

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4712(a)	5:150j (words before 1st semicolon of 1st par.; and last par.).	June 4, 1920, ch. 227, subch. II, § 1 (Art. 112), 41 Stat. 809; May 5, 1950, ch. 169, § 6(c), 64 Stat. 145.
4712(b)	5:150j (22 words after 1st semicolon of 1st par.).	
4712(c)	5:150j (words between 1st and 2d semicolons of 1st par., less 1st 22 words).	
4712(d)	5:150j (words between 2d and 3d semicolons of 1st par.).	
4712(e)	5:150j (words between 3d and 4th semicolons of 1st par.).	
4712(f)	5:150j (1st par., less words before 4th semicolon, and less last 40 words).	
4712(g)	5:150j (last 40 words of 1st par.).	

In subsection (a), the words “the court-martial jurisdiction of the Army or the Air Force at a place or command under the jurisdiction of the Army” are substituted for the words “military law”, to reflect the creation of a separate Air Force. Clause (2) is substituted for 5:150j (last par.).

In subsections (a), (b), and (d), the words “surviving spouse” are substituted for the word “widow”.

In subsection (c), the word “may” is substituted for the words “shall have authority to”. The words “to the extent permitted” are substituted for the words “in so far as * * * will permit”. The words “under this article” and “upon its transactions” are omitted as surplusage.

In subsection (d), the words “through the Quartermaster Corps” are omitted, since the functions are no longer lodged in the Quartermaster Corps. The words “if such be found by said court” are omitted as surplusage. The words “United States” are substituted for the word “Government”. 5:150j (19 words before 3d semicolon of 1st par.) is omitted as covered by subsection (g).

In subsection (e), the first 37 words are substituted for 5:150j (33 words after 3d semicolon of 1st par.). The word “may” is substituted for the words “shall have the authority”.

In subsection (f), the words “Soldiers’ Home” are inserted, since, as provided in section 4713 of this title, the Home is now the place where the mentioned articles are sent.

AMENDMENTS

2018—Pub. L. 115–232 renumbered section 4712 of this title as this section.

1996—Subsec. (g). Pub. L. 104–316 struck out subsec. (g) which read as follows: “The summary court-martial shall make a full report of the transactions under this section, with respect to the deceased, to the Department of the Army for transmission to the General Accounting Office for action authorized in the settlement of accounts of deceased members of the Army.”

1990—Subsec. (a)(2). Pub. L. 101–510, § 1533(a)(6)(A), substituted “a resident of the Armed Forces Retirement Home” for “an inmate of the United States Soldiers’ and Airmen’s Home”.

Subsec. (f). Pub. L. 101–510, § 1533(a)(6)(B), struck out “for transmission to the United States Soldiers’ and Airmen’s Home” after “Department of the Army” and inserted at end “The Secretary of the Army shall deliver to the Armed Forces Retirement Home all items received by the executive part of the Department of the Army under this subsection.”

1985—Subsec. (d). Pub. L. 99–145 substituted new pars. (1) to (6) for former pars. (1) to (9) which read as follows:

“(1) Surviving spouse or legal representative.

“(2) Son.

“(3) Daughter.

“(4) Father, if he has not abandoned the support of his family.

“(5) Mother.

“(6) Brother.

“(7) Sister.

“(8) Next of kin.

“(9) Beneficiary named in the will of the deceased.”

1980—Subsecs. (a)(2), (f). Pub. L. 96–513 substituted “United States Soldiers’ and Airmen’s Home” for “Soldiers’ Home”.

1966—Subsec. (a). Pub. L. 89–718 substituted “military law” for “the court-martial jurisdiction of the Army or the Air Force”.

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.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–510 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.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of this title.

§ 7714. 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, § 4714; renumbered § 7714, Pub. L. 115–232, div. A, title VIII, § 808(d), Aug. 13, 2018, 132 Stat. 1839.)

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.

AMENDMENTS

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

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.

7723. Advisory committee on Arlington National Cemetery.

7724. Executive Director.

7725. Superintendents.

7726. Oversight and inspections.

7727. Cemetery concessions contracts.

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.)

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.

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.

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 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 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.)

PRIOR PROVISIONS

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