

(f) ANNUAL REPORT.—The Commission each year shall submit to the appropriate committees of Congress a report on amounts transferred under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$3,000,000 to the Account.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1275.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
2109(a)	36:138c(a) (1st–3d sentences).	Mar. 4, 1923, ch. 283, §13, as added May 20, 1988, Pub. L. 100–322, title III, §345(a), 102 Stat. 540.
2109(b)	36:138c(b) (last sentence).	
2109(c)(1)	36:138c(a) (last sentence), (b) (1st sentence).	
2109(c)(2)	36:138c(d).	
2109(c)(3)	36:138c(e).	
2109(d)	36:138c(c).	
2109(e)	36:138c(f).	
2109(f)	36:138c(g).	
2109(g)	36:138c note.	May 20, 1988, Pub. L. 100–322, title III, §345(b), 102 Stat. 540.

§ 2110. Claims against the Commission

A claim against the American Battle Monuments Commission that is similar to a claim described in section 2734 of title 10, that is based on damage to, or loss or destruction of, property, or personal injury or death of an individual, and that is caused by the negligent or wrongful act or omission of an officer or civilian employee of the Commission acting within the scope of the officer’s or employee’s office or employment, may be settled, decided, and paid as provided in section 2734 for the settlement of Army claims. However, the Secretary of the Army may appoint an officer or employee of the Commission to a claims commission or as an officer to approve settlements of claims made by the claims commission. All payments in settlement of a claim shall be made out of appropriations made to carry out this chapter.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1276.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
2110	36:138b (4th par.).	Mar. 4, 1923, ch. 283, §12 (4th par.), 42 Stat. 1509; June 26, 1946, ch. 502, 60 Stat. 317; July 25, 1956, ch. 721, §§2(c), (d), 4(c)(3), 70 Stat. 640, 642.

The words “section 2734 of title 10” and “section 2734” are substituted for “the first section of the Act entitled ‘An Act to provide for the prompt settlement of claims for damages occasioned by Army, Navy, and Marine Corps forces in foreign countries’, approved January 2, 1942 (55 Stat. 880, as amended; 31 U.S.C. 224d)” and “such Act”, respectively, in section 12 (4th par.) of the Act of March 4, 1923 (ch. 283), as added by section 4(c)(3) of the Act of July 25, 1956 (ch. 721, 70 Stat. 642), because of section 49(b) of the Act of August 10, 1956 (ch. 1041, 70A Stat. 640). The 1942 law enacted former 31:224d, 224h, and 224i. Those sections subsequently were codified as 10:2734 and repealed by the Act of August 10, 1956 (ch. 1041, 70A Stat. 154, 672). The words “both real and personal” are omitted as unnecessary. The words “on or after July 25, 1956” are omitted as obsolete. The words

“or commissions” are omitted because of 1:1. The words “settled, decided” are substituted for “considered, ascertained, adjusted, determined” to eliminate unnecessary words.

§ 2111. Presidential duties and powers

(a) ARRANGEMENTS WITH FOREIGN COUNTRIES.—The President is requested to make the necessary arrangements with the proper authorities of the appropriate foreign countries to enable the American Battle Monuments Commission to carry out this chapter.

(b) TRANSFER OF ADMINISTRATIVE DUTIES AND POWERS AND SUPPLIES, MATERIAL, AND EQUIPMENT TO COMMISSION.—(1) The President by executive order may transfer to the Commission—

(A) the same administrative duties and powers related to a permanent military cemetery located outside the United States and the territories and possessions of the United States that were transferred to the Commission by Executive Order 6614, February 26, 1934, and Executive Order 10057, May 14, 1949, as amended by Executive Order 10087, December 3, 1949; and

(B) supplies, material, and equipment located in the permanent military cemetery or in a military depot overseas that—

(i) the Department of Defense does not need; and

(ii) the Commission requests to carry out the duties and powers specified in clause (A) of this paragraph.

