

-CITE-

38 USC CHAPTER 23 - BURIAL BENEFITS

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS  
PART II - GENERAL BENEFITS  
CHAPTER 23 - BURIAL BENEFITS

-HEAD-

CHAPTER 23 - BURIAL BENEFITS

-MISC1-

Sec.  
2301. Flags.  
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2304. Claims for reimbursement.  
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2306. Headstones, markers, and burial receptacles.  
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## AMENDMENTS

1996 - Pub. L. 104-275, title II, Sec. 213(b)(2), Oct. 9, 1996, 110 Stat. 3332, substituted "burial receptacles" for "grave liners" in item 2306.

1991 - Pub. L. 102-83, Sec. 5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 901 to 908 as 2301 to 2308, respectively.

Pub. L. 102-83, Sec. 4(a)(3), (4), Aug. 6, 1991, 105 Stat. 404, substituted "Department" for "Veterans' Administration" in item 903.

1988 - Pub. L. 100-322, title III, Sec. 344(b)(2), May 20, 1988, 102 Stat. 540, substituted "Headstones, markers, and grave liners" for "Headstones and markers" in item 906.

1976 - Pub. L. 94-433, title III, Sec. 304(b), Sept. 30, 1976, 90 Stat. 1377, added item 908.

1973 - Pub. L. 93-43, Sec. 5(b), June 18, 1973, 87 Stat. 81, inserted "; plot allowance" in item 903 and added items 906 and 907.

-End-

-CITE-

38 USC Sec. 2301

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS  
PART II - GENERAL BENEFITS  
CHAPTER 23 - BURIAL BENEFITS

-HEAD-

Sec. 2301. Flags

-STATUTE-

(a) The Secretary shall furnish a flag to drape the casket of each -

(1) deceased veteran who -

(A) was a veteran of any war, or of service after January 31, 1955;

(B) had served at least one enlistment; or

(C) had been discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty; and

(2) deceased individual who at the time of death was entitled

to retired pay under chapter 67 (!1) of title 10 or would have been entitled to retired pay under that chapter but for the fact that the person was under 60 years of age.

(b) After the burial of the veteran the flag so furnished shall be given to the veteran's next of kin. If no claim is made for the flag by the next of kin, it may be given, upon request, to a close friend or associate of the deceased veteran. If a flag is given to a close friend or associate of the deceased veteran, no flag shall be given to any other person on account of the death of such veteran.

(c) For the purpose of this section, the term "Mexican border period" as defined in paragraph (30) of section 101 of this title includes the period beginning on January 1, 1911, and ending on May 8, 1916.

(d) In the case of any person who died while in the active military, naval, or air service after May 27, 1941, the Secretary shall furnish a flag to the next of kin, or to such other person as the Secretary considers most appropriate, if such next of kin or other person is not otherwise entitled to receive a flag under this section or under section 1482(a) of title 10.

(e) The Secretary shall furnish a flag to drape the casket of each deceased person who is buried in a national cemetery by virtue of eligibility for burial in such cemetery under section 2402(6) of this title. After the burial, the flag shall be given to the next of kin or to such other person as the Secretary considers appropriate.

(f)(1) The Secretary shall furnish a flag to drape the casket of each deceased member or former member of the Selected Reserve (as described in section 10143 of title 10) who is not otherwise eligible for a flag under this section or section 1482(a) of title 10 -

(A) who completed at least one enlistment as a member of the Selected Reserve or, in the case of an officer, completed the period of initial obligated service as a member of the Selected Reserve;

(B) who was discharged before completion of the person's initial enlistment as a member of the Selected Reserve or, in the case of an officer, period of initial obligated service as a member of the Selected Reserve, for a disability incurred or aggravated in line of duty; or

(C) who died while a member of the Selected Reserve.

(2) A flag may not be furnished under subparagraph (A) or (B) of paragraph (1) in the case of a person whose last discharge from service in the Armed Forces was under conditions less favorable than honorable.

(3) After the burial, a flag furnished under paragraph (1) shall be given to the next of kin or to such other person as the Secretary considers appropriate.

(g) A flag may not be furnished under this section in the case of a person described in section 2411(b) of this title.

(h)(1) The Secretary may not procure any flag for the purposes of this section that is not wholly produced in the United States.

(2)(A) The Secretary may waive the requirement of paragraph (1) if the Secretary determines -

(i) that the requirement cannot be reasonably met; or

(ii) that compliance with the requirement would not be in the national interest of the United States.

(B) The Secretary shall submit to Congress in writing notice of a determination under subparagraph (A) not later than 30 days after the date on which such determination is made.

(3) For the purpose of paragraph (1), a flag shall be considered to be wholly produced in the United States only if -

(A) the materials and components of the flag are entirely grown, manufactured, or created in the United States;

(B) the processing (including spinning, weaving, dyeing, and finishing) of such materials and components is entirely performed in the United States; and

(C) the manufacture and assembling of such materials and components into the flag is entirely performed in the United States.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1169, Sec. 901; Pub. L. 87-240, Sept. 14, 1961, 75 Stat. 512; Pub. L. 89-358, Sec. 9, Mar. 3, 1966, 80 Stat. 28; Pub. L. 90-77, title IV, Sec. 402, Aug. 31, 1967, 81 Stat. 190; Pub. L. 91-588, Sec. 9(g), Dec. 24, 1970, 84 Stat. 1585; Pub. L. 97-306, title IV, Sec. 402(a), Oct. 14, 1982, 96 Stat. 1442; Pub. L. 99-576, title VII, Sec. 701(50), Oct. 28, 1986, 100 Stat. 3295; Pub. L. 101-237, title III, Sec. 313(b)(1), Dec. 18, 1989, 103 Stat. 2077; Pub. L. 102-54, Sec. 14(b)(20), June 13, 1991, 105 Stat. 284; renumbered Sec. 2301 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-547, Sec. 11(a), Oct. 28, 1992, 106 Stat. 3644; Pub. L. 105-261, div. A, title V, Sec. 517, title X, Sec. 1073(a), Oct. 17, 1998, 112 Stat. 2009, 2137; Pub. L. 107-14, Sec. 8(a)(3), June 5, 2001, 115 Stat. 34; Pub. L. 107-330, title II, Sec. 201(b), Dec. 6, 2002, 116 Stat. 2823.)

-REFTEXT-

REFERENCES IN TEXT

Chapter 67 of title 10, referred to in subsec. (a)(2), was transferred to part II of subtitle E of Title 10, Armed Forces, renumbered as chapter 1223, and amended generally by Pub. L. 103-337, div. A, title XVI, Sec. 1662(j)(1), Oct. 5, 1994, 108 Stat. 2998. A new chapter 67 (Sec. 1331) of Title 10 was added by section 1662(j)(7) of Pub. L. 103-337.

-MISC1-

AMENDMENTS

2002 - Subsecs. (g), (h). Pub. L. 107-330 added subsec. (g) and redesignated former subsec. (g) as (h).

