

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, air, or space 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 de-

ceased 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; Pub. L. 116-283, div. A, title IX, §926(a)(36), Jan. 1, 2021, 134 Stat. 3830; Pub. L. 116-315, title II, §2202(a)(1), Jan. 5, 2021, 134 Stat. 4984.)

TRANSFER OF SUBSECTION (b) AND REPEAL OF SECTION

Pub. L. 116-315, title II, §2202(a)(1), (2), (d), Jan. 5, 2021, 134 Stat. 4984, 4985, provided that, applicable to deaths that occur on or after the date that is two years after Jan. 5, 2021, this section is amended as follows:

(1) by transferring subsection (b) of section 2302 to the end of section 2303 of this title and redesignating such subsection as subsection (d); and

(2) by striking this section.

See 2021 Amendment note and Effective Date of 2021 Amendment and Repeal note below.

Editorial Notes

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283 substituted "air, or space service" for "or air service" in concluding provisions.

Subsec. (b). Pub. L. 116-315, §2202(a)(1), transferred subsec. (b) of this section, relating to deduction from burial allowance, to section 2303(d) of this title.

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 compensation 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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT AND REPEAL

Amendment and repeal of section by Pub. L. 116-315 applicable to deaths that occur on or after the date that is two years after Jan. 5, 2021, see section 2202(d) of Pub. L. 116-315, set out as a note under section 113 of this title.

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, nursing home, or domiciliary care under section 1710 or 1711(a) of this title; or

(B) an institution at which the deceased veteran was, at the time of death, receiving—

(i) hospital care in accordance with sections 1703A, 8111, and 8153 of this title;

(ii) nursing home care under section 1720 of this title; or

(iii) nursing home care for which payments are made under section 1741 of this title.

(b) In addition to the benefits provided for under section 2302 of this title and subsection (a) of this section, in the case of a veteran who is eligible for burial in a national cemetery under section 2402 of this title and who is not buried in a national cemetery or other cemetery under the jurisdiction of the United States—

(1) if such veteran is buried (without charge for the cost of a plot or interment) in a cemetery, or a section of a cemetery, that (A) is used solely for the interment of persons who are (i) eligible for burial in a national cemetery, and (ii) members of a reserve component of the Armed Forces not otherwise eligible for such burial or former members of such a reserve component not otherwise eligible for such burial who are discharged or released from service under conditions other than dishonorable, and (B) is owned by a State or by an agency or political subdivision of a State, the Secretary shall pay to such State, agency, or political subdivision the sum of \$700 (as increased from time to time under subsection (c)) as a plot or interment allowance for such veteran; and

(2) if such veteran is eligible for a burial allowance under section 2302 of this title or under subsection (a) of this section, or was discharged from the active military, naval, air, or space service for a disability incurred or aggravated in line of duty, and such veteran is buried in a cemetery, or a section of a cemetery, other than as described in clause (1) of this subsection, the Secretary shall pay a sum not exceeding \$700 (as increased from time to time under subsection (c)) as a plot or interment allowance to such person as the Secretary prescribes, except that if any part of the plot or interment costs of a burial to which this clause applies has been paid or assumed by a State, an agency or political subdivision of a State, or a former employer of