(2) After a transfer under this subsection, the Commission shall maintain the cemetery and all improvements in it.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1276.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
2111(a)	36:127.	Mar. 4, 1923, ch. 283, §6, 42 Stat. 1509; June 26, 1946, ch. 502, 60 Stat. 317.
2111(b)	36:132.	Mar. 4, 1923, ch. 283, §10, 42 Stat. 1509; June 26, 1946, ch. 502, 60 Stat. 317; July 25, 1956, ch. 721, §§2(c), (d), 4(b), 70 Stat. 640, 641.

In subsection (b)(1), the words “duties and powers” are substituted for “functions” for consistency in the revised title and with other titles of the United States Code.

Editorial Notes

REFERENCES IN TEXT

Executive Order 6614, referred to in subsec. (b)(1)(A), is not classified to the Code.

Executive Order 10057, referred to in subsec. (b)(1)(A), is set out below.

Executive Documents

EX. ORD. NO. 9873. ADMINISTRATION OF THE MEXICO CITY NATIONAL CEMETERY

Ex. Ord. No. 9873, July 16, 1947, 12 F.R. 4777, provided: By virtue of the authority vested in me by section 12 of the act of March 4, 1923, as amended by the act of June 26, 1946, 60 Stat. 318 [now subsec. (b) of this section], and as President of the United States, it is hereby ordered as follows:

1. All functions of administration pertaining to the Mexico City National Cemetery, located in Mexico City, Calazada, Molchor, Ocampo 31, Mexico, DF, now vested in or exercised by the War Department, together with the field civilian personnel, records, supplies, equipment, and property of every kind pertaining thereto, are hereby transferred from the War Department to the American Battle Monuments Commission.

2. The unexpended balances of appropriations or allotments of appropriations which are now, or may become, available to the War Department for the performance of the functions transferred by this order shall be transferred to the American Battle Monuments Commission to such extent as the Director of the Bureau of the Budget may deem necessary.

EX. ORD. NO. 10057. TRANSFER OF CERTAIN FUNCTIONS PERTAINING TO UNITED STATES MILITARY CEMETERIES

Ex. Ord. No. 10057, May 14, 1949, 14 F.R. 2585, as amended by Ex. Ord. No. 10087, Dec. 3, 1949, 14 F.R. 7287, provided:

By virtue of the authority vested in me by section 12 of the act of March 4, 1923, 42 Stat. 1509, as amended by the act of June 26, 1946, 60 Stat. 318 [now subsec. (b) of this section], and as President of the United States, it is hereby ordered as follows:

1. All functions of administration pertaining to World War II United States Military Cemeteries located in or near Cambridge, England; Margraten, the Netherlands; Hamm, Luxembourg; Henri-Chapelle, Belgium; Neuvilleen-Condroz, Belgium; St. Laurent, France; St. James, France; Epinal, France; St. Avold, France; Draguignan, France; Nettuno (Anzio), Italy; Florence, Italy; Tunis (Carthage), Tunisia; and Ft. McKinley, Philippine Islands, now vested in or exercised by the Secretary of the Army pursuant to the act of May 16, 1946, c. 261, 60 Stat. 182, as amended by the act of August 5, 1947, c. 497, 61 Stat. 779, together with (a) such supplies, equipment, temporary structures, utilities and facilities pertaining thereto as are located therein or are in depots or other places overseas under the jurisdiction of the American Graves Registration Service and are determined by the American Battle Monuments Commission to be required for the discharge of its responsibilities under this order, and (b) the cemetery records currently maintained for the operation of such cemeteries, including records pertinent to the acquisition of real estate upon which the cemeteries and their appurtenances are situated, are hereby transferred to the American Battle Monuments Commission; such transfer to become effective as to any particular cemetery or group of cemeteries upon the completion of the operational mission of the Department of the Army with respect to such cemetery or group of cemeteries, but in no instance later than December 31, 1951, or at such earlier date as may be determined by the President or the Congress pursuant to the said act of May 16, 1946, as amended by the act of August 5, 1947.

