

## **10 USC 7722: Interment and inurnment policy**

\*Text contains those laws in effect on March 9, 2020

### **Title 10-ARMED FORCES**

Subtitle B-Army

PART IV-SERVICE, SUPPLY, AND PROCUREMENT

CHAPTER 776-ARMY NATIONAL MILITARY CEMETERIES

(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.

***(3)(A)** In carrying out paragraphs (1) and (2), the Secretary of Defense shall not approve a determination of eligibility for interment or inurnment in Arlington National Cemetery made by the Secretary of the Army that permits the interment or inurnment in Arlington National Cemetery of an individual who is not a member of the armed forces or a veteran (as that term is defined in section 101(2) of title 38), but served as President of the United States or Vice President of the United States.*

***(B)** For purposes of subparagraph (A), a President shall not be considered a member of the armed forces or a veteran by virtue of service under the Constitution as the Commander-in-Chief, and a Vice President shall not be considered a member of the armed forces or a veteran by virtue of service under the Constitution as Vice President.*

(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.