

(Added Pub. L. 104-106, div. A, title V, § 541(a), Feb. 10, 1996, 110 Stat. 315; amended Pub. L. 106-65, div. A, title V, § 549(a)(1), Oct. 5, 1999, 113 Stat. 609; Pub. L. 107-296, title XVII, § 1704(b)(1), (3), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 108-375, div. A, title V, § 552(a)-(d), Oct. 28, 2004, 118 Stat. 1911, 1912; Pub. L. 112-81, div. A, title X, § 1061(11), Dec. 31, 2011, 125 Stat. 1583; Pub. L. 112-239, div. A, title V, § 586, title X, § 1076(f)(10), Jan. 2, 2013, 126 Stat. 1768, 1952.)

## REFERENCES IN TEXT

Section 654 of this title, referred to in subsec. (a)(1), was repealed by Pub. L. 111-321, § 2(f)(1)(A), Dec. 22, 2010, 124 Stat. 3516.

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 103-337, div. A, title V, § 558, Oct. 5, 1994, 108 Stat. 2776, as amended, and Pub. L. 104-208, div. A, title I, § 101(e) [title V, § 514], Sept. 30, 1996, 110 Stat. 3009-233, 3009-270, which were set out as notes under section 503 of this title, prior to repeal by Pub. L. 106-65, § 549(b).

## AMENDMENTS

2013—Subsec. (b)(1). Pub. L. 112-239, § 1076(f)(10), substituted “or the Secretary” for “or Secretary”.

Subsec. (f). Pub. L. 112-239, § 586, struck out subsec. (f). Text read as follows: “The Secretary of Defense shall publish in the Federal Register once every six months a list of each institution of higher education that is currently ineligible for contracts and grants by reason of a determination of the Secretary under subsection (a) or (b).”

2011—Subsec. (e)(1). Pub. L. 112-81 substituted “Secretary of Education and” for “Secretary of Education,” and struck out “, and to Congress” after “determination”.

2004—Subsec. (a). Pub. L. 108-375, § 552(d), struck out “(including a grant of funds to be available for student aid)” after “by grant” in introductory provisions.

Subsec. (b). Pub. L. 108-375, § 552(b)(2)(A), (d), in introductory provisions, substituted “subsection (d)(1)” for “subsection (d)(2)” and struck out “(including a grant of funds to be available for student aid)” after “by grant”.

Subsec. (b)(1). Pub. L. 108-375, § 552(a), substituted “access to campuses” for “entry to campuses” and inserted before semicolon “in a manner that is at least equal in quality and scope to the access to campuses and to students that is provided to any other employer”.

Subsec. (d)(1). Pub. L. 108-375, § 552(b)(1)(A)(i), (c)(1), in introductory provisions, substituted “Except as provided in paragraph (2), the” for “The” and “limitations established in subsections (a) and (b) apply” for “limitation established in subsection (a) applies”.

Subsec. (d)(1)(B). Pub. L. 108-375, § 552(b)(1)(A)(ii), inserted “for any department or agency for which regular appropriations are made” after “made available”.

Subsec. (d)(1)(C) to (F). Pub. L. 108-375, § 552(b)(1)(A)(iii), added subpars. (C) to (F).

Subsec. (d)(2). Pub. L. 108-375, § 552(b)(1)(B), (c)(2), added par. (2) and struck out former par. (2) which read as follows: “The limitation established in subsection (b) applies to the following:

“(A) Funds described in paragraph (1).

“(B) Any funds made available for the Department of Homeland Security.”

Subsec. (e)(1). Pub. L. 108-375, § 552(b)(2)(B), inserted “, to the head of each other department and agency the funds of which are subject to the determination,” after “Secretary of Education”.

2002—Subsec. (b)(1). Pub. L. 107-296, § 1704(b)(1), substituted “Secretary of Homeland Security” for “Secretary of Transportation”.

Subsec. (d)(2)(B). Pub. L. 107-296, § 1704(b)(3), substituted “Department of Homeland Security” for “Department of Transportation”.