2. The Department of the Army shall have the right to re-enter any of such cemeteries subsequent to the effective date of the transfer of functions with respect thereto for the purpose of making exhumations or reinterments should any such action become necessary.

3. There shall be transferred to the American Battle Monuments Commission so much of the unexpended balances of appropriations now, or which may become, available to the Department of the Army for the performance of the functions transferred by the provisions of this order as the Director of the Bureau of the Budget may deem necessary for use prior to July 1, 1950, in connection with such functions.

EX. ORD. NO. 12115. PERMANENT AMERICAN CEMETERY IN REPUBLIC OF PANAMA

Ex. Ord. No. 12115, Jan. 19, 1979, 44 F.R. 4645, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including Section 10 of the Act of March 4,

1923 (42 Stat. 1509), as amended (36 U.S.C. 132) [now subsec. (b) of this section], and to implement the intent of the United States Senate (124 Cong. Rec. S3857 of March 16, 1978) [Cong. Rec., vol. 124, pt. 6, p. 7187, Mar. 16, 1978] as set forth by Reservations (1) and (3) to the Resolution of Ratification of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, it is hereby ordered as follows:

1-101. The Secretary of State shall take all appropriate steps to complete, prior to the date of entry into force of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, hereinafter referred to as the Neutrality Treaty, the negotiations which have begun with the Republic of Panama for an agreement under which the United States of America would, upon the date of entry into force of such agreement and thereafter, administer as a permanent American cemetery such part of Corozal Cemetery as encompasses the remains of citizens of the United States of America.

1-102. Subject to the conclusion of the agreement referred to in Section 1-101 of this Order, the American Battle Monuments Commission shall administer that part of Corozal Cemetery which encompasses the remains of citizens of the United States of America, in accordance with the terms of the agreement with the Republic of Panama.

1-103. The Governor of the Canal Zone shall, to the extent funds are available, disinter from Mount Hope Cemetery, before entry into force of the Neutrality Treaty, and reinter in Corozal Cemetery the remains of United States citizens, and the remains of members of their immediate family that are buried with them. The Governor shall not remove from Mount Hope Cemetery the remains of any such person whose next of kin timely requests in writing that such remains not be disinterred. The Governor shall transport to the United States for reinterment the remains of any such person whose next of kin timely requests in writing that such remains be transported to the United States for reinterment.

1-104. The Secretary of Defense shall, to the extent funds are available, disinter from Corozal Cemetery and transport to the United States for reinterment the remains of United States citizens, and the remains of members of their immediate family buried with them, whose next of kin requests in writing by April 1, 1982, that such remains be transported to the United States for reinterment.

1-105. Subject to the availability of funds, all the costs incurred in the disinterment, reinterment in Corozal Cemetery, and transportation of remains required by this Order, including the costs of preparation, cremation if requested, and a casket or urn, shall be borne by the United States of America. The costs of reinterment in the United States, including any costs for funeral home services, vaults, plots, or crypts, will be the responsibility of the next of kin making the request, except to the extent otherwise provided by law, including any unused specific entitlements available pursuant to statute.

1-106. (a) The Governor of the Canal Zone shall identify, to the extent feasible, the closest surviving next of kin of each deceased United States citizen buried in the Mount Hope and Corozal Cemeteries, and of such next of kin of each member of the immediate family that is buried with such United States citizen.

(b) The Governor shall provide notice to the next of kin of such deceased buried in Mount Hope Cemetery that the Government plans to remove the deceased to Corozal Cemetery unless the next of kin requests in writing, not later than three months after the first issuance of such notification, either that the remains not be removed from Mount Hope Cemetery, or that the remains be moved to, and reinterred in, the United States in a cemetery or other burial site designated by the next of kin.

(c) The Governor shall also provide notice to the next of kin of such deceased who are buried in Corozal Ceme-

tery that the Government will disinter and transport such deceased to the United States for reinterment in a cemetery or other burial site designated by the next of kin, if the next of kin so requests in writing not later than April 1, 1982.

