

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:

(A) For a person who participates in a funeral honors detail (other than a person who is a member of the armed forces not in a retired status or an employee of the United States), either travel and transportation allowances as specified in regulations prescribed under section 464 of title 37 or the daily stipend prescribed under paragraph (2).

(B) For members of a veterans organization or other organization referred to in subsection

(b)(2) and for members of the armed forces in a retired status, materiel, equipment, and training.

(C) For members of a veterans organization or other organization referred to in subsection (b)(2), articles of clothing that, as determined by the Secretary concerned, are appropriate as a civilian uniform for persons participating in a funeral honors detail.

(2) The Secretary of Defense shall prescribe annually a flat rate daily stipend for purposes of paragraph (1)(A). Such stipend shall be set at a rate so as to encompass typical costs for transportation and other miscellaneous expenses for persons participating in funeral honors details who are members of the armed forces in a retired status and other persons who are not members of the armed forces or employees of the United States.

(3) A stipend paid under this subsection to a member of the armed forces in a retired status is in addition to any compensation to which the member is entitled under section 495(a)(2) of title 37 and any other compensation to which the member may be entitled.

(e) WAIVER AUTHORITY.—(1) The Secretary of Defense may waive any requirement provided in or pursuant to this section when the Secretary considers it necessary to do so to meet the requirements of war, national emergency, or a contingency operation or other military requirements. The authority to make such a waiver may not be delegated to an official of a military department other than the Secretary of the military department and may not be delegated within the Office of the Secretary of Defense to an official at a level below Under Secretary of Defense.

(2) Before or promptly after granting a waiver under paragraph (1), the Secretary shall transmit a notification of the waiver to the Committees on Armed Services of the Senate and House of Representatives.

(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. Those regulations shall include the following:

(1) A system for selection of units of the armed forces and other organizations to provide funeral honors details.

(2) Procedures for responding and coordinating responses to requests for funeral honors details.

(3) Procedures for establishing standards and protocol.

(4) Procedures for providing training and ensuring quality of performance.

(g) ANNUAL REPORT.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report not later than January 31 of each year beginning with 2001 and ending with 2005 on the experience of the Department of Defense under this section. Each such report shall provide data on the number of funerals supported under this section, the cost for that support, shown by manpower and other cost factors, and the number and costs of funerals supported by each participating organization. The data in the report

shall be presented in a standard format, regardless of military department or other organization.

(h) VETERAN DEFINED.—In this section, the term “veteran” means a decedent who—

(1) served in the active military, naval, or air service (as defined in section 101(24) of title 38) and who was discharged or released therefrom under conditions other than dishonorable; or

(2) was a member or former member of the Selected Reserve described in section 2301(f) of title 38.

(Added Pub. L. 105–261, div. A, title V, §567(b)(1), Oct. 17, 1998, 112 Stat. 2030; amended Pub. L. 106–65, div. A, title V, §578(a)(1), (b)–(e), (k)(1), title X, §1067(1), Oct. 5, 1999, 113 Stat. 625–627, 630, 774; Pub. L. 107–107, div. A, title V, §§561(a), 564, Dec. 28, 2001, 115 Stat. 1119, 1120; Pub. L. 107–314, div. A, title V, §571, Dec. 2, 2002, 116 Stat. 2556; Pub. L. 109–163, div. A, title VI, §662(b)(4), Jan. 6, 2006, 119 Stat. 3315; Pub. L. 112–81, div. A, title VI, §631(f)(4)(A), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112–239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948; Pub. L. 113–66, div. A, title VI, §621(f), Dec. 26, 2013, 127 Stat. 784.)

#### AMENDMENTS

2013—Subsec. (d)(1)(A). Pub. L. 113–66 substituted “travel and transportation allowances as specified in regulations prescribed under section 464 of title 37” for “transportation (or reimbursement for transportation) and expenses”.

Subsec. (d)(3). Pub. L. 112–239, §1076(a)(9), made technical amendment to directory language of Pub. L. 112–81, §631(f)(4)(A). See 2011 Amendment note below.

2011—Subsec. (d)(3). Pub. L. 112–81, §631(f)(4)(A), as amended by Pub. L. 112–239, §1076(a)(9), substituted “495(a)(2)” for “435(a)(2)”.

2006—Subsec. (a). Pub. L. 109–163 inserted “, except when military honors are prohibited under section 985(a) of this title” before period at end.

2002—Subsec. (d)(1). Pub. L. 107–314, §571(1), designated existing provisions as par. (1) and substituted “To support a” for “To provide a”. Former par. (1) redesignated (1)(A).

Subsec. (d)(1)(A). Pub. L. 107–314, §571(2), redesignated par. (1) as subpar. (A) of par. (1) and amended it generally. Prior to amendment, text read as follows: “Transportation, or reimbursement for transportation, and expenses for a person who participates in the funeral honors detail and is not a member of the armed forces or an employee of the United States.”

Subsec. (d)(1)(B). Pub. L. 107–314, §571(3), redesignated par. (2) as subpar. (B) of par. (1), substituted “For” for “Materiel, equipment, and training for”, and inserted “and for members of the armed forces in a retired status, materiel, equipment, and training” before period at end.

Subsec. (d)(1)(C). Pub. L. 107–314, §571(4), redesignated par. (3) as subpar. (C) of par. (1), substituted “For” for “Articles of clothing for”, and inserted “, articles of clothing” after “subsection (b)(2)”.

Subsec. (d)(2), (3). Pub. L. 107–314, §571(5), added pars. (2) and (3). Former pars. (2) and (3) redesignated subpars. (B) and (C), respectively, of par. (1).