2001 - Subsec. (f)(1). Pub. L. 107-14, Sec. 8(a)(3)(A), directed the substitution of "(as described in section" for "(as described in section" in introductory provisions, requiring no change in text.

Subsec. (f)(2). Pub. L. 107-14, Sec. 8(a)(3)(B), substituted "subparagraph" for "subparagraphs".

1998 - Subsec. (f). Pub. L. 105-261, Sec. 517, added subsec. (f).

Subsec. (g). Pub. L. 105-261, Sec. 1073(a), added subsec. (g).

1992 - Subsec. (a). Pub. L. 102-547 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "The Secretary shall furnish a flag to drape the casket of each deceased veteran who -

"(1) was a veteran of any war, or of service after January 31, 1955;

"(2) had served at least one enlistment; or

"(3) had been discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty."

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 901 of this title as this section.

Subsec. (d). Pub. L. 102-54 substituted "considers" for "deems", struck out comma after "this section", and struck out ", United States Code" after "title 10".

Subsec. (e). Pub. L. 102-83, Sec. 5(c)(1), substituted "2402(6)" for "1002(6)".

1989 - Subsecs. (a), (d), (e). Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

1986 - Subsec. (b). Pub. L. 99-576 substituted "the veteran's" for "his".

1982 - Subsec. (e). Pub. L. 97-306 added subsec. (e).

1970 - Subsec. (a). Pub. L. 91-588, Sec. 9(g)(1), struck out reference to the Mexican border service.

Subsec. (c). Pub. L. 91-588, Sec. 9(g)(2), substituted "For the purpose of this section, the term 'Mexican border period' as defined in paragraph (30) of section 101 of this title includes the period beginning on January 1, 1911, and ending on May 8, 1916" for "For the purpose of this section, the term 'Mexican border service' means active military, naval, or air service during the period beginning on January 1, 1911, and ending on April 5, 1917, in Mexico, on the borders thereof, or in the waters adjacent thereto".

1967 - Subsec. (d). Pub. L. 90-77 added subsec. (d).

1966 - Subsec. (a)(1). Pub. L. 89-358 required a flag to be furnished to drape the casket of a deceased veteran who served after Jan. 31, 1955.

1961 - Subsec. (a). Pub. L. 87-240, Sec. 1(1), inserted "or of Mexican border service" after "veteran of any war".

Subsec. (c). Pub. L. 87-240, Sec. 1(2), added subsec. (c).

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-330 applicable with respect to deaths occurring on or after Dec. 6, 2002, see section 201(d) of Pub. L. 107-330, set out as a note under section 112 of this title.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-261, div. A, title X, Sec. 1073(b), Oct. 17, 1998, 112 Stat. 2138, provided that: "Subsection (g) of section 2301 of title 38, United States Code, as added by subsection (a), shall apply to flags procured by the Secretary of Veterans Affairs for the purposes of section 2301 of title 38, United States Code, after the end of the 30-day period beginning on the date of the enactment of this Act [Oct. 17, 1998]."

#### EFFECTIVE DATE OF 1982 AMENDMENT

Section 402(b) of Pub. L. 97-306 provided that: "The amendment made by subsection (a) [amending this section] shall apply with respect to burials after September 30, 1982."

#### EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-588 effective Jan. 1, 1971, see section 10(a) of Pub. L. 91-588, set out as a note under section 1521 of this title.

#### EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90-77, set out as a note under section 101 of this title.

-FOOTNOTE-

(!1) See References in Text note below.

-End-

-CITE-

38 USC Sec. 2302

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS  
PART II - GENERAL BENEFITS  
CHAPTER 23 - BURIAL BENEFITS

-HEAD-

Sec. 2302. Funeral expenses

-STATUTE-

(a) In the case of a deceased veteran -

(1) who at the time of death was in receipt of compensation (or but for the receipt of retirement pay would have been entitled to compensation) or was in receipt of pension, or

(2) who was a veteran of any war or was discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty, whose body is held by a State (or a political subdivision of a State), and with respect to whom the Secretary determines -

(A) that there is no next of kin or other person claiming the body of the deceased veteran, and

(B) that there are not available sufficient resources to cover burial and funeral expenses,

the Secretary, in the Secretary's discretion, having due regard to the circumstances in each case, may pay a sum not exceeding \$300 to such person as the Secretary prescribes to cover the burial and funeral expenses of the deceased veteran and the expense of preparing the body and transporting it to the place of burial. For the purpose of this subsection, the term "veteran" includes a person who died during a period deemed to be active military, naval, or air service under section 106(c) of this title.

(b) Except as hereafter provided in this subsection, no deduction shall be made from the burial allowance because of the veteran's net assets at the time of the death of such veteran, or because of any contribution from any source toward the burial and funeral expenses (including transportation) unless the amount of expenses incurred is covered by the amount actually paid therefor by the United States, a State, any agency or political subdivision of the United States or of a State, or the employer of the deceased veteran. No claim shall be allowed (1) for more than the difference between the entire amount of the expenses incurred and the amount paid by any or all of the foregoing, or (2) when the burial allowance would revert to the funds of a public or private organization or would discharge such an organization's obligation without payment. The burial allowance or any part thereof shall not be paid in any case where specific provision is otherwise made for payment of expenses of funeral, transportation, and interment under any other Act.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1169, Sec. 902; Pub. L. 88-359, July 7, 1964, 78 Stat. 296; Pub. L. 89-360, Mar. 7, 1966, 80 Stat. 29; Pub. L. 95-476, title II, Sec. 203(b), Oct. 18, 1978, 92 Stat. 1506; Pub. L. 95-479, title III, Sec. 303(a), Oct. 18, 1978, 92 Stat. 1565; Pub. L. 97-35, title XX, Sec. 2001(a)(1), Aug. 13, 1981, 95 Stat. 781; Pub. L. 97-306, title IV, Sec. 403[(a)], Oct. 14, 1982, 96 Stat. 1443; Pub. L. 101-237, title III, Sec. 313(b)(1), Dec. 18, 1989, 103 Stat. 2077; renumbered Sec. 2302, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 902 of this title as this section.

1989 - Subsec. (a). Pub. L. 101-237 substituted "Secretary" and "Secretary's" for "Administrator" and "Administrator's", respectively, wherever appearing.

1982 - Subsec. (a). Pub. L. 97-306 substituted requirement of a deceased veteran who at the time of death was in receipt of compensation (or but for the receipt of retirement pay would have been entitled to compensation) or was in receipt of pension, or who was a veteran of any war or was discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty, whose body is held by a State (or a political subdivision of a State), and with respect to whom the Administrator determines that there is no next of kin or other

person claiming the body of the deceased veteran, and that there are not available sufficient resources to cover burial and funeral expenses, for requirement of a veteran who dies in receipt of compensation (or but for the receipt of retirement pay would have been entitled to compensation) or in receipt of pension.

