



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

SECNAVINST 5360.2
ASN(M&RA)
11 JUL 2018

SECNAV INSTRUCTION 5360.2

From: Secretary of the Navy

Subj: HUMAN REMAINS ASSOCIATED WITH SUNKEN MILITARY CRAFT

Ref: (a) Public Law 108-375, Title XIV, §§ 1401-1408
(b) 32 CFR 767

1. Purpose. To establish policy for human remains associated with sunken military craft, as that term is defined in references (a) and (b).

2. Background. The Department of the Navy (DON) has long recognized the sea as a fit and final resting place for personnel who perish at sea, as evidenced by its longstanding practices. These practices include formal burials at sea, and refraining from operations to remove the remains from sunken military craft. Customary international norms and the traditions of other seafaring nations also recognize the sea as a fit and final resting place for those who perish at sea. Reference (a) the Sunken Military Craft Act, prohibits certain activities directed at sunken military craft, and it grants the Secretary of the Navy authority to implement regulations to issue permits to engage in otherwise prohibited activity. In accordance with that authority, the DON issued reference (b), which designates the Naval History and Heritage Command (NHHC) as the steward for sunken military craft and associated contents, including remains of crew and passengers, under the congruence of the DON.

3. Definitions

a. Associated contents

(1) The equipment, cargo, and contents of a sunken military craft that are within its debris field; and

(2) The remains and personal effects of the crew and passengers of a sunken military craft that are within its debris field.

b. Debris field. An area, whether contiguous or non-contiguous, that consists of portions of one or more sunken military craft and associated artifacts distributed due to, or as a consequence of, a wrecking event and post-depositional site formation processes.

c. Disturb. To affect the physical condition of any portion of a sunken military craft, alter the position or arrangement of any portion of a sunken military craft, or influence the wrecksite or its immediate environment in such a way that any portion of a craft's physical condition is affected or its position or arrangement is altered.

d. Human remains. All or any part of the body of a deceased person in any stage of decomposition.

e. Injure. To inflict physical damage on or impair the soundness of any portion of a sunken military craft.

f. Remove. To move or relocate any portion of a sunken military craft by lifting, pulling, pushing, detaching, extracting, or taking away or off.

g. Sunken military craft. All or any portion of:

(1) Any sunken warship, naval auxiliary, or other vessel that was owned or operated by a government on military noncommercial service when it sank;

(2) Any sunken military aircraft or military spacecraft that was owned or operated by a government when it sank; and

(3) The associated contents of a craft referred to in subparagraph (1) or (2) above, if title thereto has not been abandoned or transferred by the government concerned.

4. Applicability. This instruction applies to the Office of the Secretary of the Navy, the Chief of Naval Operations (CNO), the Commandant of the Marine Corps (CMC), and all United States Navy (USN) and United States Marine Corps (USMC) commands, activities, field offices, and all other organizational entities within the DON.

5. Policy. The DON respects the sanctity of human remains and recognizes the sea as a fit and final resting place for human remains. The DON will not plan, assist, or participate in any activity which disturbs, injures, or removes sunken military craft lost for more than one year, when such activity is conducted primarily to identify or recover human remains or personal effects, except when tasked by Department of Defense (DoD) or higher authority. In cases where human remains associated with sunken military craft are under imminent threat, DON entities may submit requests for exception to policy to the Director, NHHHC.

6. Responsibilities

a. The Assistant Secretary of the Navy (Manpower and Reserve Affairs) shall oversee policy and programs relating to casualty support programs and mortuary affairs matters.

b. The CNO and the CMC shall ensure heads of USN and USMC commands, activities, field offices, and all other organizational entities within the DON:

(1) Consult with NHHHC prior to planning, assisting, or participating in any activity that has a reasonable likelihood to disturb, injure, or remove human remains associated with sunken military craft lost for more than one year.

(2) Notify NHHHC upon receiving information, requests for assistance from other government agencies, or mission tasking from the DoD or higher authority for any activity that has a reasonable likelihood to disturb, injure, or remove human remains associated with sunken military craft lost for more than one year.

c. Director, NHHHC shall:

(1) Evaluate and approve or deny internal DON requests for exceptions to policy using the criteria in reference (b).

2) Consult with USN Casualty and USMC Casualty when evaluating a permit request submitted under reference (b); an internal DON request for exception to policy; or a request for assistance from other government agencies, when such requests pertain to any activity that has a reasonable likelihood to

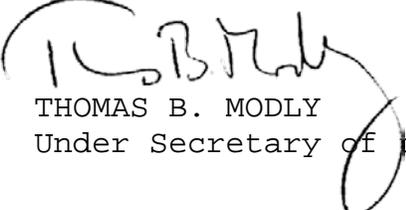
disturb, injure, or remove human remains associated with sunken military craft under the congruence of the DON per reference (a).

7. Records Management

a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned according to the records disposition schedules found on the Directives and Records Management Division (DRMD) portal page:

<https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/SitePages/Home.aspx>

b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact your local Records Manager or the DRMD program office.


THOMAS B. MODLY
Under Secretary of the Navy

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