

(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.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1169, §901; Pub. L. 87-240, Sept. 14, 1961, 75 Stat. 512; Pub. L. 89-358, §9, Mar. 3, 1966, 80 Stat. 28; Pub. L. 90-77, title IV, §402, Aug. 31, 1967, 81 Stat. 190; Pub. L. 91-588, §9(g), Dec. 24, 1970, 84 Stat. 1585; Pub. L. 97-306, title IV, §402(a), Oct. 14, 1982, 96 Stat. 1442; Pub. L. 99-576, title VII, §701(50), Oct. 28, 1986, 100 Stat. 3295; Pub. L. 101-237, title III, §313(b)(1), Dec. 18, 1989, 103 Stat. 2077; Pub. L. 102-54, §14(b)(20), June 13, 1991, 105 Stat. 284; renumbered §2301 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-547, §11(a), Oct. 28, 1992, 106 Stat. 3644; Pub. L. 105-261, div. A, title V, §517, title X, §1073(a), Oct. 17, 1998, 112 Stat. 2009, 2137; Pub. L. 107-14, §8(a)(3), June 5, 2001, 115 Stat. 34; Pub. L. 107-330, title II, §201(b), Dec. 6, 2002, 116 Stat. 2823; Pub. L. 111-275, title V, §502(d)(2), Oct. 13, 2010, 124 Stat. 2883.)

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, §1662(j)(1), Oct. 5, 1994, 108 Stat. 2998. A new chapter 67 (§1331) of Title 10 was added by section 1662(j)(7) of Pub. L. 103-337.

AMENDMENTS

2010—Subsec. (e). Pub. L. 111-275 substituted “section 2402(a)(6)” for “section 2402(6)”.

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, §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, §8(a)(3)(B), substituted “subparagraph” for “subparagraphs”.

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

Subsec. (g). Pub. L. 105-261, §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, §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, §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, §9(g)(1), struck out reference to the Mexican border service.

Subsec. (c). Pub. L. 91-588, §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, §1(1), inserted “or of Mexican border service” after “veteran of any war”.

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

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-275 applicable with respect to the death, on or after Oct. 13, 2010, of the parent of a person described in section 2402(a)(9)(B) of this title, who dies on or after October 7, 2001, see section 502(e) of Pub. L. 111-275, set out as a note under section 107 of this title.

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, §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

Pub. L. 97-306, title IV, §402(b), Oct. 14, 1982, 96 Stat. 1443, 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.

§ 2302. Funeral expenses

(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) 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.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1169, §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, §203(b), Oct. 18, 1978, 92 Stat. 1506; Pub. L. 95-479, title III, §303(a), Oct. 18, 1978, 92 Stat. 1565; Pub. L. 97-35, title XX, §2001(a)(1), Aug. 13, 1981, 95 Stat. 781; Pub. L. 97-306, title IV, §403(a), Oct. 14, 1982, 96 Stat. 1443; Pub. L. 101-237, title III, §313(b)(1), Dec. 18, 1989, 103 Stat. 2077; renumbered §2302, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 112-260, title I, §104(b)(1), Jan. 10, 2013, 126 Stat. 2420.)

AMENDMENTS

2013—Subsec. (a)(2). Pub. L. 112-260 struck out "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" before "with respect to whom" in introductory provisions.

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 compensa-

tion 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, §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, §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 2013 AMENDMENT

Pub. L. 112-260, title I, §104(b)(3), Jan. 10, 2013, 126 Stat. 2420, provided that: "The amendments made by this subsection [amending this section and section 2308 of this title] shall take effect on the date that is one year after the date of the enactment of this Act [Jan. 10, 2013] and shall apply with respect to burials and funerals occurring on or after the date that is one year after the date of the enactment of this Act."

EFFECTIVE DATE OF 1982 AMENDMENT

Pub. L. 97-306, title IV, §403(b), Oct. 14, 1982, 96 Stat. 1443, 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

Pub. L. 97-35, title XX, §2001(a)(2), Aug. 13, 1981, 95 Stat. 781, 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.

§ 2303. Death in Department facility; plot allowance

(a)(1) When a veteran dies in a facility described in paragraph (2), the Secretary shall—

(A) pay the actual cost (not to exceed \$700 (as increased from time to time under subsection (c))) 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,