1981 - Subsec. (a). Pub. L. 97-35 substituted provisions relating to death of a veteran in receipt of compensation or a pension, for provisions relating to a veteran who dies of a service-connected disability, or who was a veteran of any war, discharged for a disability incurred or aggravated in line of duty, or in receipt of disability compensation.

1978 - Subsec. (a). Pub. L. 95-479 substituted "\$300" for "\$250".

Pub. L. 95-476, Sec. 203(b)(1), (2), substituted "in the Administrator's discretion" and "as the Administrator prescribes" for "in his discretion" and "as he prescribes", respectively.

Subsec. (b). Pub. L. 95-476, Sec. 203(b)(3), substituted "the death of such veteran" for "his death".

1966 - Subsec. (a). Pub. L. 89-360 extended authorized burial allowance to include peacetime veterans who die of a service connected disability but who have neither applied for disability compensation for disability nor been discharged for disability.

1964 - Subsec. (b). Pub. L. 88-359 provided that no claim shall be allowed when allowance would revert to the funds of a public or private organization, or would discharge such an organization's obligation without payment, and struck out requirement that amounts paid by burial associations toward burial and funeral expenses be deducted prior to payment of allowance.

#### EFFECTIVE DATE OF 1982 AMENDMENT

Section 403(b) of Pub. L. 97-306 provided that: "The amendment made by subsection (a) [amending this section] shall apply with respect to burial and funeral expenses incurred after September 30, 1982."

#### EFFECTIVE DATE OF 1981 AMENDMENT

Section 2001(a)(2) of Pub. L. 97-35 provided that: "The amendment made by paragraph (1) [amending this section] shall take effect with respect to deaths occurring after September 30, 1981."

#### EFFECTIVE DATE OF 1978 AMENDMENTS

Amendment by Pub. L. 95-479 effective Oct. 1, 1978, see section 401(a) of Pub. L. 95-479, set out as a note under section 1114 of this title.

Amendment by Pub. L. 95-476 effective Oct. 18, 1978, see section 205(a) of Pub. L. 95-476, set out as a note under section 2303 of this title.

-End-

-CITE-

38 USC Sec. 2303

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS  
PART II - GENERAL BENEFITS  
CHAPTER 23 - BURIAL BENEFITS

-HEAD-

Sec. 2303. Death in Department facility; plot allowance

-STATUTE-

(a)(1) when a veteran dies in a facility described in paragraph (2), the Secretary shall -

(A) pay the actual cost (not to exceed \$300) of the burial and funeral or, within such limits, may make contracts for such services without regard to the laws requiring advertisement for

proposals for supplies and services for the Department; and

(B) when such a death occurs in a State, transport the body to the place of burial in the same or any other State.

(2) A facility described in this paragraph is -

(A) a facility of the Department (as defined in section 1701(3) of this title) to which the deceased was properly admitted for hospital, nursing home, or domiciliary care under section 1710 or 1711(a) of this title; or

(B) an institution at which the deceased veteran was, at the time of death, receiving -

(i) hospital care in accordance with section 1703 of this title;

(ii) nursing home care under section 1720 of this title; or

(iii) nursing home care for which payments are made under section 1741 of this title.

(b) In addition to the benefits provided for under section 2302 of this title and subsection (a) of this section, in the case of a veteran who is eligible for burial in a national cemetery under section 2402 of this title and who is not buried in a national cemetery or other cemetery under the jurisdiction of the United States -

(1) if such veteran is buried (without charge for the cost of a plot or interment) in a cemetery, or a section of a cemetery, that (A) is used solely for the interment of persons who are (i) eligible for burial in a national cemetery, and (ii) members of a reserve component of the Armed Forces not otherwise eligible for such burial or former members of such a reserve component not otherwise eligible for such burial who are discharged or released from service under conditions other than dishonorable, and (B) is owned by a State or by an agency or political subdivision of a State, the Secretary shall pay to such State, agency, or political subdivision the sum of \$300 as a plot or interment allowance for such veteran; and

(2) if such veteran is eligible for a burial allowance under section 2302 of this title or under subsection (a) of this section, or was discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty, and such veteran is buried in a cemetery, or a section of a cemetery, other than as described in clause (1) of this subsection, the Secretary shall pay a sum not exceeding \$300 as a plot or interment allowance to such person as the Secretary prescribes, except that if any part of the plot or interment costs of a burial to which this clause applies has been paid or assumed by a State, an agency or political subdivision of a State, or a former employer of the deceased veteran, no claim for such allowance shall be allowed for more than the difference between the entire amount of the expenses incurred and the amount paid or assumed by any or all of the foregoing entities.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1170, Sec. 903; Pub. L. 86-70, Sec. 29(a), June 25, 1959, 73 Stat. 148; Pub. L. 86-624, Sec. 25(b), July 12, 1960, 74 Stat. 418; Pub. L. 87-99, July 21, 1961, 75 Stat. 218; Pub. L. 89-358, Sec. 4(i), Mar. 3, 1966, 80 Stat. 24; Pub. L. 93-43, Sec. 5(a)(1), June 18, 1973, 87 Stat. 80; Pub. L. 94-581, title II, Sec. 204, Oct. 21, 1976, 90 Stat. 2856; Pub. L. 95-476, title II, Sec. 202(a), Oct. 18, 1978, 92 Stat. 1503; Pub. L. 95-479, title III, Sec. 303(a), Oct. 18, 1978, 92 Stat. 1565; Pub. L. 97-35, title XX, Sec. 2001(b), Aug. 13, 1981, 95 Stat. 781; Pub. L. 97-306, title IV, Sec. 404(a), Oct. 14, 1982, 96 Stat. 1443; Pub. L. 99-272, title XIX, Sec. 19012(c)(4), Apr. 7, 1986, 100 Stat. 382; Pub. L. 101-237, title III, Sec. 313(b)(1), Dec. 18, 1989, 103 Stat. 2077; Pub. L. 101-508, title VIII, Sec. 8042(a), Nov. 5, 1990, 104 Stat. 1388-349; renumbered Sec. 2303 and amended Pub. L. 102-83, Secs. 4(a)(3), (4), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 104-275, title II, Sec. 212, Oct. 9, 1996,

110 Stat. 3330; Pub. L. 105-114, title IV, Sec. 401(a), Nov. 21, 1997, 111 Stat. 2293; Pub. L. 106-419, title III, Sec. 333(a), Nov. 1, 2000, 114 Stat. 1856; Pub. L. 107-103, title V, Sec. 501(b)(1), Dec. 27, 2001, 115 Stat. 994; Pub. L. 108-183, title V, Sec. 501(a), Dec. 16, 2003, 117 Stat. 2666.)

-MISC1-

AMENDMENTS

2003 - Subsec. (b). Pub. L. 108-183, Sec. 501(a)(1), in introductory provisions, substituted "burial in a national cemetery under section 2402 of this title" for "a burial allowance under such section 2302, or under such subsection, who was discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty, or who is a veteran of any war".

