

the date of the enactment of this Act [Dec. 26, 2007], the Secretary of Veterans Affairs shall prescribe regulations to carry out the amendments made by this subsection [amending this section].”

**§ 2409. Memorial areas in Arlington National Cemetery**

(a) The Secretary of the Army may set aside, when available, a suitable area or areas in Arlington National Cemetery, Virginia, to honor the memory of members of the Armed Forces and veterans—

- (1) who are missing in action;
- (2) whose remains have not been recovered or identified;
- (3) whose remains were buried at sea, whether by the member's or veteran's own choice 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.

(b) Under regulations prescribed by the Secretary of the Army, appropriate memorials or markers may be erected in Arlington National Cemetery to honor the memory of those individuals, or group of individuals, referred to in subsection (a) of this section.

(Added Pub. L. 99-576, title IV, §413(a), Oct. 28, 1986, 100 Stat. 3284, §1009; amended Pub. L. 101-237, title III, §313(b)(5), Dec. 18, 1989, 103 Stat. 2077; renumbered §2409, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1009 of this title as this section.

1989—Subsec. (b). Pub. L. 101-237 inserted “of the Army” after “Secretary”.

COLUMBIA ORBITER MEMORIAL

Pub. L. 108-11, title III, Apr. 16, 2003, 117 Stat. 603, provided that:

“SEC. 301. SHORT TITLE.

“This title may be cited as the ‘Columbia Orbiter Memorial Act’.

“SEC. 302. CONSTRUCTION OF MEMORIAL TO CREW OF COLUMBIA ORBITER AT ARLINGTON NATIONAL CEMETERY.

“(a) CONSTRUCTION REQUIRED.—The Secretary of the Army shall, in consultation with the Administrator of the National Aeronautics and Space Administration, construct at an appropriate place in Arlington National Cemetery, Virginia, a memorial marker honoring the seven members of the crew of the Columbia Orbiter who died on February 1, 2003, over the State of Texas during the landing of space shuttle mission STS-107.

“(b) AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by title II of the Department of Defense Appropriations Act, 2003 (Public Law 107-248) under the heading ‘Operation and Maintenance, Army’ [116 Stat. 1521], \$500,000 shall be available for the construction of the memorial marker required by subsection (a).

“SEC. 303. DONATIONS FOR MEMORIAL FOR CREW OF COLUMBIA ORBITER.

“(a) AUTHORITY TO ACCEPT DONATIONS.—The Administrator of the National Aeronautics and Space Administration may accept gifts and donations of services, money, and property (including personal, tangible, or intangible property) for the purpose of an appropriate

memorial or monument to the seven members of the crew of the Columbia Orbiter who died on February 1, 2003, over the State of Texas during the landing of space shuttle mission STS-107, whether such memorial or monument is constructed by the Administrator or is the memorial marker required by section 302.

“(b) TRANSFER.—(1) The Administrator may transfer to the Secretary of the Army any services, money, or property accepted by the Administrator under subsection (a) for the purpose of the construction of the memorial marker required by section 302.

“(2) Any moneys transferred to the Secretary under paragraph (1) shall be merged with amounts in the account referred to in subsection (b) of section 302, and shall be available for the purpose referred to in that subsection.

“(c) EXPIRATION OF AUTHORITY.—The authority of the Administrator to accept gifts and donations under subsection (a) shall expire 5 years after the date of the enactment of this Act [Apr. 16, 2003].”

AUTHORIZATION OF PLACEMENT OF A MEMORIAL IN ARLINGTON NATIONAL CEMETERY HONORING WORLD WAR II VETERANS WHO FOUGHT IN THE BATTLE OF THE BULGE

Pub. L. 107-330, title II, §204, Dec. 6, 2002, 116 Stat. 2824, provided that: “The Secretary of the Army is authorized to place in Arlington National Cemetery a memorial marker honoring veterans who fought in the battle in the European theater of operations during World War II known as the Battle of the Bulge.”

**§ 2410. Burial of cremated remains in Arlington National Cemetery**

(a) The Secretary of the Army shall designate an area of appropriate size within Arlington National Cemetery for the unmarked interment, in accordance with such regulations as the Secretary may prescribe, of the ashes of persons eligible for interment in Arlington National Cemetery whose remains were cremated. Such area shall be an area not suitable for the burial of casketed remains.

(b) The Secretary of each military department shall make available appropriate forms on which those members of the Armed Forces who so desire may indicate their desire to be buried within the area to be designated under subsection (a).

(Added Pub. L. 101-237, title V, §502(a), Dec. 18, 1989, 103 Stat. 2093, §1010; amended Pub. L. 102-54, §14(b)(22), June 13, 1991, 105 Stat. 284; renumbered §2410, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1010 of this title as this section.

Subsec. (b). Pub. L. 102-54 substituted “each military department” for “the military departments”.

**§ 2411. Prohibition against interment or memorialization in the National Cemetery Administration or Arlington National Cemetery of persons committing Federal or State capital crimes**

(a)(1) In the case of a person described in subsection (b), the appropriate Federal official may not—

- (A) inter the remains of such person in a cemetery in the National Cemetery Administration or in Arlington National Cemetery; or
- (B) honor the memory of such person in a memorial area in a cemetery in the National