

**[§ 4713. Repealed. Pub. L. 101-510, div. A, title XV, § 1533(a)(7)(A), Nov. 5, 1990, 104 Stat. 1734]**

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 265; Dec. 12, 1980, Pub. L. 96-513, title V, § 512(21)(A), (B), 94 Stat. 2930; Nov. 8, 1985, Pub. L. 99-145, title XIII, § 1301(b)(4)(B), 99 Stat. 736; Nov. 29, 1989, Pub. L. 101-189, div. A, title XVI, § 1621(a)(1), 103 Stat. 1602, related to disposition of effects of deceased persons by Soldiers' and Airmen's Home.

EFFECTIVE DATE OF REPEAL

Repeal effective one year after Nov. 5, 1990, see section 1541 of Pub. L. 101-510, formerly set out as an Effective Date note under section 401 of Title 24, Hospitals and Asylums.

**§ 4714. Collection of captured flags, standards, and colors**

The Secretary of the Army shall have sent to him all flags, standards, and colors taken by the Army from enemies of the United States.

(Aug. 10, 1956, ch. 1041, 70A Stat. 266.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4714 .....	5:198.	R.S. 218.

The words "from time to time", "collected", and "at the seat of government" are omitted as surplusage.

**CHAPTER 446—ARMY NATIONAL MILITARY CEMETERIES**

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**§ 4721. Authority and responsibilities of the Secretary of the Army**

(a) GENERAL AUTHORITY.—The Secretary of the Army shall develop, operate, manage, administer, oversee, and fund the Army National Military Cemeteries specified in subsection (b) in a manner and to standards that fully honor the service and sacrifices of the deceased members of the armed forces buried or inurned in the Cemeteries.

(b) ARMY NATIONAL MILITARY CEMETERIES.—The Army National Military Cemeteries (in this chapter referred to as the "Cemeteries") consist of the following:

(1) Arlington National Cemetery in Arlington, Virginia.

(2) The United States Soldiers' and Airmen's Home National Cemetery in the District of Columbia.

(c) ADMINISTRATIVE JURISDICTION.—The Cemeteries shall be under the jurisdiction of Headquarters, Department of the Army.

(d) REGULATIONS AND OTHER POLICIES.—The Secretary of the Army shall prescribe such regulations and policies as may be necessary to administer the Cemeteries.

(e) BUDGETARY AND REPORTING REQUIREMENTS.—The Secretary of the Army shall submit

to the congressional defense committees and the Committees on Veterans' Affairs of the Senate and House of Representatives an annual budget request (and detailed justifications for the amount of the request) to fund administration, operation and maintenance, and construction related to the Cemeteries. The Secretary may include, as necessary, proposals for new or amended statutory authority related to the Cemeteries.

(Added Pub. L. 112-81, div. A, title V, § 591(a)(1), Dec. 31, 2011, 125 Stat. 1439.)

DIGITIZATION OF ARLINGTON NATIONAL CEMETERY INTERMENT AND INURNMENT RECORDS

Pub. L. 112-81, div. A, title V, § 591(b), Dec. 31, 2011, 125 Stat. 1441, provided that:

"(1) DEADLINE FOR CONVERSION AND USE.—Not later than June 1, 2012, all records related to interments and inurnments at Arlington National Cemetery shall be converted to a digitized format. Thereafter, use of the digitized format shall be the method by which all subsequent records related to interments and inurnments at Arlington National Cemetery are preserved and utilized.

"(2) DIGITIZED FORMAT DEFINED.—In this subsection, the term 'digitized format' refers to the use of an electronic database for recordkeeping and includes the full accounting of all records of each specific gravesite and niche location at Arlington National Cemetery and the identification of the individual interred or inurned at each specific gravesite and niche location."

**§ 4722. Interment and inurnment policy**

(a) ELIGIBILITY DETERMINATIONS GENERALLY.—

(1) The Secretary of the Army, with the approval of the Secretary of Defense, shall determine eligibility for interment or inurnment in the Cemeteries.

(2) The Secretary of the Army, with the approval of the Secretary of Defense, shall establish policy and procedures for reviewing and determining requests for exceptions to interment and inurnment eligibility policy, which shall include a requirement, before granting the request for an exception, for notification of the Committees on Armed Services and the Committees on Veterans Affairs of the Senate and the House of Representatives.

(b) REMOVAL OF REMAINS.—Under such regulations as the Secretary of the Army may prescribe under section 4721(d) of this title, the Secretary of the Army may authorize the removal of the remains of a person described in subsection (c) from one of the Cemeteries for re-interment or re-inurnment if, upon the death of the primary person eligible for interment or inurnment in the Cemeteries, the deceased primary eligible person will not be buried in the same or an adjoining grave.

(c) COVERED PERSONS.—Except as provided in subsection (d), the persons whose remains may be removed pursuant to subsection (b) are the deceased spouse, a minor child, and, in the discretion of the Secretary of the Army, an unmarried adult child of a member eligible for interment or inurnment in the Cemeteries.

