)	36:137.	Feb. 11, 1927, ch. 104, § 1 (5th proviso in par. under heading “American Battle Monuments Commission”), 44 Stat. 1071.
2103(c)	36:138b (3d par.).	
2103(d)	36:138b (2d par.).	
2103(e)	36:138b (last par.).	
2103(f)	36:128.	Mar. 4, 1923, ch. 283, § 7, 42 Stat. 1509; June 26, 1946, ch. 502, 60 Stat. 317.
2103(g)	36:138d(c).	Mar. 4, 1923, ch. 283, § 14, as added Oct. 9, 1996, Pub. L. 104–275, title VI, § 602(b), 110 Stat. 3345.
2103(h)	36:131.	Mar. 4, 1923, ch. 283, § 8, 42 Stat. 1509; June 26, 1946, ch. 502, 60 Stat. 317; July 25, 1956, ch. 721, § 2(c), (d), 70 Stat. 640; Apr. 21, 1976, Pub. L. 94–273, § 3(19), 90 Stat. 377.
2103(i)	36:138d(a), (b).	
2103(j)	36:138.	Mar. 4, 1923, ch. 283, § 9, 42 Stat. 1509; June 26, 1946, ch. 502, 60 Stat. 317; July 25, 1956, ch. 721, §§ 2(c), (d), 4(a), 70 Stat. 640, 641.
2103(k)	36:136.	Feb. 11, 1927, ch. 104, § 1 (3d proviso in par. under heading “American Battle Monuments Commission”), 44 Stat. 1071.
	36:133.	Feb. 11, 1927, ch. 104, § 1 (last proviso in par. under heading “American Battle Monuments Commission”), 44 Stat. 1071.

In this section, the word “terms” is omitted as included in “conditions”.