Subsec. (b)(2). Pub. L. 108-183, Sec. 501(a)(2), substituted "is eligible for a burial allowance under section 2302 of this title or under subsection (a) of this section, or was discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty, and such veteran" for "(other than a veteran whose eligibility for benefits under this subsection is based on being a veteran of any war)".

2001 - Subsec. (b)(1), (2). Pub. L. 107-103 substituted "\$300" for "\$150".

2000 - Subsec. (b)(1)(A). Pub. L. 106-419 amended cl. (A) generally. Prior to amendment, cl. (A) read as follows: "is used solely for the interment of persons eligible for burial in a national cemetery, and".

1997 - Subsec. (a)(2)(A). Pub. L. 105-114 substituted "a facility of the Department (as defined in section 1701(3) of this title)" for "a Department facility (as defined in section 1701(4) of this title)".

1996 - Subsec. (a). Pub. L. 104-275 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "when a veteran dies in a Department facility (as defined in section 1701(4) of this title) to which the deceased was properly admitted for hospital, nursing home, or domiciliary care under section 1710 or 1711(a) of this title or in an institution at which the deceased veteran was receiving hospital care in accordance with section 1703 of this title or nursing home care under section 1720 of this title at the expense of the United States at the time of death, the Secretary -

"(1) shall pay the actual cost (not to exceed \$300) of the burial and funeral or, within such limits, may make contracts for such services without regard to the laws requiring advertisement for proposals for supplies and services for the Department; and

"(2) shall, when such a death occurs in a State, transport the body to the place of burial in the same or any other State."

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 903 of this title as this section.

Pub. L. 102-83, Sec. 4(a)(3), (4), substituted "Department" for "Veterans' Administration" in section catchline.

Subsec. (a). Pub. L. 102-83, Sec. 5(c)(1), substituted "1701(4)" for "601(4)", "1710 or 1711(a)" for "610 or 611(a)", "1703" for "603", and "1720" for "620" in introductory provisions.

Pub. L. 102-83, Sec. 4(a)(3), (4), substituted "Department" for "Veterans' Administration" in introductory provisions and in par. (1).

Subsec. (b). Pub. L. 102-83, Sec. 5(c)(1), substituted "2302" for "902" in two places in introductory provisions.

1990 - Subsec. (b)(2). Pub. L. 101-508 inserted "(other than a veteran whose eligibility for benefits under this subsection is based on being a veteran of any war)" after "if such veteran".

1989 - Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

1986 - Subsec. (a). Pub. L. 99-272 inserted "hospital care in accordance with section 603 of this title or".

1982 - Subsec. (a). Pub. L. 97-306 substituted "When a veteran dies in a Veterans' Administration facility (as defined in section 601(4) of this title)" for "where death occurs in a Veterans' Administration facility" and inserted "or in an institution at which the deceased veteran was receiving nursing home care under section 620 of this title at the expense of the United States at the time of death" after "611(a) of this title."

1981 - Subsec. (b). Pub. L. 97-35 inserted provisions relating to a veteran discharged from active duty for a disability incurred or aggravated in the line of duty, or a war veteran.

1978 - Subsec. (a)(1). Pub. L. 95-479 substituted "\$300" for "\$250".

Subsec. (b). Pub. L. 95-476 substituted provisions requiring Administrator to pay an interment allowance of \$150 to a State or an agency or subdivision of a State, for burial of an eligible veteran in a cemetery, reserved for burial of persons eligible for burial in a national cemetery, owned by the State or such agency or political subdivision, or to any person prescribed by Administrator for burial of an eligible veteran in a cemetery other than one so reserved for provisions authorizing Administrator in his discretion to pay up to \$150 as an interment allowance to any person he prescribed.

1976 - Subsec. (a). Pub. L. 94-581 inserted ", nursing home," after "hospital" and substituted "611(a)" for "611" in provisions preceding par. (1).

1973 - Pub. L. 93-43, in revising text, substituted reference to section "611" for "611(a)" in opening text of subsec. (a), designated existing provisions of subsec. (a) as first part of par. (1) of such subsec. (a), incorporated provisions of former subsec. (c) as second part of par. (1) of subsec. (a), redesignated former subsec. (b) as par. (2) of subsec. (a), and added subsec. (b).

1966 - Subsec. (b). Pub. L. 89-358 struck out last sentence including the Canal Zone in the term "State" for purposes of subsec. (b), now incorporated in section 101(20) of this title.

1961 - Subsec. (b). Pub. L. 87-99 substituted "a State" and "in the same, or any other State" for "the continental United States or Hawaii" and "in the continental United States or Hawaii", respectively, and defined State to include Canal Zone.

1960 - Subsec. (b). Pub. L. 86-624 substituted "continental United States or Hawaii" for "continental United States (including Alaska)" in two places.

1959 - Subsec. (b). Pub. L. 86-70 substituted "continental United States (including Alaska), the Administrator shall transport the body to the place of burial in the continental United States (including Alaska)" for "continental United States, the Administrator shall transport the body to the place of burial in the United States, or to the place of burial within Alaska if the deceased was a resident of Alaska who had been brought to the United States as a beneficiary of the Veterans' Administration for hospital or domiciliary care".

#### EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-103, title V, Sec. 501(b)(2), Dec. 27, 2001, 115 Stat. 994, provided that: "The amendments made by paragraph (1) [amending this section] shall apply to deaths occurring on or after December 1, 2001."

#### EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-419, title III, Sec. 333(b), Nov. 1, 2000, 114 Stat. 1857, provided that: "The amendment made by subsection (a) [amending this section] shall apply with respect to the burial of persons dying on or after the date of the enactment of this Act [Nov. 1, 2000]."

#### EFFECTIVE DATE OF 1990 AMENDMENT

Section 8042(b) of Pub. L. 101-508 provided that: "This section [amending this section] shall apply to deaths occurring on or after November 1, 1990."

## EFFECTIVE DATE OF 1982 AMENDMENT

Section 404(b) of Pub. L. 97-306 provided that: "The amendments made by subsection (a) [amending this section] shall apply with respect to deaths occurring after September 30, 1982."

## EFFECTIVE DATE OF 1978 AMENDMENTS

Amendment by Pub. L. 95-479 effective Oct. 1, 1978, see section 401(a) of Pub. L. 95-479, set out as a note under section 1114 of this title.

Section 205 of title II of Pub. L. 95-476 provided that:

"(a) Except as provided in subsection (b), the amendments made by this title [enacting section 1008 [now 2408] of this title and amending sections 902, 906, and 1798 [now 2302, 2306, and 3698] of this title] shall take effect on the date of the enactment of this Act [Oct. 18, 1978].

"(b) The amendment made by section 202(a) of this title [amending this section] shall take effect on October 1, 1978."

## EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

## EFFECTIVE DATE OF 1973 AMENDMENT

Section 10(b) of Pub. L. 93-43 provided that: "Clause (1) of section 5(a) [amending this section] shall take effect on the first day of the second calendar month following the date of enactment of this Act [June 18, 1973]."

