

is effective as of Jan. 6, 2006, and as if included in the enactment of Pub. L. 109-163.

Pub. L. 109-163, div. A, title VI, § 664(a)(3), Jan. 6, 2006, 119 Stat. 3316, provided that: "The amendment made by paragraph (1) [amending this section] shall take effect as of October 7, 2001, and shall apply to deaths occurring on or after the date of the enactment of this Act [Jan. 6, 2006] and, subject to subsection (c) [119 Stat. 3317], to deaths occurring during the period beginning on October 7, 2001, and ending on the day before the date of the enactment of this Act."

EFFECTIVE AND TERMINATION DATES OF 2005 AMENDMENTS

Pub. L. 109-77, § 115, Sept. 30, 2005, 119 Stat. 2040, provided that: "The provisions of, and amendments made by, sections 1011, 1012, 1013, 1023, and 1026 of Public Law 109-13 [amending this section, section 411h of Title 37, Pay and Allowances of the Uniformed Services, and sections 1967, 1969, 1970, and 1977 of Title 38, Veterans' Benefits, and enacting provisions set out as notes under this section, section 411h of Title 37, and section 1967 of Title 38] shall continue in effect, notwithstanding the fiscal year limitation in section 1011 [119 Stat. 244] and the provisions of sections 1012(i), 1013(e), 1023(c), and 1026(e) of that Public Law [enacting provisions set out as notes under this section, section 411h of Title 37, and section 1967 of Title 38], through the earlier of: (1) the date specified in section 106(3) of this joint resolution [Dec. 31, 2005]; or (2) with respect to any such section of Public Law 109-13, the date of the enactment into law of legislation that supersedes the provisions of, or the amendments made by, that section."

Pub. L. 109-13, div. A, title I, § 1013(d), (e), May 11, 2005, 119 Stat. 248, provided that:

"(d) EFFECTIVE DATE.—This section [amending this section] and the amendments made by this section shall take effect on the date of the enactment of this Act [May 11, 2005].

"(e) TERMINATION.—

"(1) IN GENERAL.—This section [amending this section] and the amendment made by this subsection [probably means this section] shall terminate on September 30, 2005. Effective as of October 1, 2005, the provisions of section 1478 of title 10, United States Code, as in effect on the date before the date of the enactment of this Act [May 11, 2005] shall be revived.

"(2) CONTINUING OBLIGATION TO PAY.—Any amount of additional death gratuity payable under section 1478 of title 10, United States Code, by reason of the amendments made by subsections (b) and (c) of this section [amending this section] that remains payable as of September 30, 2005, shall, notwithstanding paragraph (1), remain payable after that date until paid."

EFFECTIVE DATE OF 2003 AMENDMENTS

Pub. L. 108-136, div. A, title VI, § 646(b), Nov. 24, 2003, 117 Stat. 1520, provided that: "The amendment made by subsection (a) [amending this section] shall take effect as of September 11, 2001, and shall apply with respect to deaths occurring on or after that date."

Pub. L. 108-121, title I, § 102(a)(2), Nov. 11, 2003, 117 Stat. 1337, provided that: "The amendment made by this subsection [amending this section] shall take effect as of September 11, 2001, and shall apply with respect to deaths occurring on or after that date."

EFFECTIVE DATE OF 1991 AMENDMENT; TRANSITION PROVISION

Pub. L. 102-190, div. A, title VI, § 652(b), Dec. 5, 1991, 105 Stat. 1388, provided that:

"(1) The amendments made by subsection (a) [amending this section] shall take effect as of August 2, 1990.

"(2) In the case of the payment of a death gratuity under sections 1475 through 1477 of title 10, United States Code, with respect to a person who died during the period beginning on August 2, 1990, and ending on the date of the enactment of this Act [Dec. 5, 1991], the amount of the death gratuity under section 1478(a) of

such title (as amended by subsection (a)) shall be reduced by the amount of any such gratuity paid with respect to such person under this section (as in effect on August 1, 1990)."

TEMPORARY INCREASE IN AMOUNT OF DEATH GRATUITY; PERSIAN GULF CONFLICT

Pub. L. 102-25, title III, § 307, Apr. 6, 1991, 105 Stat. 82, provided that: "In lieu of the amount of the death gratuity specified in section 1478(a) of title 10, United States Code, the amount of the death gratuity payable under that section shall be \$6,000 for a death resulting from any injury or illness incurred during the Persian Gulf conflict or during the 180-day period beginning at the end of the Persian Gulf conflict."

DEATH GRATUITY FOR CERTAIN PARTICIPANTS WHO DIED BETWEEN AUGUST 1, 1990, AND APRIL 6, 1991

Pub. L. 102-25, title III, § 308, Apr. 6, 1991, 105 Stat. 83, required Secretary of Defense to pay death gratuity to each SGLI beneficiary of each deceased member of uniformed services who died after Aug. 1, 1990, and before Apr. 6, 1991, and whose death was in conjunction with or in support of Operation Desert Storm, or attributable to hostile action in regions other than Persian Gulf, as prescribed in regulations set forth by Secretary of Defense.

§ 1479. Death gratuity: delegation of determinations, payments

For the purpose of making immediate payments under section 1475 of this title, the Secretary concerned shall—

(1) authorize the commanding officer of a territorial command, installation, or district in which a survivor of a person covered by that section is residing to determine the beneficiary eligible for the death gratuity; and

(2) authorize a disbursing or certifying official of each of those commands, installations, or districts to make the payments to the beneficiary, or certify the payments due them, as the case may be.

