

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.

28, 2004, 118 Stat. 2056, prohibited the Department of Defense from granting or renewing security clearances for certain persons.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Pub. L. 110-181, div. A, title X, §1072(b)(3), Jan. 28, 2008, 122 Stat. 330, provided that: "The amendments made by this subsection [repealing this section] shall take effect on January 1, 2008."

§ 987. Terms of consumer credit extended to members and dependents: limitations

(a) **INTEREST.**—A creditor who extends consumer credit to a covered member of the armed forces or a dependent of such a member shall not require the member or dependent to pay interest with respect to the extension of such credit, except as—

- (1) agreed to under the terms of the credit agreement or promissory note;
- (2) authorized by applicable State or Federal law; and
- (3) not specifically prohibited by this section.

(b) **ANNUAL PERCENTAGE RATE.**—A creditor described in subsection (a) may not impose an annual percentage rate of interest greater than 36 percent with respect to the consumer credit extended to a covered member or a dependent of a covered member.

(c) **MANDATORY LOAN DISCLOSURES.**—

(1) **INFORMATION REQUIRED.**—With respect to any extension of consumer credit (including any consumer credit originated or extended through the internet) to a covered member or a dependent of a covered member, a creditor shall provide to the member or dependent the following information orally and in writing before the issuance of the credit:

(A) A statement of the annual percentage rate of interest applicable to the extension of credit.

(B) Any disclosures required under the Truth in Lending Act (15 U.S.C. 1601 et seq.).

(C) A clear description of the payment obligations of the member or dependent, as applicable.

(2) **TERMS.**—Such disclosures shall be presented in accordance with terms prescribed by the regulations issued by the Board of Governors of the Federal Reserve System to implement the Truth in Lending Act (15 U.S.C. 1601 et seq.).

(d) **PREEMPTION.**—

(1) **INCONSISTENT LAWS.**—Except as provided in subsection (f)(2), this section preempts any State or Federal law, rule, or regulation, including any State usury law, to the extent that such law, rule, or regulation is inconsistent with this section, except that this section shall not preempt any such law, rule, or regulation that provides protection to a covered member or a dependent of such a member in addition to the protection provided by this section.

(2) **DIFFERENT TREATMENT UNDER STATE LAW OF MEMBERS AND DEPENDENTS PROHIBITED.**—States shall not—

(A) authorize creditors to charge covered members and their dependents annual percentage rates of interest for any consumer credit or loans higher than the legal limit for residents of the State; or

(B) permit violation or waiver of any State consumer lending protections covering consumer credit for the benefit of residents of the State on the basis of nonresident or military status of a covered member or dependent of such a member, regardless of the member's or dependent's domicile or permanent home of record.

(e) **LIMITATIONS.**—It shall be unlawful for any creditor to extend consumer credit to a covered member or a dependent of such a member with respect to which—

(1) the creditor rolls over, renews, repays, refinances, or consolidates any consumer credit extended to the borrower by the same creditor with the proceeds of other credit extended to the same covered member or a dependent;

(2) the borrower is required to waive the borrower's right to legal recourse under any otherwise applicable provision of State or Federal law, including any provision of the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.);

(3) the creditor requires the borrower to submit to arbitration or imposes onerous legal notice provisions in the case of a dispute;

(4) the creditor demands unreasonable notice from the borrower as a condition for legal action;

(5) the creditor uses a check or other method of access to a deposit, savings, or other financial account maintained by the borrower, or the title of a vehicle as security for the obligation;

(6) the creditor requires as a condition for the extension of credit that the borrower establish an allotment to repay an obligation; or

(7) the borrower is prohibited from prepaying the loan or is charged a penalty or fee for prepaying all or part of the loan.

(f) **PENALTIES AND REMEDIES.**—

(1) **MISDEMEANOR.**—A creditor who knowingly violates this section shall be fined as provided in title 18, or imprisoned for not more than one year, or both.

(2) **PRESERVATION OF OTHER REMEDIES.**—The remedies and rights provided under this section are in addition to and do not preclude any remedy otherwise available under law to the person claiming relief under this section, including any award for consequential and punitive damages.

(3) **CONTRACT VOID.**—Any credit agreement, promissory note, or other contract prohibited under this section is void from the inception of such contract.

(4) **ARBITRATION.**—Notwithstanding section 2 of title 9, or any other Federal or State law, rule, or regulation, no agreement to arbitrate any dispute involving the extension of consumer credit shall be enforceable against any covered member or dependent of such a member, or any person who was a covered member or dependent of that member when the agreement was made.