-End-

-CITE-

38 USC Sec. 2304

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS  
PART II - GENERAL BENEFITS  
CHAPTER 23 - BURIAL BENEFITS

-HEAD-

Sec. 2304. Claims for reimbursement

-STATUTE-

Applications for payments under section 2302 of this title must be filed within two years after the burial of the veteran. If the burial allowance was not payable at the death of the veteran because of the nature of the veteran's discharge from the service, but after the veteran's death the veteran's discharge has been corrected by competent authority so as to reflect a discharge from the service under conditions other than dishonorable, then the burial allowance may be paid if a claim is filed within two years from the date of correction of the discharge. If a claimant's application is incomplete at the time it is originally submitted, the Secretary shall notify the applicant of the evidence necessary to complete the application. If such evidence is not received within one year from the date of such notification, no allowance may be paid.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1170, Sec. 904; Pub. L. 88-3, Apr. 2, 1963, 77 Stat. 4; Pub. L. 91-24, Sec. 7, June 11, 1969, 83 Stat. 34; Pub. L. 99-576, title VII, Sec. 701(51), Oct. 28, 1986, 100 Stat. 3295; Pub. L. 101-237, title III, Sec. 313(b)(1), Dec. 18, 1989, 103 Stat. 2077; renumbered Sec. 2304 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 904 of this title as this section and substituted "2302" for "902".

1989 - Pub. L. 101-237 substituted "Secretary" for "Administrator".

1986 - Pub. L. 99-576 substituted "the veteran's" for "his" in three places.

1969 - Pub. L. 91-24 substituted "two years from the date of correction of the discharge" for "two years from whichever last occurs, the date of correction of the discharge or the date of enactment of this sentence".

1963 - Pub. L. 88-3 authorized payment of a burial allowance in cases where it was not payable at death because of the nature of the veteran's discharge, where such discharge has been corrected by competent authority to reflect conditions other than dishonorable, and the claim is filed within two years from whichever last occurs, the date of correction of the discharge or the date of enactment of Pub. L. 88-3 [approved Apr. 2, 1963].

-End-

-CITE-

38 USC Sec. 2305

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS  
PART II - GENERAL BENEFITS  
CHAPTER 23 - BURIAL BENEFITS

-HEAD-

Sec. 2305. Persons eligible under prior law

-STATUTE-

The death of any person who had a status which would, under the laws in effect on December 31, 1957, afford entitlement to the burial benefits and other benefits provided for in this chapter, but who did not meet the service requirements contained in this chapter, shall afford entitlement to such benefits, notwithstanding the failure of such person to meet such service requirements.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1170, Sec. 905; renumbered Sec. 2305, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 905 of this title as this section.

-End-

-CITE-

38 USC Sec. 2306

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS  
PART II - GENERAL BENEFITS  
CHAPTER 23 - BURIAL BENEFITS

-HEAD-

## Sec. 2306. Headstones, markers, and burial receptacles

## -STATUTE-

(a) The Secretary shall furnish, when requested, appropriate Government headstones or markers at the expense of the United States for the unmarked graves of the following:

(1) Any individual buried in a national cemetery or in a post cemetery.

(2) Any individual eligible for burial in a national cemetery (but not buried there), except for those persons or classes of persons enumerated in section 2402(4), (5), and (6) of this title.

(3) Soldiers of the Union and Confederate Armies of the Civil war.

(4) Any individual described in section 2402(5) of this title who is buried in a veterans' cemetery owned by a State.

(5) Any individual who at the time of death was entitled to retired pay under chapter 1223 of title 10 or would have been entitled to retired pay under that chapter but for the fact that the person was under 60 years of age.

(b)(1) The Secretary shall furnish, when requested, an appropriate memorial headstone or marker for the purpose of commemorating an eligible individual whose remains are unavailable. Such a headstone or marker shall be furnished for placement in a national cemetery area reserved for that purpose under section 2403 of this title, a veterans' cemetery owned by a State, or, in the case of a veteran, in a State, local, or private cemetery.

(2) For purposes of paragraph (1), an eligible individual is any of the following:

(A) A veteran.

(B) The spouse or surviving spouse of a veteran.

(C) An eligible dependent child of a veteran.

(3) For purposes of paragraph (1), the remains of an individual shall be considered to be unavailable if the individual's remains -

(A) have not been recovered or identified;

(B) were buried at sea, whether by the individual's own choice or otherwise;

(C) were donated to science; or

(D) were cremated and the ashes scattered without interment of any portion of the ashes.

(4) For purposes of this subsection:

(A) The term "veteran" includes an individual who dies in the active military, naval, or air service.

(B) The term "surviving spouse" includes an unremarried surviving spouse whose subsequent remarriage was terminated by death or divorce.

(5) For purposes of this section, the term "eligible dependent child" means a child -

(A) who is under 21 years of age, or under 23 years of age if pursuing a course of instruction at an approved educational institution; or

(B) who is unmarried and became permanently physically or mentally disabled and incapable of self-support before reaching 21 years of age, or before reaching 23 years of age if pursuing a course of instruction at an approved educational institution.

(c) A headstone or marker furnished under subsection (a), (b), or (d) of this section may be of any material, including but not limited to marble, granite, bronze, or slate, requested by the person entitled to request such headstone or marker if the material requested is determined by the Secretary (1) to be cost effective, and (2) in a case in which the headstone or marker is to be placed in a national cemetery, to be aesthetically compatible with the area of the cemetery in which it is to be placed.

(d)(1) The Secretary shall furnish, when requested, an

appropriate Government headstone or marker at the expense of the United States for the grave of an individual described in paragraph (2) or (5) of subsection (a) who is buried in a private cemetery, notwithstanding that the grave is marked by a headstone or marker furnished at private expense. Such a headstone or marker may be furnished only if the individual making the request for the Government headstone or marker certifies to the Secretary that the headstone or marker will be placed on the grave for which the headstone or marker is requested, or, if placement on the grave is impossible or impracticable, as close as possible to the grave within the grounds of the cemetery in which the grave is located.

(2) Any headstone or marker furnished under this subsection shall be delivered by the Secretary directly to the cemetery where the grave is located or to a receiving agent for delivery to the cemetery.

(3) The headstone or marker furnished under this subsection shall be the headstone or marker selected by the individual making the request from among all the headstones and markers made available by the Government for selection.

(4) In lieu of furnishing a headstone or marker under this subsection, the Secretary may furnish, upon request, a medallion or other device of a design determined by the Secretary to signify the deceased's status as a veteran, to be attached to a headstone or marker furnished at private expense.

(e)(1) The Secretary of Veterans Affairs shall provide an outer burial receptacle for each new grave in an open cemetery under the control of the National Cemetery Administration in which remains are interred in a casket. The Secretary of the Army may provide an outer burial receptacle for such a grave in the Arlington National Cemetery.

