

could be used for the purpose for which the grant was made without regard to any provision to the contrary in section 101(e) [title V, §514] of Pub. L. 104-208 (formerly 10 U.S.C. 503 note), or section 983 of this title, prior to repeal by Pub. L. 108-375, div. A, title V, §552(e), Oct. 28, 2004, 118 Stat. 1912.

§ 985. Persons convicted of capital crimes; certain other persons: denial of specified burial-related benefits

(a) PROHIBITION OF PERFORMANCE OF MILITARY HONORS.—The Secretary of a military department and the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy, may not provide military honors (under section 1491 of this title or any other authority) at the funeral or burial of any of the following persons:

(1) A person described in section 2411(b) of title 38.

(2) A person who is a veteran (as defined in section 1491(h) of this title) or who died while on active duty or a member of a reserve component, when the circumstances surrounding the person's death or other circumstances as specified by the Secretary of Defense are such that to provide military honors at the funeral or burial of the person would bring discredit upon the person's service (or former service).

(b) DISQUALIFICATION FROM BURIAL IN MILITARY CEMETERIES.—Except as provided in subsection (c), a person who is ineligible for interment in a national cemetery under the control of the National Cemetery Administration by reason of section 2411(b) of title 38 is not entitled to or eligible for, and may not be provided, burial in—

(1) Arlington National Cemetery;

(2) the Soldiers' and Airmen's National Cemetery; or

(3) any other cemetery administered by the Secretary of a military department or the Secretary of Defense.

(c) UNCLAIMED REMAINS OF MILITARY PRISONERS.—Subsection (b) shall not preclude the burial at the United States Disciplinary Barracks Cemetery at Fort Leavenworth, Kansas, of a military prisoner, including a military prisoner who is a person described in section 2411(b) of title 38, who dies while in custody of a military department and whose remains are not claimed by the person authorized to direct disposition of the remains or by other persons legally authorized to dispose of the remains.

(d) DEFINITION.—In this section, the term "burial" includes inurnment.

(Added Pub. L. 105-85, div. A, title X, §1077(a)(1), Nov. 18, 1997, 111 Stat. 1914; amended Pub. L. 107-296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 109-163, div. A, title VI, §662(b)(1)-(3), (c)(1), Jan. 6, 2006, 119 Stat. 3315; Pub. L. 115-232, div. A, title V, §592, Aug. 13, 2018, 132 Stat. 1788.)

Editorial Notes

AMENDMENTS

2018—Subsec. (b). Pub. L. 115-232, §592(1), substituted "Except as provided in subsection (c), a person who is ineligible" for "A person who is ineligible" in introductory provisions.

Subsecs. (c), (d). Pub. L. 115-232, §592(2), (3), added subsec. (c) and redesignated former subsec. (c) as (d).

2006—Pub. L. 109-163, §662(c)(1), substituted "Persons convicted of capital crimes; certain other persons: denial of specified burial-related benefits" for "Persons convicted of capital crimes: denial of certain burial-related benefits" in section catchline.

Subsec. (a). Pub. L. 109-163, §662(b)(1)(B), substituted "any of the following persons:" for "a person who has been convicted of a capital offense under Federal or State law for which the person was sentenced to death or life imprisonment without parole." and added pars. (1) and (2).

Pub. L. 109-163, §662(b)(1)(A), inserted "(under section 1491 of this title or any other authority)" after "military honors".

Subsec. (b). Pub. L. 109-163, §662(b)(2), in introductory provisions, substituted "who is ineligible for interment in a national cemetery under the control of the National Cemetery Administration by reason of section 2411(b) of title 38" for "convicted of a capital offense under Federal law".

Subsec. (c). Pub. L. 109-163, §662(b)(3), amended heading and text of subsec. (c) generally. Prior to amendment, text read as follows: "In this section:

"(1) The term 'capital offense' means an offense for which the death penalty may be imposed.

"(2) The term 'burial' includes inurnment.

"(3) The term 'State' includes the District of Columbia and any commonwealth or territory of the United States."

2002—Subsec. (a). Pub. L. 107-296 substituted "of Homeland Security" for "of Transportation".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-163, div. A, title VI, §662(e), Jan. 6, 2006, 119 Stat. 3316, provided that: "The amendments made by this section [amending this section, section 1491 of this title, and section 2411 of Title 38, Veterans' Benefits and enacting provisions set out as notes under this section and section 2411 of Title 38] shall apply with respect to funerals and burials that occur on or after the date of the enactment of this Act [Jan. 6, 2006]."

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of this title.

EFFECTIVE DATE

Pub. L. 105-85, div. A, title X, §1077(b), Nov. 18, 1997, 111 Stat. 1915, provided that: "Section 985 of title 10, United States Code, as added by subsection (a), applies with respect to persons dying after January 1, 1997."

REGULATIONS

Pub. L. 109-163, div. A, title VI, §662(d)(2), Jan. 6, 2006, 119 Stat. 3316, provided that: "The Secretary of Defense shall prescribe regulations to ensure that a person is not interred in any military cemetery under the authority of the Secretary of a military department or provided funeral honors under section 1491 of title 10, United States Code, unless a good faith effort has been made to determine whether such person is ineligible for such interment or honors by reason of being a person described in section 2411(b) of title 38, United States Code, or is otherwise ineligible for such interment or honors under Federal law."

[§ 986. Repealed. Pub. L. 110-181, div. A, title X, § 1072(b)(1), Jan. 28, 2008, 122 Stat. 329]

Section, added Pub. L. 106-398, §1 [[div. A], title X, §1071(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-275; amended Pub. L. 107-107, div. A, title X, §1048(c)(3), Dec. 28, 2001, 115 Stat. 1226; Pub. L. 108-375, div. A, title X, §1062, Oct.