

(4) A final judgment or decree rendered in favor of the United States in any criminal proceeding brought by the United States under this section shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by a person or by the United States.

(d) ACTUAL AND STATUTORY DAMAGES.—(1) In addition to any penalty imposed under subsection (b), a violator of this section is liable in an action under subsection (c) for actual or statutory damages as provided in this subsection.

(2) A person bringing an action under subsection (c)(3) may elect, at any time before final judgment is rendered, to recover the actual damages suffered by him or her as a result of the violation or, instead of actual damages, an award of statutory damages for each violation involved in the action.

(3) In any action brought under subsection (c)(2), the Attorney General is entitled to recover an award of statutory damages for each violation involved in the action notwithstanding any recovery under subsection (c)(3).

(4) A court may award, as the court considers just, statutory damages in a sum of not less than \$25,000 or more than \$50,000 per violation.

(e) REBUTTABLE PRESUMPTION.—It shall be a rebuttable presumption that the violation of subsection (a) was committed willfully for purposes of determining relief under this section if the violator, or a person acting in concert with the violator, did not have reasonable grounds to believe, either from the attention or publicity sought by the violator or other circumstance, that the conduct of such violator or person would not—

(1) disturb or tend to disturb the peace or good order of such funeral, memorial service, or ceremony; or

(2) impede or tend to impede the access to or egress from such funeral, memorial service, or ceremony.

(f) DEFINITIONS.—In this section—

(1) the term “demonstration” includes—

(A) any picketing or similar conduct;

(B) any oration, speech, use of sound amplification equipment or device, or similar conduct that is not part of a funeral, memorial service, or ceremony;

(C) the display of any placard, banner, flag, or similar device, unless such a display is part of a funeral, memorial service, or ceremony; and

(D) the distribution of any handbill, pamphlet, leaflet, or other written or printed matter other than a program distributed as part of a funeral, memorial service, or ceremony; and

(2) the term “immediate family” means, with respect to a person, the immediate family members of such person, as such term is defined in section 115 of title 18.

(Added Pub. L. 109–228, §2(a)(1), May 29, 2006, 120 Stat. 387; amended Pub. L. 112–154, title VI, §601(c)(1), Aug. 6, 2012, 126 Stat. 1197.)

Editorial Notes

AMENDMENTS

2012—Pub. L. 112–154 amended section generally. Prior to amendment, section prohibited unapproved dem-

onstrations at cemeteries under control of National Cemetery Administration and at Arlington National Cemetery that occurred during period beginning 60 minutes before and ending 60 minutes after a funeral, memorial service, or ceremony within 150 feet of a road, pathway, or other route of ingress to or egress from such cemetery property or within 300 feet of such cemetery and impeded the access to or egress from such cemetery.

Statutory Notes and Related Subsidiaries

CONSTRUCTION

Pub. L. 109–228, §2(b), May 29, 2006, 120 Stat. 388, provided that: “Nothing in section 2413 of title 38, United States Code (as amended by subsection (a)), shall be construed as limiting the authority of the Secretary of Veterans Affairs, with respect to property under control of the National Cemetery Administration, or the Secretary of the Army, with respect to Arlington National Cemetery, to issue or enforce regulations that prohibit or restrict conduct that is not specifically covered by section 2413 of such title (as so added).”

§2414. Communication between Department of Veterans Affairs and medical examiners and funeral directors

(a) REQUIRED INFORMATION.—With respect to each deceased veteran described in subsection (b) who is transported to a national cemetery for burial, the Secretary shall ensure that the local medical examiner, funeral director, county service group, or other entity responsible for the body of the deceased veteran before such transportation submits to the Secretary the following information:

(1) Whether the deceased veteran was cremated.

(2) The steps taken to ensure that the deceased veteran has no next of kin.

(b) DECEASED VETERAN DESCRIBED.—A deceased veteran described in this subsection is a deceased veteran—

(1) with respect to whom the Secretary determines that there is no next of kin or other person claiming the body of the deceased veteran; and

(2) who does not have sufficient resources for the furnishing of a casket or urn for the burial of the deceased veteran in a national cemetery, as determined by the Secretary.

