



**DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
MANPOWER AND RESERVE AFFAIRS
111 ARMY PENTAGON
WASHINGTON, DC 20310-0111**

SAMR

14 JAN 2013

MEMORANDUM FOR DEPUTY ASSISTANT SECRETARY OF THE ARMY (MILITARY PERSONNEL)

SUBJECT: Delegation of Authority Related to the Disinterment/Exhumation and Reinterment of Remains

1. References:

- a. Title 36 United States Code § 2104.
- b. Title 38 Code of Federal Regulations (CFR) § 38.621.
- c. Executive Order 10057 (Transferring to the American Battle Monuments Commission functions pertaining to certain United States Military Cemeteries), 14 May 49.
- d. Memorandum, Secretary of the Army, 05 December 2012, subject: Delegation of Authority Related to the Disinterment/Exhumation and Reinterment of Remains

2. Disinterments and exhumations in national cemeteries are controlled by 38 CFR 38.621 (reference 1.b.), which provides that a disinterment is permitted only for cogent reasons and with prior written authorization of the National Cemetery Area Office Director or Cemetery Director responsible for the cemetery involved. Approval requires the written consent of all immediate living Family members of the decedent and the person who initiated the interment. For the remains of unknown or unidentified casualties from prior conflicts, the Family members of the decedent are understandably unknown or unidentified. In many cases, the Department of the Army initiated the interments of these casualties, regardless of the Military Service the decedent was believed to have served in. Additionally, in accordance with Executive Order 10057 (reference 1.c.), the Secretary of the Army has the authority to enter specific cemeteries for the purpose of disinterment/exhumation and/or reinterment of remains should any such action be necessary. On December 5, 2012, the Secretary of the Army delegated the authority related to the disinterment/exhumation and reinterment of remains to me and authorized further delegation.

3. In accordance with reference 1.d., I delegate the following authorities to you:

- a. In national cemeteries governed by reference 1.b., for unknown or unidentified remains where the initial interments were authorized or established by the Department

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of the Army, you shall serve, on behalf of the Department of the Army, as the "person who initiated the interment." In such capacity, you may provide written consent to the disinterment/exhumation of remains as required by reference 1.b.

b. In the cemeteries enumerated in reference 1.c., you may authorize entry and the exhumation/disinterment and/or reinterment of remains when necessary and appropriate.

4. I will hold you responsible for any and all actions taken pursuant to these delegated or redelegated authorities. Should conditions warrant, I will suspend the use of and/or rescind any redelegation of these authorities, as appropriate.

5. Although not a limitation on your authority to act in my behalf, in those cases where your proposed decision represents a change in precedent or policy; is of significant White House, Congressional, Department or public interest; or has been, or should be, of interest or concern to me, for any reason, you will brief me prior to the decision unless the exigencies of the situation preclude such action.

6. This delegation of authority is effective immediately and expires December 5, 2015, unless suspended earlier, revoked or superseded.



THOMAS R. LAMONT
Assistant Secretary of the Army
(Manpower and Reserve Affairs)

CF:
General Counsel
Administrative Assistant to the Secretary of the Army