(2) The use of outer burial receptacles in a cemetery under the control of the National Cemetery Administration or in the Arlington National Cemetery shall be in accordance with regulations or procedures approved by the Secretary of Veterans Affairs or Secretary of the Army, respectively.

(3) Regulations or procedures under paragraph (2) may specify that -

(A) an outer burial receptacle other than a grave liner be provided in lieu of a grave liner at the election of the survivors of the interred veteran; and

(B) if an outer burial receptacle other than a grave liner is provided in lieu of a grave liner upon an election of such survivors, such survivors be required -

(i) to pay the amount by which the cost of the outer burial receptacle exceeds the cost of the grave liner that would otherwise have been provided in the absence of the election; and

(ii) to pay the amount of the administrative costs incurred by the Secretary (or, with respect to Arlington National Cemetery, the Secretary of the Army) in providing the outer burial receptacle in lieu of such grave liner.

(4) Regulations or procedures under paragraph (2) may provide for the use of a voucher system, or other system of reimbursement approved by the Secretary (or, with respect to Arlington National Cemetery, the Secretary of the Army), for payment for outer burial receptacles other than grave liners provided under such regulations or procedures.

(f)(1) When the Secretary has furnished a headstone or marker under subsection (a) for the unmarked grave of an individual, the Secretary shall, if feasible, add a memorial inscription to that headstone or marker rather than furnishing a separate headstone or marker under that subsection for the surviving spouse or eligible dependent child of such individual.

(2) When the Secretary has furnished a memorial headstone or marker under subsection (b) for purposes of commemorating a veteran or an individual who died in the active military, naval, or air service, the Secretary shall, if feasible, add a memorial

inscription to that headstone or marker rather than furnishing a separate memorial headstone or marker under that subsection for the surviving spouse or eligible dependent child of such individual.

(g)(1) A headstone or marker may not be furnished under subsection (a) for the unmarked grave of a person described in section 2411(b) of this title.

(2) A memorial headstone or marker may not be furnished under subsection (b) for the purpose of commemorating a person described in section 2411(b) of this title.

(3) A headstone or marker may not be furnished under subsection (d) for the grave of a person described in section 2411(b) of this title.

-SOURCE-

(Added Pub. L. 93-43, Sec. 5(a)(2), June 18, 1973, 87 Stat. 80, Sec. 906; amended Pub. L. 95-476, title II, Sec. 203(a), Oct. 18, 1978, 92 Stat. 1505; Pub. L. 95-479, title III, Sec. 303(b), Oct. 18, 1978, 92 Stat. 1565; Pub. L. 96-385, title V, Sec. 502, Oct. 7, 1980, 94 Stat. 1534; Pub. L. 97-66, title VI, Sec. 603(a), Oct. 17, 1981, 95 Stat. 1034; Pub. L. 100-322, title III, Sec. 344(a), (b)(1), May 20, 1988, 102 Stat. 540; Pub. L. 101-237, title III, Sec. 313(b)(1), (3), title V, Secs. 501, 504(a), Dec. 18, 1989, 103 Stat. 2077, 2093, 2094; Pub. L. 101-508, title VIII, Sec. 8041(a), Nov. 5, 1990, 104 Stat. 1388-349; renumbered Sec. 2306 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-547, Sec. 11(b), Oct. 28, 1992, 106 Stat. 3644; Pub. L. 104-275, title II, Sec. 213(a), (b)(1), Oct. 9, 1996, 110 Stat. 3331, 3332; Pub. L. 105-368, title IV, Secs. 401(a), (b), 403(c)(2), Nov. 11, 1998, 112 Stat. 3334, 3335, 3338; Pub. L. 107-103, title V, Sec. 502(a)-(c), Dec. 27, 2001, 115 Stat. 994, 995; Pub. L. 107-330, title II, Sec. 201(c), Dec. 6, 2002, 116 Stat. 2823; Pub. L. 109-444, Sec. 2(f), Dec. 21, 2006, 120 Stat. 3305; Pub. L. 109-461, title IV, Secs. 401(a), (b), 402, title X, Sec. 1006(b), Dec. 22, 2006, 120 Stat. 3429, 3468; Pub. L. 110-157, title II, Secs. 201, 203(a), Dec. 26, 2007, 121 Stat. 1832, 1833.)

-MISC1-

AMENDMENTS

2007 - Subsec. (d)(3), (4). Pub. L. 110-157, Sec. 203(a), redesignated pars. (4) and (5) as (3) and (4), respectively, and struck out former par. (3) which read as follows: "The authority to furnish a marker under this subsection expires on December 31, 2007."

Subsec. (d)(5). Pub. L. 110-157, Sec. 203(a)(2), redesignated par. (5) as (4).

Pub. L. 110-157, Sec. 201, added par. (5).

2006 - Subsec. (b)(2)(C). Pub. L. 109-461, Sec. 401(a)(1), added subpar. (C).

Subsec. (b)(5). Pub. L. 109-461, Sec. 401(a)(2), added par. (5).

Subsec. (d)(1). Pub. L. 109-461, Sec. 402(b)(1)(A)(ii), (c), in second sentence, inserted "headstone or" before "marker" in four places and ", or, if placement on the grave is impossible or impracticable, as close as possible to the grave within the grounds of the cemetery in which the grave is located" before period at end.

Pub. L. 109-461, Sec. 402(b)(1)(A)(i), substituted "Government headstone or marker" for "Government marker" in first sentence.

Subsec. (d)(2). Pub. L. 109-461, Sec. 402(b)(1)(B), (d), inserted "headstone or" before "marker" and "or to a receiving agent for delivery to the cemetery" before period at end.

Subsec. (d)(3). Pub. L. 109-461, Sec. 1006(b), provided that as of the enactment of Pub. L. 109-461, the amendments made by Pub. L. 109-444 were deemed for all purposes not to have taken effect and that Pub. L. 109-444 ceased to be in effect. See Amendment notes below and section 1006(b) of Pub. L. 109-461, set out as a Coordination of Provisions with Pub. L. 109-444 note under section 101 of this title.

Pub. L. 109-461, Sec. 402(a), substituted "December 31, 2007" for "December 31, 2006".

Pub. L. 109-444, which substituted "December 31, 2007" for "December 31, 2006", was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (d)(4). Pub. L. 109-461, Sec. 402(f), added par. (4).

Pub. L. 109-461, Sec. 402(e), struck out par. (4) which read as follows: "Not later than February 1, 2006, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the use of the authority under this subsection. The report shall include the following:

"(A) The rate of use of the benefit under this subsection, shown by fiscal year.

"(B) An assessment as to the extent to which markers furnished under this subsection are being delivered to cemeteries and placed on grave sites consistent with the provisions of this subsection.

"(C) The secretary's recommendation for extension or repeal of the expiration date specified in paragraph (3)."

Subsec. (f). Pub. L. 109-461, Sec. 401(b), inserted "or eligible dependent child" after "surviving spouse" in pars. (1) and (2).

