

cemeteries, or he may acquire the right to use such grave sites for burial purposes. If the death occurs outside the United States and a temporary commercial grave site is not available on a reasonable basis, the Secretary may acquire land, or the right to use land, necessary for the temporary interment of the remains under this chapter.

(Aug. 10, 1956, ch. 1041, 70A Stat. 115.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1487	5:2159 (as applicable to armed forces).	July 15, 1954, ch. 507, § 9 (as applicable to armed forces), 68 Stat. 480.

The words “as authorized by this chapter, section 103a(c) of this Title, and section 224 of Title 42”, “by purchase or otherwise”, “care and”, and “single or multiple” are omitted as surplusage. The word “continental” is omitted as covered by the definition of “United States” in section 101(1) of this title.

§ 1488. Removal of remains

(a) **REMOVAL UPON DISCONTINUANCE OF INSTALLATION CEMETERY.**—If a cemetery on a military reservation, including an installation cemetery, has been or is to be discontinued, the Secretary concerned may provide for the removal of remains from that cemetery to any other cemetery.

(b) **REMOVAL FROM TEMPORARY INTERMENT OR ABANDONED GRAVE OR CEMETERY.**—With respect to any deceased member of an armed force under the jurisdiction of the Secretary concerned whose last service terminated honorably by death or otherwise, the Secretary may also provide for the removal of the remains from a place of temporary interment, or from an abandoned grave or cemetery, to a national cemetery.

(c) **REMOVAL OF REMAINS OF CERTAIN MEMBERS WITH NO KNOWN NEXT OF KIN.**—(1) The Secretary of the Army may authorize the removal of the remains of a covered member of the armed forces who is buried in an Army National Military Cemetery from the Army National Military Cemetery for transfer to any other cemetery.

(2) The Secretary of the Army, with the concurrence of the Secretary of Veterans Affairs, may authorize the removal of the remains of a covered member of the armed forces who is buried in a cemetery of the National Cemetery System from that cemetery for transfer to any Army National Military Cemetery.

(3) A removal of remains may not be authorized under this subsection unless the individual seeking the removal of the remains—

(A) demonstrates to the satisfaction of the Secretary of the Army that the member of the armed forces concerned has no known next of kin or other person who is interested in maintaining the place of burial; and

(B) undertakes full responsibility for all expenses of the removal of the remains and the reburial of the remains at another cemetery as authorized by this subsection.

(4) In this subsection:

(A) The term “Army National Military Cemetery” means a cemetery specified in section 7721(b) of this title.

(B) The term “covered member of the armed forces” means a member of the armed forces who—

(i) has been awarded the Medal of Honor; and

(ii) has no known next of kin.

(Aug. 10, 1956, ch. 1041, 70A Stat. 115; Pub. L. 113–291, div. A, title V, § 594, Dec. 19, 2014, 128 Stat. 3395; Pub. L. 115–232, div. A, title VIII, § 809(a), Aug. 13, 2018, 132 Stat. 1840.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1488	5:2160 (as applicable to armed forces).	July 15, 1954, ch. 507, § 10 (as applicable to armed forces), 68 Stat. 480.

The words “national cemeteries, other installation cemeteries, or” are omitted as surplusage.

AMENDMENTS

2018—Subsec. (c)(4)(A). Pub. L. 115–232 substituted “section 7721(b)” for “section 4721(b)”.

2014—Pub. L. 113–291 designated first sentence of existing provisions as subsec. (a) and inserted heading, designated second sentence of existing provisions as subsec. (b), inserted heading, and substituted “the jurisdiction of the Secretary concerned” for “his jurisdiction”, and added subsec. (c).

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115–232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115–232, set out as a note preceding section 3001 of this title.

§ 1489. Death gratuity: members and employees dying outside the United States while assigned to intelligence duties

(a) The Secretary of Defense may pay a gratuity to the surviving dependents of any member of the armed forces or of any employee of the Department of Defense—

(1) who—

(A) is assigned to duty with an intelligence component of the Department of Defense and whose identity as such a member or employee is disguised or concealed; or

(B) is within a category of individuals determined by the Secretary of Defense to be engaged in clandestine intelligence activities; and

(2) who after October 14, 1980 dies as a result of injuries (excluding disease) sustained outside the United States and whose death—

(A) resulted from hostile or terrorist activities; or

(B) occurred in connection with an intelligence activity having a substantial element of risk.

(b) Any payment under subsection (a)—

(1) shall be in an amount equal to the amount of the annual basic pay or salary of 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