2001—Subsec. (b)(2). Pub. L. 107–107, §561(a), inserted “(other than members in a retired status)” after “members of the armed forces” in first sentence and inserted “(including members in a retired status).” after “members of the armed forces” in second sentence.

Subsec. (d)(3). Pub. L. 107–107, §564, added par. (3).

1999—Pub. L. 106–65, §578(k)(1), substituted “Funeral honors functions at funerals for veterans” for “Honor guard details at funerals of veterans” as section catchline.

Subsec. (a). Pub. L. 106-65, §578(a)(1), amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “The Secretary of a military department shall, upon request, provide an honor guard detail (or ensure that an honor guard detail is provided) for the funeral of any veteran that occurs after December 31, 1999.”

Subsec. (b). Pub. L. 106-65, §578(b), substituted “Funeral Honors Details” for “Honor Guard Details” in subsec. (b) heading, designated existing provisions as par. (1), substituted “a funeral honors detail” for “an honor guard detail” and “two or more persons.” for “not less than three persons and (unless a bugler is part of the detail) has the capability to play a recorded version of Taps.”, redesignated subsec. (c) as subsec. (b)(2), struck out former subsec. (c) heading “Persons Forming Honor Guards”, and substituted “At least two members of the funeral honors detail for a veteran’s funeral shall be members of the armed forces, 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” for “An honor guard detail” and “Each member of the armed forces in the detail shall wear the uniform of the member’s armed force while serving in the detail.” for “The Secretary of a military department may provide transportation, or reimbursement for transportation, and expenses for a person who participates in an honor guard detail under this section and is not a member of the armed forces or an employee of the United States.”

Subsec. (c). Pub. L. 106-65, §578(c)(2), added subsec. (c). Former subsec. (c) redesignated subsec. (b)(2).

Subsecs. (d), (e). Pub. L. 106-65, §578(c)(2), added subsecs. (d) and (e). Former subsecs. (d) and (e) redesignated (f) and (g), respectively.

Subsec. (f). Pub. L. 106-65, §578(d), amended heading and text of subsec. (f) generally. Prior to amendment, text read as follows: “The Secretary of Defense shall by regulation establish a system for selection of units of the armed forces and other organizations to provide honor guard details. The system shall place an emphasis on balancing the funeral detail workload among the units and organizations providing honor guard details in an equitable manner as they are able to respond to requests for such details in terms of geographic proximity and available resources. The Secretary shall provide in such regulations that the armed force in which a veteran served shall not be considered to be a factor when selecting the military unit or other organization to provide an honor guard detail for the funeral of the veteran.”

Pub. L. 106-65, §578(c)(1), redesignated subsec. (d) as (f). Former subsec. (f) redesignated (h).

Subsec. (g). Pub. L. 106-65, §1067(1), substituted “and the Committee on Armed Services” for “and the Committee on National Security”.

Pub. L. 106-65, §578(c)(1), redesignated subsec. (e) as (g).

Subsec. (h). Pub. L. 106-65, §578(e), amended heading and text of subsec. (h) generally. Prior to amendment, text read as follows: “In this section, the term ‘veteran’ has the meaning given that term in section 101(2) of title 38.”

Pub. L. 106-65, §578(c)(1), redesignated subsec. (f) as (h).

#### EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, §1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

#### EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-163 applicable with respect to funerals and burials that occur on or after Jan. 6, 2006, see section 662(e) of Pub. L. 109-163, set out as a note under section 985 of this title.

#### EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-65, div. A, title V, §578(a)(2), Oct. 5, 1999, 113 Stat. 625, provided that: “Section 1491(a) of title 10,

United States Code, as amended by paragraph (1), shall apply with respect to funerals that occur after December 31, 1999.”

## CHAPTER 76—MISSING PERSONS

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#### AMENDMENTS

2014—Pub. L. 113-291, div. A, title IX, §916(f)(2), Dec. 19, 2014, 128 Stat. 3479, added item 1501a and substituted “Program to resolve missing person cases” for “Program to resolve preenactment missing person cases” in item 1509.

2009—Pub. L. 111-84, div. A, title V, §541(b), Oct. 28, 2009, 123 Stat. 2298, substituted “Program to resolve preenactment missing person cases” for “Preenactment cases” in item 1509.

1996—Pub. L. 104-201, div. A, title V, §578(f)(2)(B), Sept. 23, 1996, 110 Stat. 2537, struck out “, special interest” after “Preenactment” in item 1509.

### § 1501. System for accounting for missing persons

(a) RESPONSIBILITY FOR MISSING PERSONS.—(1)(A) The Secretary of Defense shall designate a single organization within the Department of Defense to have responsibility for Department matters relating to missing persons from past conflicts, including accounting for missing persons and persons whose remains have not been recovered from the conflict in which they were lost.

(B) The organization designated under this paragraph shall be a Defense Agency or other entity of the Department of Defense outside the military departments and is referred to in this chapter as the “designated Defense Agency”.

(C) The head of the organization designated under this paragraph is referred to in this chapter as the “designated Agency Director”.

(2) Subject to the authority, direction, and control of the Secretary of Defense, the responsibilities of the designated Agency Director shall include the following:

(A) Policy, control, and oversight of the program established under section 1509 of this title.

(B) Responsibility for accounting for missing persons from past conflicts, including locating, recovering, and identifying missing persons from past conflicts or their remains after hostilities have ceased.

(C) Coordination for the Department of Defense with other departments and agencies of the United States on all matters concerning missing persons from past conflicts.

(D) Dissemination of appropriate information on the status of missing persons from past conflicts to authorized family members.