1999—Pub. L. 106-65 amended section catchline and text generally. Prior to amendment, section consisted of subsecs. (a) to (d) relating to denial of Department of Defense grants and contracts to institutions of higher education that have anti-ROTC policies.

## EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-375, div. A, title V, § 552(f), Oct. 28, 2004, 118 Stat. 1912, provided that: “The amendments made by this section [amending this section and repealing provisions set out as a note under this section] shall apply with respect to funds appropriated for fiscal year 2005 and thereafter.”

## EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of this title.

## FUNDS AVAILABLE SOLELY FOR STUDENT FINANCIAL ASSISTANCE

Pub. L. 106-79, title VIII, § 8120, Oct. 25, 1999, 113 Stat. 1260, provided that during fiscal year 2000 and thereafter, any Federal grant of funds to an institution of higher education to be available solely for student financial assistance or related administrative costs could be used for the purpose for which the grant was made without regard to any provision to the contrary in section 101(e) [title V, § 514] of Pub. L. 104-208 (formerly 10 U.S.C. 503 note), or section 983 of this title, prior to repeal by Pub. L. 108-375, div. A, title V, § 552(e), Oct. 28, 2004, 118 Stat. 1912.

### § 985. Persons convicted of capital crimes; certain other persons: denial of specified burial-related benefits

(a) PROHIBITION OF PERFORMANCE OF MILITARY HONORS.—The Secretary of a military department and the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy, may not provide military honors (under section 1491 of this title or any other authority) at the funeral or burial of any of the following persons:

(1) A person described in section 2411(b) of title 38.

(2) A person who is a veteran (as defined in section 1491(h) of this title) or who died while on active duty or a member of a reserve component, when the circumstances surrounding the person’s death or other circumstances as specified by the Secretary of Defense are such that to provide military honors at the funeral or burial of the person would bring discredit upon the person’s service (or former service).

(b) DISQUALIFICATION FROM BURIAL IN MILITARY CEMETERIES.—A person who is ineligible for interment in a national cemetery under the control of the National Cemetery Administration by reason of section 2411(b) of title 38 is not entitled to or eligible for, and may not be provided, burial in—

(1) Arlington National Cemetery;

(2) the Soldiers’ and Airmen’s National Cemetery; or

(3) any other cemetery administered by the Secretary of a military department or the Secretary of Defense.

(c) DEFINITION.—In this section, the term “burial” includes inurnment.

(Added Pub. L. 105-85, div. A, title X, § 1077(a)(1), Nov. 18, 1997, 111 Stat. 1914; amended Pub. L.

107-296, title XVII, § 1704(b)(1), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 109-163, div. A, title VI, § 662(b)(1)-(3), (c)(1), Jan. 6, 2006, 119 Stat. 3315.)

#### AMENDMENTS

2006—Pub. L. 109-163, § 662(c)(1), substituted “Persons convicted of capital crimes; certain other persons: denial of specified burial-related benefits” for “Persons convicted of capital crimes: denial of certain burial-related benefits” in section catchline.

Subsec. (a). Pub. L. 109-163, § 662(b)(1)(B), substituted “any of the following persons:” for “a person who has been convicted of a capital offense under Federal or State law for which the person was sentenced to death or life imprisonment without parole.” and added pars. (1) and (2).

Pub. L. 109-163, § 662(b)(1)(A), inserted “(under section 1491 of this title or any other authority)” after “military honors”.

Subsec. (b). Pub. L. 109-163, § 662(b)(2), in introductory provisions, substituted “who is ineligible for interment in a national cemetery under the control of the National Cemetery Administration by reason of section 2411(b) of title 38” for “convicted of a capital offense under Federal law”.

Subsec. (c). Pub. L. 109-163, § 662(b)(3), amended heading and text of subsec. (c) generally. Prior to amendment, text read as follows: “In this section:

“(1) The term ‘capital offense’ means an offense for which the death penalty may be imposed.

“(2) The term ‘burial’ includes inurnment.

“(3) The term ‘State’ includes the District of Columbia and any commonwealth or territory of the United States.”