(Added Pub. L. 112–260, title I, §103(a), Jan. 10, 2013, 126 Stat. 2419.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 112–260, title I, §103(c), Jan. 10, 2013, 126 Stat. 2420, provided that: “Section 2414 of title 38, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act [Jan. 10, 2013] and shall apply with respect to deaths occurring on or after the date that is 180 days after the date of the enactment of this Act.”

PART III—READJUSTMENT AND RELATED BENEFITS

Chap.		Sec.
30.	All-Volunteer Force Educational Assistance Program	3001
31.	Training and Rehabilitation for Veterans with Service-Connected Disabilities	3100

Chap.		Sec.	
32.	Post-Vietnam Era Veterans' Educational Assistance	3201	
33.	Post-9/11 Educational Assistance	3301. ¹	
34.	Veterans' Educational Assistance	3451	
35.	Survivors' and Dependents' Educational Assistance	3500	
36.	Administration of Educational Benefits	3670	
37.	Housing and Small Business Loans	3701	
39.	Automobiles and Adaptive Equipment for Certain Disabled Veterans and Members of the Armed Forces	3901	
41.	Job Counseling, Training, and Placement Service for Veterans	4100	
42.	Employment and Training of Veterans	4211	
43.	Employment and Reemployment Rights of Members of the Uniformed Services	4301	

1971—Pub. L. 91-666, §2(b), Jan. 11, 1971, 84 Stat. 2000, substituted “Automobiles and Adaptive Equipment for Certain Disabled Veterans and Members of the Armed Forces” for “Automobiles for Disabled Veterans” in item for chapter 39.

1968—Pub. L. 90-631, §2(h)(2), Oct. 23, 1968, 82 Stat. 1333, substituted “War Orphans’ and Widows’ Educational Assistance . . . 1700” for “War Orphan’s Educational Assistance . . . 1701” in item for chapter 35.

1966—Pub. L. 89-358, §§4(c), 6(b), Mar. 3, 1966, 80 Stat. 23, 27, added item for chapter “34. Veterans’ Educational Assistance . . . 1650”, struck out item for chapter “33. Education of Korean Conflict Veterans . . . 1601” and added item for chapter 36; and substituted “Job Counseling and Employment Placement Service for Veterans” for “Unemployment Benefits for Veterans” in item for chapter 41.

1965—Pub. L. 89-50, §1(b), June 24, 1965, 79 Stat. 173, struck out item for chapter 43 “Mustering-Out Payments”.

Editorial Notes

AMENDMENTS

2008—Pub. L. 110-252, title V, §5003(a)(2), June 30, 2008, 122 Stat. 2375, added item for chapter 33.

1994—Pub. L. 103-446, title XII, §1201(h)(1), Nov. 2, 1994, 108 Stat. 4688, struck out item for chapter 42 and added identical new item for chapter 42.

Pub. L. 103-353, §2(b)(1), Oct. 13, 1994, 108 Stat. 3169, substituted “Employment and Reemployment Rights of Members of the Uniformed Services” and “4301” for “Veterans’ Reemployment Rights” and “2021” in item for chapter 43.

1991—Pub. L. 102-83, §5(b)(2), Aug. 6, 1991, 105 Stat. 406, substituted “3001” for “1401” in item for chapter 30, “3100” for “1500” in item for chapter 31, “3201” for “1601” in item for chapter 32, “3451” for “1651” in item for chapter 34, “3500” for “1700” in item for chapter 35, “3670” for “1770” in item for chapter 36, “3701” for “1801” in item for chapter 37, “3901” for “1901” in item for chapter 39, “4100” for “2000” in item for chapter 41, and “4211” for “2011” in item for chapter 42.

Pub. L. 102-16, §9(c)(2), Mar. 22, 1991, 105 Stat. 55, struck out “Disabled and Vietnam Era” after “Employment and Training of” in item for chapter 42.

1984—Pub. L. 98-525, title VII, §702(a)(2), Oct. 19, 1984, 98 Stat. 2563, added item for chapter 30.

1982—Pub. L. 97-306, title III, §301(b)(2), Oct. 14, 1982, 96 Stat. 1437, substituted “2000” for “2001” in item for chapter 41.

Pub. L. 97-295, §4(35)(A), Oct. 12, 1982, 96 Stat. 1307, substituted “1500” for “1,500” in item for chapter 31.