(d) The Governor shall publish the notices provided for in subsections (b) and (c) of this Section in appropriate newspapers, magazines and other periodicals, and utilize such other means of communicating with the next of kin that he finds to be practical and effective.

1-107. The Governor of the Canal Zone shall, before the entry into force of the Neutrality Treaty, fully advise the next of kin of all available options, and their implications, in those cases where a request has been made that remains not be removed from Mount Hope Cemetery.

1-108. The Secretary of the Army shall supervise the planned removal of the remains from Mount Hope Cemetery to Corozal Cemetery and shall ensure compliance with the wishes of any next of kin who, within the time specified in clause B(i) to the Third Reservation to the Neutrality Treaty, objects to such removal.

1-109. As used in this Order:

(a) "Next of kin" means the person whom the Governor of the Canal Zone determines to be the nearest living relative, by consanguinity or affinity, of a person buried at Mount Hope Cemetery or Corozal Cemetery.

(b) "Members of their immediate family" means the spouse, children, mother or father of the deceased United States citizen.

JIMMY CARTER.

§ 2112. Care and maintenance of Surrender Tree site

The American Battle Monuments Commission is responsible for the care and maintenance of the Surrender Tree site in Santiago, Cuba.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1276.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2112	36:123 note.	Aug. 13, 1957, Pub. L. 85-125, 71 Stat. 344.

The last sentence of the Act of August 13, 1957 (Public Law 85-125, 71 Stat. 344), is omitted as obsolete.

§ 2113. World War II memorial in the District of Columbia

(a) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS.—(1) Consistent with its authority under section 2103(e) of this title, the American Battle Monuments Commission shall solicit and accept contributions for the World War II memorial.

(2) In this section, the term "World War II memorial" means the memorial authorized by Public Law 103-32 (40 U.S.C. 8903 note) to be established by the Commission on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war.

(b) CREATION OF MEMORIAL FUND.—(1) There is hereby created in the Treasury a fund for the World War II memorial, which shall consist of the following:

(A) Amounts deposited, and interest and proceeds credited, under paragraph (2).

(B) Obligations obtained under paragraph (3).

(C) The amount of surcharges paid to the Commission for the World War II memorial under the World War II 50th Anniversary Commemorative Coins Act (31 U.S.C. 5112 note).

(D) Amounts borrowed using the authority provided under subsection (d).

(E) Any funds received by the Commission under section 2114 of this title in exchange for use of, or the right to use, any mark, copyright or patent.

(2) The Chairman of the Commission shall deposit in the fund the amounts accepted as contributions under subsection (a). The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

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

(c) USE OF FUND.—The fund shall be available to the Commission—

(1) for the expenses of establishing the World War II memorial, including the maintenance and preservation amount provided for in section 8906(b) of title 40;

(2) for such other expenses, other than routine maintenance, with respect to the World War II memorial as the Commission considers warranted; and

(3) to secure, obtain, register, enforce, protect, and license any mark, copyright, or patent that is owned by, assigned to, or licensed to the Commission under section 2114 of this title to aid or facilitate the construction of the World War II memorial.

(d) SPECIAL BORROWING AUTHORITY.—(1) To assure that groundbreaking, construction, and dedication of the World War II memorial are carried out on a timely basis, the Commission may borrow money from the Treasury of the United States in such amounts as the Commission considers necessary, but not to exceed a total of \$65,000,000. Borrowed amounts shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the month in which the obligations of the Commission are issued. The interest payments on such obligations may be deferred with the approval of the Secretary, but any interest payment so deferred shall also bear interest.

(2) The borrowing of money by the Commission under paragraph (1) shall be subject to such maturities, terms, and conditions as may be agreed upon by the Commission and the Secretary, except that the maturities may not exceed 20 years and such borrowings may be redeemable at the option of the Commission before maturity.

(3) The obligations of the Commission shall be issued in amounts and at prices approved by the