2002—Subsec. (a). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

#### EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-163, div. A, title VI, § 662(e), Jan. 6, 2006, 119 Stat. 3316, provided that: “The amendments made by this section [amending this section, section 1491 of this title, and section 2411 of Title 38, Veterans’ Benefits and enacting provisions set out as notes under this section and section 2411 of Title 38] shall apply with respect to funerals and burials that occur on or after the date of the enactment of this Act [Jan. 6, 2006].”

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of this title.

#### EFFECTIVE DATE

Pub. L. 105-85, div. A, title X, § 1077(b), Nov. 18, 1997, 111 Stat. 1915, provided that: “Section 985 of title 10, United States Code, as added by subsection (a), applies with respect to persons dying after January 1, 1997.”

#### REGULATIONS

Pub. L. 109-163, div. A, title VI, § 662(d)(2), Jan. 6, 2006, 119 Stat. 3316, provided that: “The Secretary of Defense shall prescribe regulations to ensure that a person is not interred in any military cemetery under the authority of the Secretary of a military department or provided funeral honors under section 1491 of title 10, United States Code, unless a good faith effort has been made to determine whether such person is ineligible for such interment or honors by reason of being a person described in section 2411(b) of title 38, United States Code, or is otherwise ineligible for such interment or honors under Federal law.”

### **[§ 986. Repealed. Pub. L. 110-181, div. A, title X, § 1072(b)(1), Jan. 28, 2008, 122 Stat. 329]**

Section, added Pub. L. 106-398, § 1 [[div. A], title X, § 1071(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-275; amended

Pub. L. 107-107, div. A, title X, § 1048(c)(3), Dec. 28, 2001, 115 Stat. 1226; Pub. L. 108-375, div. A, title X, § 1062, Oct. 28, 2004, 118 Stat. 2056, prohibited the Department of Defense from granting or renewing security clearances for certain persons.

#### EFFECTIVE DATE OF REPEAL

Pub. L. 110-181, div. A, title X, § 1072(b)(3), Jan. 28, 2008, 122 Stat. 330, provided that: “The amendments made by this subsection [repealing this section] shall take effect on January 1, 2008.”

### **§ 987. Terms of consumer credit extended to members and dependents: limitations**

(a) INTEREST.—A creditor who extends consumer credit to a covered member of the armed forces or a dependent of such a member shall not require the member or dependent to pay interest with respect to the extension of such credit, except as—

(1) agreed to under the terms of the credit agreement or promissory note;

(2) authorized by applicable State or Federal law; and

(3) not specifically prohibited by this section.

(b) ANNUAL PERCENTAGE RATE.—A creditor described in subsection (a) may not impose an annual percentage rate of interest greater than 36 percent with respect to the consumer credit extended to a covered member or a dependent of a covered member.

(c) MANDATORY LOAN DISCLOSURES.—

(1) INFORMATION REQUIRED.—With respect to any extension of consumer credit (including any consumer credit originated or extended through the internet) to a covered member or a dependent of a covered member, a creditor shall provide to the member or dependent the following information orally and in writing before the issuance of the credit:

(A) A statement of the annual percentage rate of interest applicable to the extension of credit.

(B) Any disclosures required under the Truth in Lending Act (15 U.S.C. 1601 et seq.).

(C) A clear description of the payment obligations of the member or dependent, as applicable.

(2) TERMS.—Such disclosures shall be presented in accordance with terms prescribed by the regulations issued by the Board of Governors of the Federal Reserve System to implement the Truth in Lending Act (15 U.S.C. 1601 et seq.).

(d) PREEMPTION.—

(1) INCONSISTENT LAWS.—Except as provided in subsection (f)(2), this section preempts any State or Federal law, rule, or regulation, including any State usury law, to the extent that such law, rule, or regulation is inconsistent with this section, except that this section shall not preempt any such law, rule, or regulation that provides protection to a covered member or a dependent of such a member in addition to the protection provided by this section.

(2) DIFFERENT TREATMENT UNDER STATE LAW OF MEMBERS AND DEPENDENTS PROHIBITED.—States shall not—