Pub. L. 97-295, §4(35)(B), Oct. 12, 1982, 96 Stat. 1307, substituted “1651” for “1650” in item for chapter 34.

1981—Pub. L. 97-72, title III, §302(b)(2), Nov. 3, 1981, 95 Stat. 1059, substituted “Housing and Small Business Loans” for “Home, Condominium, and Mobile Home Loans” in item for chapter 37.

1980—Pub. L. 96-466, title I, §101(b), Oct. 17, 1980, 94 Stat. 2186, substituted “Training and Rehabilitation for Veterans with Service-Connected Disabilities . . . 1,500” for “Vocational Rehabilitation . . . 1501” in item for chapter 31.

1976—Pub. L. 94-502, title III, §309(b), title IV, §405, Oct. 15, 1976, 90 Stat. 2391, 2397, added item for chapter 32 and substituted “Survivors’ and Dependents’ Educational Assistance” for “War Orphans’ and Widows’ Educational Assistance” in item for chapter 35.

1974—Pub. L. 93-569, §7(d), Dec. 31, 1974, 88 Stat. 1866, substituted “Home, Condominium, and Mobile Home Loans” for “Home, Farm, and Business Loans” in item for chapter 37.

Pub. L. 93-508, title IV, §404(b), Dec. 3, 1974, 88 Stat. 1600, added item for chapter 43.

1972—Pub. L. 92-540, title V, §§502(b), 503(b), Oct. 24, 1972, 86 Stat. 1097, 1098, substituted “, Training and” for “and Employment” in item for chapter 41 and added item for chapter 42.

¹ So in original. The period probably should not appear.

Statutory Notes and Related Subsidiaries

CONTINUATION OF DEPARTMENT OF VETERANS AFFAIRS EDUCATIONAL ASSISTANCE BENEFITS FOR CERTAIN PROGRAMS OF EDUCATION DURING COVID-19 EMERGENCY

Pub. L. 116-315, title I, subtitle B, §§1101-1104, Jan. 5, 2021, 134 Stat. 4960, provided that:

“SEC. 1101. DEFINITIONS.

“In this subtitle:

“(1) COVERED PROGRAM OF EDUCATION.—The term ‘covered program of education’ means a program of education (as defined in section 3002 of title 38, United States Code) approved by a State approving agency, or the Secretary of Veterans Affairs when acting in the role of a State approving agency.

“(2) COVID-19 EMERGENCY.—The term ‘COVID-19 emergency’ means the public health emergency declared pursuant to section 319 of the Public Health Service Act [42 U.S.C. 247d] on January 31, 2020, entitled ‘Determination that a Public Health Emergency Exists Nationwide as the Result of the 2019 Novel Coronavirus’.

“(3) EDUCATIONAL INSTITUTION.—The term ‘educational institution’ has the meaning given that term in section 3452(c) of title 38, United States Code, and includes an institution of higher learning (as defined in such section).

“(4) STATE APPROVING AGENCY.—The term ‘State approving agency’ has the meaning given that term in section 3671 of title 38, United States Code.

“(5) TRAINING ESTABLISHMENT.—The term ‘training establishment’ has the meaning given that term in section 3452(e) of title 38, United States Code.

“(6) TRAINING.—The term ‘training’ includes on-job training and apprenticeship programs and vocational rehabilitation programs.

“SEC. 1102. CONTINUATION OF DEPARTMENT OF VETERANS AFFAIRS EDUCATIONAL ASSISTANCE BENEFITS DURING COVID-19 EMERGENCY.

“(a) AUTHORITY.—If the Secretary of Veterans Affairs determines under subsection (c) that an individual is negatively affected by the COVID-19 emergency, the Secretary may provide educational assistance to that individual under the laws administered by the Secretary as if such negative effects did not occur. The authority under this section is in addition to the authority provided under section 1 of Public Law 116-128 (38 U.S.C. 3001 note prec.) [set out below], but in no case may the Secretary provide more than a total of four weeks of additional educational assistance by reason of section 4 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116-140; 38 U.S.C. 3680 note) and this section.

“(b) HOUSING AND ALLOWANCES.—In providing educational assistance to an individual pursuant to subsection (a), the Secretary may—