Subsec. (g)(3). Pub. L. 109-461, Sec. 402(b)(2), inserted "headstone or" before "marker".

2002 - Subsec. (g). Pub. L. 107-330 added subsec. (g).

2001 - Subsec. (a)(5). Pub. L. 107-103, Sec. 502(c), substituted "chapter 1223" for "chapter 67".

Subsec. (c). Pub. L. 107-103, Sec. 502(b), substituted "subsection (a), (b), or (d)" for "subsection (a) or (b)".

Subsecs. (d) to (f). Pub. L. 107-103, Sec. 502(a), added subsec. (d) and redesignated former subsecs. (d) and (e) as (e) and (f), respectively.

1998 - Subsec. (b). Pub. L. 105-368, Sec. 401(a), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "The Secretary shall furnish, when requested, an appropriate memorial headstone or marker for the purpose of commemorating any veteran -

"(1) whose remains have not been recovered or identified,

"(2) whose remains were buried at sea, whether by the veteran's own choice or otherwise,

"(3) whose remains were donated to science, or

"(4) whose remains were cremated and the ashes scattered

without interment of any portion of the ashes, for placement by the applicant in a national cemetery area reserved for such purpose under the provisions of section 2403 of this title or in a State, local, or private cemetery."

Subsec. (d)(1), (2). Pub. L. 105-368, Sec. 403(c)(2), substituted "under the control of the National Cemetery Administration" for "within the National Cemetery System".

Subsec. (e). Pub. L. 105-368, Sec. 401(b), added subsec. (e).

1996 - Pub. L. 104-275, Sec. 213(b)(1), substituted "burial receptacles" for "grave liners" in section catchline.

Subsec. (d)(1). Pub. L. 104-275, Sec. 213(a)(1), substituted "an outer burial receptacle" for "a grave liner" in two places.

Subsec. (d)(2). Pub. L. 104-275, Sec. 213(a)(2), substituted "outer burial receptacles" for "grave liners" and "regulations or procedures" for "specifications and procedures".

Subsec. (d)(3), (4). Pub. L. 104-275, Sec. 213(a)(3), added pars. (3) and (4).

1992 - Subsec. (a)(5). Pub. L. 102-547 added par. (5).

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 906 of this title as this section.

Subsec. (a). Pub. L. 102-83, Sec. 5(c)(1), substituted "2402(4)" for "1002(4)" in par. (2) and "2402(5)" for "1002(5)" in par. (4).

Subsec. (b). Pub. L. 102-83, Sec. 5(c)(1), substituted "2403" for "1003" in concluding provisions.

1990 - Subsecs. (d), (e). Pub. L. 101-508 redesignated subsec. (e) as (d) and struck out former subsec. (d) which read as follows: "In lieu of furnishing a headstone or marker under subsection

(a)(2) or (b) of this section, the Secretary, in the Secretary's discretion, having due regard for the circumstances in each case, may reimburse the person entitled to request such headstone or marker for the cost of acquiring a non-Government headstone or marker for placement in any cemetery other than a national cemetery in connection with the burial or memorialization of the deceased individual. The cost referred to in the preceding sentence is the cost actually incurred by or on behalf of such person or the cost prepaid by the deceased individual, as the case may be. Reimbursement under this subsection may be made only upon the request of the person entitled to request the headstone or marker and may not be made in an amount in excess of the average actual cost, as determined by the Secretary, of headstones and markers furnished under subsections (a) and (b) of this section."

1989 - Subsecs. (a) to (c). Pub. L. 101-237, Sec. 313(b)(1), substituted "Secretary" for "Administrator".

Subsec. (d). Pub. L. 101-237, Sec. 501, substituted "cost of acquiring" for "actual costs incurred by or on behalf of such person in acquiring" in first sentence, inserted after first sentence "The cost referred to in the preceding sentence is the cost actually incurred by or on behalf of such person or the cost prepaid by the deceased individual, as the case may be.", and substituted "this subsection" for "the preceding sentence" in last sentence.

Pub. L. 101-237, Sec. 313(b)(1), substituted "Secretary" and "Secretary's" for "Administrator" and "Administrator's", respectively, wherever appearing.

Subsec. (e)(1). Pub. L. 101-237, Sec. 504(a), inserted first sentence and struck out former first sentence which read as follows: "The Secretary may provide a grave liner for any grave in a cemetery within the National Cemetery System in which remains are interred in a casket."

Pub. L. 101-237, Sec. 313(b)(1), substituted "Secretary may provide" for "Administrator may provide".

Subsec. (e)(2). Pub. L. 101-237, Sec. 313(b)(3), substituted "Secretary of Veterans Affairs or Secretary of the Army" for "Administrator or the Secretary".

1988 - Pub. L. 100-322, Sec. 344(b)(1), substituted "Headstones, markers, and grave liners" for "Headstones and markers" in section catchline.

Subsec. (e). Pub. L. 100-322, Sec. 344(a), added subsec. (e).

1981 - Subsec. (b). Pub. L. 97-66 inserted provisions relating to veterans whose remains were donated to science or whose remains were cremated and the ashes scattered without interment of any portion of the ashes.

1980 - Subsec. (a)(4). Pub. L. 96-385 added par. (4).

1978 - Subsec. (b). Pub. L. 95-479 struck out "dying in the service, and" after "to commemorate any veteran".

Subsecs. (c), (d). Pub. L. 95-476 added subsecs. (c) and (d).

#### EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 110-157, title II, Sec. 203(b), Dec. 26, 2007, 121 Stat. 1833, provided that: "Notwithstanding subsection (d) of section 502 of the Veterans Education and Benefits Expansion Act of 2001 (Public Law 107-103; 115 Stat. 995; 38 U.S.C. 2306 note) or any other provision of law, the amendments made by that section and by subsections (a), (b), (c), (d), and (f) of section 402 of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461; 120 Stat. 3429) [amending this section] shall take effect as of November 1, 1990, and shall apply with respect to headstones and markers for the graves of individuals dying on or after that date."

Pub. L. 109-461, title IV, Sec. 401(c), Dec. 22, 2006, 120 Stat. 3429, provided that: "The amendments made by subsections (a) and (b) [amending this section] shall apply with respect to individuals dying after the date of the enactment of this Act [Dec. 22, 2006]."

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-330 applicable with respect to deaths occurring on or after Dec. 6, 2002, see section 201(d) of Pub. L. 107-330, set out as a note under section 112 of this title.

## EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by section 502 of Pub. L. 107-103 effective Nov. 1, 1990, and applicable with respect to headstones and markers for the graves of individuals dying on or after that date, see section 203(b) of Pub. L. 110-157, set out as an Effective Date of 2006 Amendment note above.

Pub. L. 107-103, title V, Sec. 502(d), Dec. 27, 2001, 115 Stat. 995, as amended by Pub. L. 107-330, title II, Sec. 203(a), Dec. 6, 2002, 116 Stat. 2824, provided that: "The amendments made by subsections (a) and (b) [amending this section] shall apply with respect to markers for the graves of individuals dying on or after September 11, 2001."

