

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

Pub. L. 93-43, §10(c), June 18, 1973, 87 Stat. 88, 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, §162, as added by Pub. L. 110-149, §2, 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."

§ 2307. Death from service-connected disability

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.

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

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, §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.

§ 2308. Transportation of deceased veteran to a national cemetery

(a) IN GENERAL.—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 described in subsection (b) 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.

(b) DECEASED VETERAN DESCRIBED.—A deceased veteran described in this subsection is any of the following veterans:

(1) A veteran who dies as the result of a service-connected disability.

(2) A veteran who dies while in receipt of disability compensation (or who but for the receipt of retirement pay or pension under this title, would have been entitled to compensation).

(3) A veteran whom the Secretary determines is eligible for funeral expenses under section 2302 of this title by virtue of the Secretary determining that the veteran has no next of kin or other person claiming the body of such veteran pursuant to subsection (a)(2)(A) of such section.

(Added Pub. L. 94-433, title III, §304(a), Sept. 30, 1976, 90 Stat. 1377, §908; amended Pub. L. 101-237, title III, §313(b)(1), Dec. 18, 1989, 103 Stat. 2077; renumbered §2308 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 112-260, title I, §104(b)(2), Jan. 10, 2013, 126 Stat. 2420.)

AMENDMENTS

2013—Pub. L. 112-260 designated existing provisions as subsec. (a), inserted heading, substituted "The Secretary" for "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", inserted "described in subsection (b)" after "of the deceased veteran", and added subsec. (b).

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 OF 2013 AMENDMENT

Amendment by Pub. L. 112-260 effective on the date that is one year after Jan. 10, 2013, and applicable with respect to burials and funerals occurring on or after that date, see section 104(b)(3) of Pub. L. 112-260, set out as a note under section 2302 of this title.

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.

CHAPTER 24—NATIONAL CEMETERIES AND MEMORIALS

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AMENDMENTS

2013—Pub. L. 112-260, title I, §103(b), Jan. 10, 2013, 126 Stat. 2420, added item 2414.

2012—Pub. L. 112-154, title VI, §§601(c)(2), 602(b), Aug. 6, 2012, 126 Stat. 1199, 1200, added items 2410A and 2413 and struck out former item 2413 “Prohibition on certain demonstrations at cemeteries under control of the National Cemetery Administration and at Arlington National Cemetery”.

2006—Pub. L. 109-228, §2(a)(2), May 29, 2006, 120 Stat. 388, added item 2413.

2004—Pub. L. 108-454, title VI, §602(b), Dec. 10, 2004, 118 Stat. 3624, added item 2412.

1998—Pub. L. 105-368, title IV, §403(c)(4), (d)(1), Nov. 11, 1998, 112 Stat. 3338, 3339, substituted “Administration; composition of Administration” for “System; composition of such system; appointment of director” in item 2400 and “Administration” for “System” in item 2411.

1997—Pub. L. 105-116, §1(b), Nov. 21, 1997, 111 Stat. 2382, added item 2411.

1991—Pub. L. 102-83, §5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 1000 to 1010 as 2400 to 2410, respectively.

1989—Pub. L. 101-237, title V, §502(b), Dec. 18, 1989, 103 Stat. 2093, added item 1010.

1986—Pub. L. 99-576, title IV, §413(b), Oct. 28, 1986, 100 Stat. 3284, added item 1009.

1978—Pub. L. 95-476, title II, §202(b)(2), Oct. 18, 1978, 92 Stat. 1505, added item 1008.

§ 2400. Establishment of National Cemetery Administration; composition of Administration

(a) There shall be within the Department a National Cemetery Administration responsible for the interment of deceased servicemembers and veterans. The National Cemetery Administration shall be headed by the Under Secretary for Memorial Affairs, who shall perform such functions as may be assigned by the Secretary.

(b) The national cemeteries and other facilities under the control of the National Cemetery Administration shall consist of—

(1) national cemeteries transferred from the Department of the Army to the Veterans' Administration by the National Cemeteries Act of 1973;

(2) cemeteries under the jurisdiction of the Veterans' Administration on the date of enactment of this chapter; and

(3) any other cemetery, memorial, or monument transferred to the Veterans' Administration by the National Cemeteries Act of 1973, or later acquired or developed by the Secretary.

(Added Pub. L. 93-43, §2(a), June 18, 1973, 87 Stat. 75, §1000; amended Pub. L. 99-576, title VII, §701(52), Oct. 28, 1986, 100 Stat. 3295; Pub. L. 100-527, §13(i), Oct. 25, 1988, 102 Stat. 2644; Pub. L. 101-237, title III, §313(b)(1), Dec. 18, 1989, 103 Stat. 2077; renumbered §2400 and amended Pub. L. 102-83, §§4(a)(3), (4), 5(a), Aug. 6, 1991, 105 Stat. 404, 406; Pub. L. 105-368, title IV, §403(c)(3), Nov. 11, 1998, 112 Stat. 3338.)

REFERENCES IN TEXT

The National Cemeteries Act of 1973, referred to in subsec. (b)(1), (3), is Pub. L. 93-43, June 18, 1973, 87 Stat. 75, as amended, which is classified principally to this chapter (§2400 et seq.). For complete classification of this Act to the Code, see section 1 of Pub. L. 93-43 set out as a Short Title of 1973 Amendment note under section 101 of this title and Tables.

For national cemeteries transferred from the Department of the Army to the Veterans' Administration by the National Cemeteries Act of 1973, and any other cemetery, memorial, or monument transferred to the Veterans' Administration by the National Cemeteries Act of 1973, referred to in subsec. (b)(1), (3), see Transfer of Functions note set out under section 2404 of this title.

The date of enactment of this chapter, referred to in subsec. (b)(2), is the date of enactment of Pub. L. 93-43, which was approved June 18, 1973.

AMENDMENTS

1998—Pub. L. 105-368, §403(c)(3)(C), substituted “Administration; composition of Administration” for “System; composition of such system; appointment of director” in section catchline.

Subsec. (a). Pub. L. 105-368, §403(c)(3)(A), in first sentence, substituted “Administration responsible” for “System” and, in second sentence, substituted “The National Cemetery Administration shall be headed by the Under Secretary for Memorial Affairs” for “Such system shall be headed by the Director of the National Cemetery System”.

Subsec. (b). Pub. L. 105-368, §403(c)(3)(B), substituted “national cemeteries and other facilities under the control of the National Cemetery Administration” for “National Cemetery System” in introductory provisions.