(Added Pub. L. 85-861, § 1(32)(A), Sept. 2, 1958, 72 Stat. 1455; amended Pub. L. 97-258, § 2(b)(1)(A), Sept. 13, 1982, 96 Stat. 1052.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1479	38:1132.	Aug. 1, 1956, ch. 837, § 302, 70 Stat. 868.

The word "territorial" is substituted for the words "military or naval", since the subsection could only apply to that type of command, installation, or district. Clause (2) is substituted for 38:1132(2).

AMENDMENTS

1982—Par. (2). Pub. L. 97-258 substituted "official" for "officer".

§ 1480. Death gratuity: miscellaneous provisions

(a) A payment may not be made under sections 1475-1477 of this title if the decedent was put to death as lawful punishment for a crime or a military offense, unless he was put to death by a hostile force with which the armed forces of the United States were engaged in armed conflict.

(b) A payment may not be made under section 1476 unless the Secretary of Veterans Affairs determines that the decedent was discharged or re-

leased, as the case may be, under conditions other than dishonorable from the last period of the duty or training that he performed.

(c) For the purposes of section 1475(a)(3) of this title, the Secretary concerned shall determine whether the decedent was authorized or required to perform the duty or training and whether or not he died from injury so incurred. For the purposes of section 1476 of this title, the Secretary of Veterans Affairs shall make those determinations. In making those determinations, the Secretary concerned or the Secretary of Veterans Affairs, as the case may be, shall consider—

- (1) the hour on which the Reserve began to travel directly to or from the duty or training;
- (2) the hour at which he was scheduled to arrive for, or at which he ceased performing, that duty or training;
- (3) the method of travel used;
- (4) the itinerary;
- (5) the manner in which the travel was performed; and
- (6) the immediate cause of death.

In cases covered by this subsection, the burden of proof is on the claimant.

(d) Payments under sections 1475–1477 of this title shall be made from appropriations available for the payment of members of the armed force concerned.

(Added Pub. L. 85–861, §1(32)(A), Sept. 2, 1958, 72 Stat. 1455; amended Pub. L. 101–189, div. A, title XVI, §1621(a)(2), (5), Nov. 29, 1989, 103 Stat. 1603.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1480(a)	38:1134(a).	Aug. 1, 1956, ch. 837,
1480(b)	38:1133(e).	§§102(6)(B) (less 1st sentence, as applicable to death gratuity) 303(e),
1480(c)	38:1101(6)(B) (less 1st sentence, as applicable to death gratuity).	304(a), (b), 70 Stat. 859, 869.
1480(d)	38:1134(b).	

In subsection (a), the words “was put to death” are substituted for the words “suffered death”. The words “or naval” are omitted as covered by the word “military”.

In subsection (b), the words “last period * * * that he performed” are substituted for the words “such period”.

AMENDMENTS

1989—Subsec. (b). Pub. L. 101–189, §1621(a)(2), substituted “Secretary of Veterans Affairs” for “Administrator of Veterans Affairs”.

Subsec. (c). Pub. L. 101–189, §1621(a)(2), (5), substituted “Secretary of Veterans Affairs” for “Administrator of Veterans Affairs” after “section 1476 of this title, the” and “the Secretary concerned or the Secretary of Veterans Affairs” for “the Secretary or the Administrator”.

§ 1481. Recovery, care, and disposition of remains: decedents covered

(a) The Secretary concerned may provide for the recovery, care, and disposition of the remains of the following persons:

- (1) Any Regular of an armed force under his jurisdiction who dies while on active duty.
- (2) A member of a reserve component of an armed force who dies while—
 - (A) on active duty;
 - (B) performing inactive-duty training;

(C) performing authorized travel directly to or from active duty or inactive-duty training;

(D) remaining overnight immediately before the commencement of inactive-duty training, or remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training;

(E) staying at the member’s residence, when so authorized by proper authority, during a period of inactive duty training or between successive days of inactive duty training;

(F) hospitalized or undergoing treatment for an injury, illness, or disease incurred or aggravated while on active duty or performing inactive-duty training; or

(G) either—

(i) serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

(ii) traveling directly to or from the place at which the member is to so serve; or

(iii) remaining overnight at or in the vicinity of that place before so serving, if the place is outside reasonable commuting distance from the member’s residence.

[(3) Repealed. Pub. L. 99–661, div. A, title VI, §604(e)(3)(B), Nov. 14, 1986, 100 Stat. 3877.]

(4) Any member of, or applicant for membership in, a reserve officers’ training corps who dies while (A) attending a training camp, (B) on an authorized practice cruise, (C) performing authorized travel to or from such a camp or cruise, or (D) hospitalized or undergoing treatment at the expense of the United States for injury incurred, or disease contracted, while attending such a camp, while on such a cruise, or while performing that travel.

(5) Any accepted applicant for enlistment in an armed force under his jurisdiction.

(6) Any person who has been discharged from an enlistment in an armed force under his jurisdiction while a patient in a United States hospital, and who continues to be such a patient until the date of his death.

(7) A person who—

(A) dies as a retired member of an armed force under the Secretary’s jurisdiction during a continuous hospitalization of the member as a patient in a United States hospital that began while the member was on active duty for a period of more than 30 days; or

(B) is not covered by subparagraph (A) and, while in a retired status by reason of eligibility to retire under chapter 61 of this title, dies during a continuous hospitalization of the person that began while the person was on active duty as a Regular of an armed force under the Secretary’s jurisdiction.

(8) Any military prisoner who dies while in his custody.

(9) To the extent authorized under section 1482(f) of this title, any retired member of an armed force who dies while outside the United States or any individual who dies outside the United States while a dependent of such a member.