

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

Secretary. The authority of the Commission to issue obligations under this subsection shall remain available without fiscal year limitation. The Secretary of the Treasury shall purchase any obligations of the Commission to be issued under this subsection, and for such purpose the Secretary of the Treasury may use as a public debt transaction of the United States the proceeds from the sale of any securities issued under chapter 31 of title 31. The purposes for which securities may be issued under such chapter are extended to include any purchase of the Commission's obligations under this subsection.

(4) Repayment of the interest and principal on any funds borrowed by the Commission under paragraph (1) shall be made from amounts in the fund. The Commission may not use for such purpose any funds appropriated for any other activities of the Commission.

(e) **TREATMENT OF BORROWING AUTHORITY.**—In determining whether the Commission has sufficient funds to complete construction of the World War II memorial, as required by section 8906 of title 40, the Secretary of the Interior shall consider the funds that the Commission may borrow from the Treasury under subsection (d) as funds available to complete construction of the memorial, whether or not the Commission has actually exercised the authority to borrow such funds.

(f) **VOLUNTARY SERVICES.**—(1) Notwithstanding section 1342 of title 31, the Commission may accept from any person voluntary services to be provided in furtherance of the fund-raising activities of the Commission relating to the World War II memorial.

(2) A person providing voluntary services under this subsection shall be considered to be a Federal employee for purposes of chapter 81 of title 5, relating to compensation for work-related injuries, and chapter 171 of title 28, relating to tort claims. A volunteer who is not otherwise employed by the United States shall not be considered to be a Federal employee for any other purpose by reason of the provision of such voluntary service, except that any volunteer given responsibility for the handling of funds or the carrying out of a Federal function is subject to the conflict of interest laws contained in chapter 11 of title 18 and the administrative standards of conduct contained in part 2635 of title 5 of the Code of Federal Regulations.

(3) The Commission may provide for reimbursement of incidental expenses that are incurred by a person providing voluntary services under this subsection. The Commission shall determine those expenses that are eligible for reimbursement under this paragraph.

(4) Nothing in this subsection shall be construed to require any Federal employee to work without compensation or to allow the use of volunteer services to displace or replace any Federal employee.

(g) **TREATMENT OF CERTAIN CONTRACTS.**—A contract entered into by the Commission for the design or construction of the World War II memorial is not a funding agreement as that term is defined in section 201 of title 35.

(h) **EXTENSION OF AUTHORITY TO ESTABLISH MEMORIAL.**—Notwithstanding section 8903(e) of

title 40, the authority for the construction of the World War II memorial provided by Public Law 103-32 (40 U.S.C. 8903 note) expires on December 31, 2005.

(Added Pub. L. 106-117, title VI, §601(a)(1), Nov. 30, 1999, 113 Stat. 1576; amended Pub. L. 108-178, §4(h), Dec. 15, 2003, 117 Stat. 2641.)

### Editorial Notes

#### REFERENCES IN TEXT

The World War II 50th Anniversary Commemorative Coins Act, referred to in subsec. (b)(1)(C) is Pub. L. 102-414, Oct. 14, 1992, 106 Stat. 2106, which is classified as a note under section 5112 of Title 31, Money and Finance.

#### AMENDMENTS

2003—Subsec. (a)(2). Pub. L. 108-178, §4(h)(1), substituted “(40 U.S.C. 8903 note)” for “(40 U.S.C. 1003 note)”.

Subsec. (c)(1). Pub. L. 108-178, §4(h)(2), substituted “section 8906(b) of title 40” for “section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b))”.

Subsec. (e). Pub. L. 108-178, §4(h)(3), substituted “section 8906 of title 40” for “section 8 of the Commemorative Works Act (40 U.S.C. 1008)”.

Subsec. (h). Pub. L. 108-178, §4(h)(4), substituted “section 8903(e) of title 40” for “section 10 of the Commemorative Works Act (40 U.S.C. 1010)” and “(40 U.S.C. 8903 note)” for “(40 U.S.C. 1003 note)”.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-178 effective Aug. 21, 2002, see section 5 of Pub. L. 108-178, set out as a note under section 5334 of Title 5, Government Organization and Employees.

#### EFFECT OF REPEAL OF CURRENT MEMORIAL FUND

Pub. L. 106-117, title VI, §601(c), Nov. 30, 1999, 113 Stat. 1578, provided that: “Upon the enactment of this Act [Nov. 30, 1999], the Secretary of the Treasury shall transfer amounts in the fund created by section 4(a) of Public Law 103-32 (40 U.S.C. 1003 note) [now 40 U.S.C. 8903 note] to the fund created by section 2113(b) of title 36, United States Code, as added by subsection (a).”

### § 2114. Intellectual property and related items

(a) **AUTHORITY TO USE AND REGISTER INTELLECTUAL PROPERTY.**—The American Battle Monuments Commission may—

(1) adopt, use, register, and license trademarks, service marks, and other marks;

(2) obtain, use, register, and license the use of copyrights consistent with section 105 of title 17;

(3) obtain, use, and license patents; and

(4) accept gifts of marks, copyrights, patents, and licenses for use by the Commission.

(b) **AUTHORITY TO GRANT LICENSES.**—The Commission may grant exclusive and nonexclusive licenses in connection with any mark, copyright, patent, or license for the use of such mark, copyright or patent, except to the extent the grant of such license by the Commission would be contrary to any contract or license by which the use of the mark, copyright, or patent was obtained.

(c) **ENFORCEMENT AUTHORITY.**—The Commission may enforce any mark, copyright, or patent