(d) EXCEPTIONS.—The remains of a person described in subsection (c) may not be removed from one of the Cemeteries under subsection (b) if the primary person eligible for burial in the Cemeteries is a person—

- (1) who is missing in action;
- (2) whose remains have not been recovered or identified;
- (3) whose remains were buried at sea, whether by the choice of the person or otherwise;
- (4) whose remains were donated to science; or
- (5) whose remains were cremated and whose ashes were scattered without interment of any portion of the ashes.

(Added Pub. L. 112-81, div. A, title V, §591(a)(1), Dec. 31, 2011, 125 Stat. 1439.)

#### § 4723. Advisory committee on Arlington National Cemetery

(a) APPOINTMENT.—The Secretary of the Army shall appoint an advisory committee on Arlington National Cemetery.

(b) ROLE.—The Secretary of the Army shall advise and consult with the advisory committee with respect to the administration of Arlington National Cemetery, the erection of memorials at the cemetery, and master planning for the cemetery.

(c) REPORTS AND RECOMMENDATIONS.—The advisory committee shall make periodic reports and recommendations to the Secretary of the Army.

(d) SUBMISSION TO CONGRESS.—Not later than 90 days after receiving a report or recommendations from the advisory committee under subsection (c), the Secretary of the Army shall submit the report or recommendations to the congressional defense committees and the Committees on Veterans' Affairs of the Senate and House of Representatives and include such comments and recommendations of the Secretary as the Secretary considers appropriate.

(Added Pub. L. 112-81, div. A, title V, §591(a)(1), Dec. 31, 2011, 125 Stat. 1440.)

#### § 4724. Executive Director

(a) APPOINTMENT AND QUALIFICATIONS.—(1) There shall be an Executive Director of the Army National Military Cemeteries who shall meet such professional qualifications as may be established by the Secretary of the Army.

(2) The Executive Director reports directly to the Secretary.

(b) RESPONSIBILITIES.—The Executive Director is responsible for the following:

- (1) Exercising authority, direction and control over all aspects of the Cemeteries.
- (2) Establishing and maintaining full accountability for all gravesites and inurnment niches in the Cemeteries.
- (3) Oversight of the construction, operation and maintenance, and repair of the buildings, structures, and utilities of the Cemeteries.
- (4) Acquisition and maintenance of real property and interests in real property for the Cemeteries.
- (5) Planning and conducting private ceremonies at the Cemeteries, including funeral and memorial services for interment and inurnment, and planning and conducting public ceremonies, as directed by the Secretary of the Army.
- (6) Formulating, promulgating, administering, and overseeing policies and addressing

proposals for the placement of memorials and monuments in the Cemeteries.

(7) Formulating and implementing a master plan for Arlington National Cemetery that, at a minimum, addresses interment and inurnment capacity, visitor accommodation, operation and maintenance, capital requirements, preservation of the cemetery's special features, and other matters the Executive Director considers appropriate.

(8) Overseeing the programming, planning, budgeting, and execution of funds authorized and appropriated for the Cemeteries.

(9) Providing recommendations regarding any request for an exception to interment and inurnment eligibility policy.

(10) Supervising the superintendents of the Cemeteries.

(Added Pub. L. 112-81, div. A, title V, §591(a)(1), Dec. 31, 2011, 125 Stat. 1440.)

#### § 4725. Superintendents

(a) APPOINTMENT AND QUALIFICATIONS.—An individual serving as the superintendent of one of the Cemeteries should have, as determined by the Secretary of the Army—

(1) experience in the administration, management, and operation of cemeteries under the jurisdiction of the National Cemeteries System administered by the Department of Veterans Affairs; or

(2) experience in the administration, management, and operation of large civilian cemeteries equivalent to the experience described in paragraph (1).

(b) DUTIES.—The superintendents of the Cemeteries report directly to the Executive Director and performs such duties and responsibilities as the Executive Director prescribes.

(Added Pub. L. 112-81, div. A, title V, §591(a)(1), Dec. 31, 2011, 125 Stat. 1441.)

#### § 4726. Oversight and inspections

(a) INSPECTIONS REQUIRED.—The Secretary of the Army shall provide for the oversight of the Cemeteries to ensure the highest quality standards are maintained by providing for the periodic inspection of the administration, operation and maintenance, and construction elements applicable to the Cemeteries. The inspections shall be conducted by personnel of the Department of the Army with the assistance, as the Secretary considers appropriate, of personnel from other Federal agencies and civilian experts.

(b) SUBMISSION OF RESULTS.—Not later than 120 days after the completion of an inspection conducted under subsection (a), the Secretary of the Army shall submit to the congressional defense committees a report containing the results of the inspection and recommendations and a plan for corrective actions to be taken in response to the inspection.

(Added Pub. L. 112-81, div. A, title V, §591(a)(1), Dec. 31, 2011, 125 Stat. 1441.)

### CHAPTER 447—TRANSPORTATION

Sec.

[4741 to 4748. Repealed or Renumbered.]