[Pub. L. 107-330, title II, Sec. 203(b), Dec. 6, 2002, 116 Stat. 2824, provided that: "The amendment made by subsection (a) [amending section 502(d) of Pub. L. 107-103, set out above] shall take effect as if included in the enactment of such section 502."]

## EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-368, title IV, Sec. 401(d), Nov. 11, 1998, 112 Stat. 3335, provided that: "The amendments made by subsections (a) and (b) [amending this section] shall apply to deaths occurring after the date of the enactment of this Act [Nov. 11, 1998]."

## EFFECTIVE DATE OF 1990 AMENDMENT

Section 8041(b) of Pub. L. 101-508 provided that: "This section [amending this section] shall apply to deaths occurring on or after November 1, 1990."

## EFFECTIVE DATE OF 1989 AMENDMENT

Section 504(b) of Pub. L. 101-237 provided that: "The amendment made by subsection (a) [amending this section] shall apply to interments that occur after January 1, 1990."

## EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-66 applicable with respect to veterans dying before, on, or after Oct. 17, 1981, see section 701(b)(6) of Pub. L. 97-66, set out as a note under section 1114 of this title.

## EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-385 applicable only with respect to individuals who die after Sept. 30, 1980, see section 601(c) of Pub. L. 96-385, set out as a note under section 1114 of this title.

## EFFECTIVE DATE OF 1978 AMENDMENTS

Amendment by Pub. L. 95-479 effective Oct. 1, 1978, see section 401(a) of Pub. L. 95-479, set out as a note under section 1114 of this title.

Amendment by Pub. L. 95-476 effective Oct. 18, 1978, see section 205(a) of Pub. L. 95-476, set out as a note under section 2303 of this title.

## EFFECTIVE DATE

Section 10(c) of Pub. L. 93-43 provided that: "Clause (2) of section 5(a) [enacting this section and section 907 [now 2307] of this title] and sections 6 [enacting provisions set out a note under section 2404 of this title] and 7 [repealing sections 271 to 276, 278 to 279d, 281 to 282, 286 to 290, and 296 of Title 24, Hospitals and Asylums, and enacting provisions set out as notes under sections 271 to 276 of Title 24] of this Act shall take effect September 1, 1973, or on such earlier date as the President may prescribe and publish in the Federal Register."

## CONTINUATION OF AUTHORITY

Pub. L. 110-92, Sec. 162, as added by Pub. L. 110-149, Sec. 2,  
Page 17

Dec. 21, 2007, 121 Stat. 1819, provided that: "Notwithstanding section 106 [121 Stat. 990], the authority provided by section 2306(d)(3) of title 38, United States Code, shall continue in effect through September 30, 2008."

-End-

-CITE-

38 USC Sec. 2307

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS  
PART II - GENERAL BENEFITS  
CHAPTER 23 - BURIAL BENEFITS

-HEAD-

Sec. 2307. Death from service-connected disability

-STATUTE-

In any case in which a veteran dies as the result of a service-connected disability or disabilities, the Secretary, upon the request of the survivors of such veteran, shall pay the burial and funeral expenses incurred in connection with the death of the veteran in an amount not exceeding the greater of (1) \$2,000, or (2) the amount authorized to be paid under section 8134(a) of title 5 in the case of a Federal employee whose death occurs as the result of an injury sustained in the performance of duty. Funeral and burial benefits provided under this section shall be in lieu of any benefits authorized under sections 2302 and 2303(a)(1) and (b)(2) of this title.

-SOURCE-

(Added Pub. L. 93-43, Sec. 5(a)(2), June 18, 1973, 87 Stat. 80, Sec. 907; amended Pub. L. 95-479, title III, Sec. 303(c), Oct. 18, 1978, 92 Stat. 1565; Pub. L. 100-322, title III, Sec. 303, May 20, 1988, 102 Stat. 534; Pub. L. 101-237, title III, Sec. 313(b)(1), Dec. 18, 1989, 103 Stat. 2077; renumbered Sec. 2307 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 107-103, title V, Sec. 501(a)(1), Dec. 27, 2001, 115 Stat. 994; Pub. L. 108-183, title V, Sec. 501(b), Dec. 16, 2003, 117 Stat. 2667.)

-MISC1-

AMENDMENTS

2003 - Subsec. (b). Pub. L. 108-183 substituted "and (b)(2)" for "and (b)" in last sentence.

2001 - Pub. L. 107-103 substituted "\$2,000" for "\$1,500".

1991 - Pub. L. 102-83 renumbered section 907 of this title as this section and substituted "2302 and 2303(a)(1)" for "902 and 903(a)(1)".

1989 - Pub. L. 101-237 substituted "Secretary" for "Administrator".

1988 - Pub. L. 100-322 substituted "\$1,500" for "\$1,100".

1978 - Pub. L. 95-479 inserted "the greater of (1) \$1,100, or (2)" after "not exceeding".

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-103, title V, Sec. 501(a)(2), Dec. 27, 2001, 115 Stat. 994, provided that: "The amendment made by paragraph (1) [amending this section] shall apply to deaths occurring on or after September 11, 2001."

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-322 effective Apr. 1, 1988, see section 304 of Pub. L. 100-322, set out as a note under section 2102 of

this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-479 effective Oct. 1, 1978, see section 401(a) of Pub. L. 95-479, set out as a note under section 1114 of this title.

EFFECTIVE DATE

Section effective Sept. 1, 1973, or such earlier date as the President may prescribe and publish in the Federal Register, see section 10(c) of Pub. L. 93-43, set out as a note under section 2306 of this title.

-End-

-CITE-

38 USC Sec. 2308

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS  
PART II - GENERAL BENEFITS  
CHAPTER 23 - BURIAL BENEFITS

-HEAD-

Sec. 2308. Transportation of deceased veteran to a national cemetery

-STATUTE-

Where a veteran dies as the result of a service-connected disability, or is in receipt of (but for the receipt of retirement pay or pension under this title would have been entitled to) disability compensation, the Secretary may pay, in addition to any amount paid pursuant to section 2302 or 2307 of this title, the cost of transportation of the deceased veteran for burial in a national cemetery. Such payment shall not exceed the cost of transportation to the national cemetery nearest the veteran's last place of residence in which burial space is available.

-SOURCE-

(Added Pub. L. 94-433, title III, Sec. 304(a), Sept. 30, 1976, 90 Stat. 1377, Sec. 908; amended Pub. L. 101-237, title III, Sec. 313(b)(1), Dec. 18, 1989, 103 Stat. 2077; renumbered Sec. 2308 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 908 of this title as this section and substituted "2302 or 2307" for "902 or 907".  
1989 - Pub. L. 101-237 substituted "Secretary" for "Administrator".

EFFECTIVE DATE

Section effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as an Effective Date of 1976 Amendment note under section 1101 of this title.

-End-