

the member or employee concerned at the time of death;

(2) shall be considered a gift and shall be in lieu of payment of any lesser death gratuity authorized by this chapter or any other Federal law; and

(3) shall be made under the same conditions as apply to payments authorized by section 413 of the Foreign Service Act of 1980 (22 U.S.C. 3973).

(Added Pub. L. 96-450, title IV, § 403(b)(1), Oct. 14, 1980, 94 Stat. 1979; amended Pub. L. 97-22, § 11(a)(6), July 10, 1981, 95 Stat. 138; Pub. L. 98-94, title XII, § 1268(9), Sept. 24, 1983, 97 Stat. 706; Pub. L. 99-145, title XIII, § 1303(a)(12), Nov. 8, 1985, 99 Stat. 739.)

#### AMENDMENTS

1985—Subsec. (a). Pub. L. 99-145 substituted “armed forces” for “Armed Forces”.

1983—Subsec. (a)(2). Pub. L. 98-94 substituted “October 14, 1980” for “the date of the enactment of this section”.

1981—Subsec. (b)(3). Pub. L. 97-22 substituted “section 413 of the Foreign Service Act of 1980 (22 U.S.C. 3973)” for “section 14 of the Act of August 1, 1956 (22 U.S.C. 2679a)”.

#### § 1490. Transportation of remains: certain retired members and dependents who die in military medical facilities

(a) Subject to subsection (b), when a member entitled to retired or retainer pay or equivalent pay, or a dependent of such a member, dies while properly admitted under chapter 55 of this title to a medical facility of the armed forces, the Secretary concerned may transport the remains, or pay the cost of transporting the remains, of the decedent to the place of burial of the decedent.

(b)(1) Transportation provided under this section may not be to a place further from the place of death than the decedent’s last place of permanent residence, and any amount paid under this section may not exceed the cost of transportation from the place of death to the decedent’s last place of permanent residence.

(2) Transportation of the remains of a decedent may not be provided under this section if such transportation is authorized by sections 1481 and 1482 of this title or by chapter 23 of title 38.

(c) DEFINITION OF DEPENDENT.—In this section, the term “dependent” has the meaning given such term in section 1072(2) of this title.

(Added Pub. L. 98-94, title X, § 1032(a)(1), Sept. 24, 1983, 97 Stat. 671; amended Pub. L. 100-26, § 7(k)(3), Apr. 21, 1987, 101 Stat. 284; Pub. L. 102-190, div. A, title VI, § 626(a), (b)(1), Dec. 5, 1991, 105 Stat. 1379, 1380; Pub. L. 108-136, div. A, title V, § 562(a), (b), Nov. 24, 2003, 117 Stat. 1483.)

#### AMENDMENTS

2003—Subsec. (a). Pub. L. 108-136, § 562(a)(1), struck out “located in the United States” after “armed forces”.

Subsec. (b)(1). Pub. L. 108-136, § 562(a)(2), struck out “outside the United States or to a place” before “further”.

Subsec. (c). Pub. L. 108-136, § 562(b), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “In this section:

“(1) The term ‘United States’ includes the Commonwealth of Puerto Rico and the territories and possessions of the United States.

“(2) The term ‘dependent’ has the meaning given such term in section 1072(2) of this title.”

1991—Pub. L. 102-190, § 626(b)(1), amended section catchline generally. Prior to amendment, section catchline read as follows: “Transportation of remains of members entitled to retired or retainer pay who die in a military medical facility”.

Subsec. (a). Pub. L. 102-190, § 626(a)(1), inserted “, or a dependent of such a member,” after “equivalent pay”.

Subsec. (c). Pub. L. 102-190, § 626(a)(2), added subsec. (c) and struck out former subsec. (c) which read as follows: “In this section, the term ‘United States’ includes the Commonwealth of Puerto Rico and the territories and possessions of the United States.”

1987—Subsec. (c). Pub. L. 100-26 inserted “the term” after “In this section,”.

#### EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-136, div. A, title V, § 562(c), Nov. 24, 2003, 117 Stat. 1483, provided that: “The amendments made by this section [amending this section] shall apply only with respect to persons dying on or after the date of the enactment of this Act [Nov. 24, 2003].”

#### EFFECTIVE DATE

Pub. L. 98-94, title X, § 1032(b), Sept. 24, 1983, 97 Stat. 672, provided that: “Section 1490 of title 10, United States Code, as added by subsection (a), shall apply with respect to the transportation of the remains of persons dying after September 30, 1983.”

#### § 1491. Funeral honors functions at funerals for veterans

(a) AVAILABILITY OF FUNERAL HONORS DETAIL ENSURED.—The Secretary of Defense shall ensure that, upon request, a funeral honors detail is provided for the funeral of any veteran, except when military honors are prohibited under section 985(a) of this title.

(b) COMPOSITION OF FUNERAL HONORS DETAILS.—(1) The Secretary of each military department shall ensure that a funeral honors detail for the funeral of a veteran consists of two or more persons.

(2) At least two members of the funeral honors detail for a veteran’s funeral shall be members of the armed forces (other than members in a retired status), at least one of whom shall be a member of the armed force of which the veteran was a member. The remainder of the detail may consist of members of the armed forces (including members in a retired status), or members of veterans organizations or other organizations approved for purposes of this section under regulations prescribed by the Secretary of Defense. Each member of the armed forces in the detail shall wear the uniform of the member’s armed force while serving in the detail.

(c) CEREMONY.—A funeral honors detail shall, at a minimum, perform at the funeral a ceremony that includes the folding of a United States flag and presentation of the flag to the veteran’s family and the playing of Taps. Unless a bugler is a member of the detail, the funeral honors detail shall play a recorded version of Taps using audio equipment which the detail shall provide if adequate audio equipment is not otherwise available for use at the funeral.

(d) SUPPORT.—(1) To support a funeral honors detail under this section, the Secretary of a military department may provide the following: