



## DEPUTY SECRETARY OF DEFENSE

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WASHINGTON, DC 20301-1010

JAN 2 2007

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS  
CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
UNDER SECRETARIES OF DEFENSE  
ASSISTANT SECRETARIES OF DEFENSE  
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE  
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE  
DIRECTOR, ADMINISTRATION AND MANAGEMENT  
DIRECTORS OF THE DEFENSE AGENCIES  
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Transport, Escorts, and Honor Guards for Remains of Armed Forces  
Members Who Die in a Combat Theater of Operations

Effective January 1, 2007, section 562 of the John Warner National Defense Authorization Act for FY 2007, Public Law 109-364 (attached), will be implemented as prescribed for transporting a member of the Armed Forces who dies in a combat theater of operations and whose remains are returned to the United States through the mortuary facility at Dover Air Force Base (AFB), Delaware. Your total joint support is required to ensure our fallen Service members are given a dignified transport home.

The transport of our fallen Service members is very sensitive, and movement must receive priority. In the past, the primary mode of air transportation was scheduled commercial service. The new law will require the primary mode of transportation to be dedicated military or military-contracted aircraft with alternative air transportation only authorized at the request of the person designated to direct disposition. To ensure air transportation arrangements are handled properly and efficiently throughout the Department, all Military Services are required to coordinate with the U.S. Transportation Command (USTRANSCOM), Director for Operations, for airlift of remains from Dover AFB, Delaware. This coordination will be important for expeditious movement, information flow and inter-Service air asset availability.

The law also directs that the concerned Secretary of the Military Department ensure that the remains are continuously escorted from Dover AFB. The honor guard detail will be in addition to the escort and provide duties specified in the law, unless the person designated to direct disposition of remains requests functions not be performed.

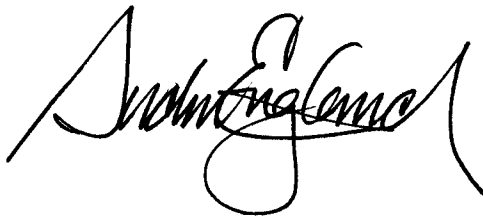
The Under Secretary of Defense for Personnel and Readiness and the Under Secretary of Defense for Acquisition, Technology and Logistics are responsible for



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mortuary affairs and transportation policy, respectively. USTRANSCOM is responsible for military airlift guidance procedures. These new policies and procedures will be incorporated into the appropriate DoD issuances and the Defense Transportation Regulation.

A handwritten signature in black ink, appearing to read "Andrew England". The signature is written in a cursive, flowing style with a large initial 'A' and a long, sweeping underline.

Attachment:  
As stated

SEC. 562. TRANSPORTATION OF REMAINS OF CASUALTIES DYING IN  
A THEATER OF COMBAT OPERATIONS.

(a) **REQUIRED TRANSPORTATION.**—In the case of a member of the Armed Forces who dies in a combat theater of operations and whose remains are returned to the United States through the mortuary facility at Dover Air Force Base, Delaware, the Secretary concerned, under regulations prescribed by the Secretary of Defense, shall provide transportation of the remains of that member from Dover Air Force Base to the applicable escorted remains destination in accordance with section 1482(a)(8) of title 10, United States Code, and this section.

(b) **ESCORTED REMAINS DESTINATION.**—In this section, the term “escorted remains destination” means the place to which remains are authorized to be transported under section 1482(a)(8) of title 10, United States Code.

(c) **AIR TRANSPORTATION FROM DOVER AFB.**—

(1) **MILITARY TRANSPORTATION.**—If transportation of remains under subsection (a) includes transportation by air, such transportation (except as provided under paragraph (2)) shall be made by military aircraft or military-contracted aircraft.

(2) **ALTERNATIVE TRANSPORTATION BY AIRCRAFT.**—The provisions of paragraph (1) shall not be applicable to the transportation of remains by air to the extent that the person designated to direct disposition of the remains directs otherwise.

(3) **PRIMARY MISSION.**—When remains are transported by military aircraft or military-contracted aircraft under this section, the primary mission of the aircraft providing that transportation shall be the transportation of such remains. However, more than one set of remains may be transported on the same flight.

(d) **ESCORT.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary concerned shall ensure that remains transported under this section are continuously escorted from Dover Air Force Base to the applicable escorted remains destination by a member of the Armed Forces in an appropriate grade, as determined by the Secretary.

(2) **OTHER ESCORT.**—If a specific military escort is requested by the person designated to direct disposition of such remains and the Secretary approves that request, then the Secretary is not required to provide an additional military escort under paragraph (1).

(e) **HONOR GUARD DETAIL.**—

(1) **PROVISION OF DETAIL.**—Except in a case in which the person designated to direct disposition of remains requests that no military honor guard be present, the Secretary concerned shall ensure that an honor guard detail is provided in each case of the transportation of remains under this section. The honor guard detail shall be in addition to the escort provided for the transportation of remains under section (d).

(2) **COMPOSITION.**—An honor guard detail provided under this section shall consist of sufficient members of the Armed Forces to perform the duties specified in paragraph (3). The members of the honor guard detail shall be in uniform.

(3) **DUTIES.**—Except to the extent that the person designated to direct disposition of remains requests that any of the following functions not be performed, an honor guard detail under this section—

(A) shall—

(i) travel with the remains during transportation;

or

(ii) meet the remains at the place to which transportation by air (or by rail or motor vehicle, if applicable) is made for the transfer of the remains;

(B) shall provide appropriate honors at the arrival of the remains referred to in subparagraph (A)(ii) (unless airline or other security requirements do not permit such honors to be provided); and

(C) shall participate in the transfer of the remains from an aircraft, when airport and airline security requirements permit, by carrying out the remains with a flag draped over the casket to a hearse or other form of ground transportation for travel to a funeral home or other place designated by the person designated to direct disposition of such remains.

(f) **SECRETARY CONCERNED DEFINED.**—In this section, the term “Secretary concerned” has the meaning given that term in section 101(a)(9) of title 10, United States Code.

(g) **EFFECTIVE DATE.**—This section shall take effect at such time as may be prescribed by the Secretary of Defense, but not later than January 1, 2007.