

Sections 2104 through 2106 of Chapter 21, Title 36 United States Code

§ 2104. Military cemeteries in foreign countries

When, as a result of combat operations, the Armed Forces establish military cemeteries in zones of operations outside the United States and the territories and possessions of the United States, the American Battle Monuments Commission and the Secretary of the Army, immediately on the cessation of hostilities, shall decide which of the cemeteries will become permanent cemeteries or, if they decide it is desirable, shall select new sites for the cemeteries at any other location. The Commission is solely responsible for the design and construction of the permanent cemeteries, and of all buildings, plantings, headstones, and other permanent improvements incidental to the cemeteries, except that--

- (1) the Armed Forces are responsible for maintaining the permanent cemeteries until the Commission declares its readiness to assume the authorized administrative duties and powers;
- (2) all construction undertaken by the Armed Forces in establishing and maintaining the cemetery prior to its transfer to the Commission shall be nonpermanent;
- (3) burials and reburials by the Armed Forces shall be carried out in accordance with plans prepared by the Commission; and
- (4) the Armed Forces have the right to re-enter a cemetery transferred to the Commission to exhume or re-inter a body if they decide it is necessary.

§ 2105. Monuments built by the United States Government

(a) Memorials. The American Battle Monuments Commission shall prepare plans and estimates to build suitable memorials commemorating the service of American Armed Forces, and shall build and maintain memorials in the United States and, as the Commission decides, at any place outside the United States where the Armed Forces have served since April 6, 1917.

(b) Architecture and art. The Commission shall build and maintain works of architecture and art in United States cemeteries located outside the United States and the territories and possessions of the United States that are permanent cemeteries. The Secretary of Veterans Affairs shall maintain works of architecture and art built by the Commission in the National Cemetery System [National Cemetery Administration], as described in section 2400(b) of title 38 [38 USCS § 2400(b)].

(c) Control and supervision of materials, design, and building.

(1) The Commission shall control the materials and design and prescribe regulations for, and supervise the building of, all memorial monuments and buildings in United States cemeteries located outside the United States and the territories and possessions of the United States.

(2) The Commission shall control the design and prescribe regulations for the building of all memorial monuments and buildings commemorating the service of American Armed Forces that are built in a foreign country or political division of the foreign country that authorizes the Commission to carry out those duties and powers.

(d) Approval by National Commission of Fine Arts. A design for a memorial must be approved by the National Commission of Fine Arts before the Commission can accept it.

§ 2106. War memorials not built by the United States Government

(a) Cooperation with others. The American Battle Monuments Commission may cooperate with citizens of the United States, States, municipalities, or associations desiring to build war memorials outside the continental limits of the United States in the way the Commission decides. An administrative agency of the United States Government may give assistance to build the memorial only if a plan for the memorial has been approved under this chapter [36 USCS § 2101 et seq.].

(b) Control, administration, and maintenance of war memorials.

(1) The Commission may assume responsibility for the control, administration, and maintenance of any war memorial built outside the United States by a citizen of the United States,

a State, a political subdivision of a State, a governmental authority (except a department, agency, or instrumentality of the United States Government), a foreign agency, or a private association to commemorate the services of any of the Armed Forces in hostilities occurring since April 6, 1917, if--

(A) the memorial is not built on the territory of the applicable former enemy; and

(B) the sponsors of the memorial consent to the Commission assuming those responsibilities and transfer to the Commission all their rights and interests in the memorial.

(2) If reasonable effort fails to locate the sponsors of a memorial, the Commission may assume responsibility for the memorial under this subsection by agreement with the appropriate foreign authorities. A decision of the Commission to assume responsibility for a war memorial under this subsection is final.

(3) Sponsors of a war memorial for which the Commission assumes responsibility under this subsection may transfer amounts accumulated to maintain and repair the memorial to the Commission for use in carrying out this chapter [36 USCS § § 2101 et seq.]. Except as provided in subsection (c) of this section, the Commission shall deposit transferred amounts as provided in section 2103(e) of this title [36 USCS § 2103(e)].

(c) Arrangements for repair or long-term maintenance of memorials. In assuming responsibility for a war memorial under subsection (b)(1) or (2) of this section, the Commission may arrange with the sponsors of the memorial to provide for repair or long-term maintenance of the memorial. An amount transferred to the Commission for the purpose of this subsection shall be deposited by the Commission in the fund established under subsection (d) of this section.

(d) Fund for arrangements for repair or long-term maintenance of memorials.

(1) There is a fund in the Treasury that is available to the Commission for expenses of repair and long-term maintenance of memorials for which the Commission has made arrangements under subsection (c) of this section. The fund consists of--

(A) amounts deposited into, and interest and proceeds credited to, the fund under paragraph

(2) of this subsection; and

(B) obligations obtained under paragraph (3) of this subsection.

(2) The Commission shall deposit into the fund the amounts that are accepted under subsection (c) of this section. The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from the sale or redemption of, obligations held in the fund.

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

(4) The Commission shall separately account for all amounts deposited in and expended from the fund for each war memorial for which an arrangement for repair or long-term maintenance is made under subsection (c) of this section.

(e) Demolition of war memorial built in a foreign country and disposition of site. The Commission may take necessary action to demolish any war memorial built outside the United States by a citizen of the United States, a State, a political subdivision of a State, a governmental authority (except a department, agency, or instrumentality of the United States Government), a foreign agency, or a private association and to dispose of the site of the memorial in a way the Commission decides is proper, if--

(1) the appropriate foreign authorities agree to the demolition; and

(2) (A) the sponsor of the memorial consents to the demolition; or

(B) the memorial has fallen into disrepair and a reasonable effort by the Commission has failed--

(i) to persuade the sponsor to maintain the memorial at a standard acceptable to the Commission; or

(ii) to locate the sponsor.