

HISTORICAL AND REVISION NOTES

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

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

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–232 renumbered section 4714 of this title as this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115–232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115–232, set out as a note preceding section 3001 of this title.

CHAPTER 776—ARMY NATIONAL MILITARY CEMETERIES

Sec.	
7721.	Authority and responsibilities of the Secretary of the Army.
7722.	Interment and inurnment policy.
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7727.	Cemetery concessions contracts.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–232, div. A, title VIII, §808(e)(4), (f)(1), Aug. 13, 2018, 132 Stat. 1839, redesignated chapter 446 of this title as this chapter and items 4721 to 4727 as 7721 to 7727, respectively.

2013—Pub. L. 113–66, div. A, title V, §585(b), Dec. 26, 2013, 127 Stat. 777, added item 4727.

§ 7721. 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, §4721; renumbered §7721, Pub. L. 115–232, div. A, title VIII, §808(d), Aug. 13, 2018, 132 Stat. 1839.)

Editorial Notes

PRIOR PROVISIONS

A prior section 7721 was renumbered section 8891 of this title.

AMENDMENTS

2018—Pub. L. 115–232 renumbered section 4721 of this title as this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115–232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115–232, set out as a note preceding section 3001 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (e) of this section relating to submitting annual budget request to Congress, see section 1061 of Pub. L. 114–328, set out as a note under section 111 of this title.

RESUMPTION OF CAISSON SERVICES AT FUNERAL SERVICES AT ARLINGTON NATIONAL CEMETERY

Pub. L. 118–159, div. A, title X, §1088, Dec. 23, 2024, 138 Stat. 2080, provided that:

“(a) REQUIREMENT.—The Secretary of the Army shall conduct at least 20 funeral services with caisson services each week at Arlington National Cemetery beginning on the date on which the Secretary of the Army determines that—

“(1) the renovations of the historic stables in buildings 233 and 236 at Joint Base Meyer-Henderson Hall are complete; and

“(2) the caisson herd is fully constituted, trained, and certified.

“(b) OPTION FOR LIMITED SERVICES.—The Secretary of the Army may elect to resume limited caisson services at Arlington National Cemetery before the requirements of subsection (a) have been met if the Secretary—

“(1) determines that the health of the caisson herd and the sustainability of caisson services can be maintained without disruption; and

“(2) consults with the Committees on Armed Services of the Senate and House of Representatives before resuming such limited services.

“(c) DEFINITIONS.—In this section, with respect to the caisson herd:

“(1) The term ‘fully constituted’ means that such herd is comprised of at least—

“(A) four caisson squads of eleven horses in each;

“(B) 14 caparison horses; and

“(C) four outreach horses.

“(2) The term ‘trained’ means that each caisson squad within such herd has completed the specialized

training determined necessary by the Commander of the Military District of Washington to resume caisson support for funeral services.

“(3) The term ‘certified’ means that the Commander of the Military District of Washington, in consultation with equine and veterinary experts, has confirmed to the Secretary of the Army that each caisson squad within such herd has met the training, health, and fitness requirements determined appropriate by the Secretary.”

ESTABLISHMENT OF CAISSON PLATOON AND SUPPORT FOR MILITARY AND STATE FUNERAL SERVICES AT ARLINGTON NATIONAL CEMETERY

Pub. L. 118–31, div. A, title III, §366, Dec. 22, 2023, 137 Stat. 234, provided that:

“(a) ESTABLISHMENT.—There is established in the Department of the Army an equine unit, to be known as the ‘Caisson Platoon’, assigned to the 3rd Infantry Regiment of the Army. The duties of such unit shall include the provision of support for military and State funerals.

“(b) PROHIBITIONS ON ELIMINATION.—The Secretary of the Army may not eliminate the Caisson Platoon of the 3rd Infantry Regiment of the Army established under subsection (a).

“(c) BRIEFINGS.—

“(1) PROVISION TO CONGRESS.—Not later than 60 days after the date of the enactment of this Act [Dec. 22, 2023], and not less frequently than every 180 days thereafter until March 31, 2027, the Secretary of the Army shall provide to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a briefing on the health, welfare, and sustenance of military working equids.

“(2) ELEMENTS.—Each briefing under paragraph (1) shall include the following:

“(A) An assessment of the ability of the Caisson Platoon of the 3rd Infantry Regiment of the Army to support military funeral operations within Arlington National Cemetery, including milestones associated with achieving full operational capability for such Caisson Platoon.

“(B) An update on the plan of the task force known as the ‘Task Force-Military Working Equids’ established by the Office of the Surgeon General, as directed by the Director of the Army Staff, in May 2022 (or any successor task force), to promote, support, and sustain animal health and welfare.

“(C) An update on the plan of such task force to ensure the Caisson Platoon of the 3rd Infantry Regiment of the Army has the ability to continuously support military and State funeral operations within Arlington National Cemetery.”

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.”

§ 7722. Interment and inurnment policy

(a) ELIGIBILITY DETERMINATIONS GENERALLY.—

(1) The Secretary of the Army, with the ap-

proval 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 7721(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, §4722; renumbered §7722 and amended Pub. L. 115–232, div. A, title VIII, §§808(d), 809(a), Aug. 13, 2018, 132 Stat. 1839, 1840.)

Editorial Notes

PRIOR PROVISIONS

A prior section 7722 was renumbered section 8892 of this title.

AMENDMENTS

2018—Pub. L. 115–232, §808(d), renumbered section 4722 of this title as this section.

Subsec. (b). Pub. L. 115–232, §809(a), substituted “section 7721(d)” for “section 4721(d)”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115–232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115–232, set out as a note preceding section 3001 of this title.