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Editorial Notes

AMENDMENTS

- 2021—Pub. L. 116-283, div. A, title XI, § 1104(a)(2), Jan. 1, 2021, 134 Stat. 3890, added item 1492.
2001—Pub. L. 107-107, div. A, title X, § 1048(a)(14), Dec. 28, 2001, 115 Stat. 1223, transferred subchapter II heading so as to appear before the table of sections for that subchapter.
1999—Pub. L. 106-65, div. A, title VII, § 721(c)(1), Oct. 5, 1999, 113 Stat. 694, inserted “SUBCHAPTER II—DEATH BENEFITS” before section 1475 of this title.
Pub. L. 106-65, div. A, title V, § 578(k)(2)(A), Oct. 5, 1999, 113 Stat. 631, substituted “Funeral honors functions at funerals for veterans” for “Honor guard details at funerals of veterans” in item 1491.
1998—Pub. L. 105-261, div. A, title V, § 567(b)(2), Oct. 17, 1998, 112 Stat. 2031, added item 1491.
1994—Pub. L. 103-337, div. A, title X, § 1070(a)(8)(B), Oct. 5, 1994, 108 Stat. 2855, substituted “civilian” for “Civilian” in item 1482a.
1993—Pub. L. 103-160, div. A, title III, § 368(b), Nov. 30, 1993, 107 Stat. 1634, added item 1482a.
1991—Pub. L. 102-190, div. A, title VI, § 626(b)(2), Dec. 5, 1991, 105 Stat. 1380, substituted “Transportation of remains: certain retired members and dependents who die in military medical facilities” for “Transportation of remains of members entitled to retired or retainer pay who die in a military medical facility” in item 1490.
1983—Pub. L. 98-94, title X, § 1032(a)(2), Sept. 24, 1983, 97 Stat. 672, added item 1490.
1980—Pub. L. 96-450, title IV, § 403(b)(2), Oct. 14, 1980, 94 Stat. 1979, added item 1489.
1965—Pub. L. 89-150, § 1(2), Aug. 28, 1965, 79 Stat. 585, struck out “; death while outside United States” from item 1485.
1958—Pub. L. 85-861, § 1(32)(B), (C), Sept. 2, 1958, 72 Stat. 1455, struck out “CARE OF THE DEAD” from chapter heading, and added items 1475 to 1480.

Statutory Notes and Related Subsidiaries

MEETINGS OF OFFICIALS OF THE DEPARTMENT OF DEFENSE WITH REPRESENTATIVE GROUPS OF SURVIVORS OF DECEASED MEMBERS OF THE ARMED FORCES

Pub. L. 116-92, div. A, title V, § 580B, Dec. 20, 2019, 133 Stat. 1408, provided that:

“(a) CHIEFS OF THE ARMED FORCES.—The Secretary of Defense shall direct the chiefs of the Armed Forces to meet periodically with representative groups of survivors of deceased members of the Armed Forces to receive feedback from those survivors regarding issues affecting such survivors. The Chief of the National Guard

Bureau shall meet with representative groups of survivors of deceased members of the Air National Guard and the Army National Guard.

“(b) UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.—The Under Secretary of Defense for Personnel and Readiness shall meet periodically with representative groups of survivors of deceased members of the Armed Forces to discuss policies of the Department of Defense regarding military casualties and Gold Star families.

“(c) BRIEFING.—Not later than April 1, 2020, the Under Secretary of Defense for Personnel and Readiness shall brief the Committee on Armed Services of the House of Representatives regarding policies established and the results of the meetings under subsection (b).”

§ 1475. Death gratuity: death of members on active duty or inactive duty training and of certain other persons

(a) Except as provided in section 1480 of this title, the Secretary concerned shall have a death gratuity paid to or for the survivor prescribed by section 1477 of this title, immediately upon receiving official notification of the death of—

(1) a member of an armed force under his jurisdiction who dies while on active duty or while performing authorized travel to or from active duty;

(2) a Reserve of an armed force who dies while on inactive duty training (other than work or study in connection with a correspondence course of an armed force or attendance, in an inactive status, at an educational institution under the sponsorship of an armed force or the Public Health Service);

(3) any Reserve of an armed force who, when authorized or required by an authority designated by the Secretary, assumed an obligation to perform active duty for training, or inactive duty training (other than work or study in connection with a correspondence course of an armed force or attendance, in an inactive status, at an educational institution, under the sponsorship of an armed force or the Public Health Service), and who dies while traveling directly to or from that active duty for training or inactive duty training or while staying at the Reserve’s residence, when so authorized by proper authority, during the period of such inactive duty training or between successive days of inactive duty training;

(4) any member of a reserve officers’ training corps who dies while performing annual training duty under orders for a period of more than 13 days, or while performing authorized travel to or from that annual training duty; or any applicant for membership in a reserve officers’ training corps who dies while attending field training or a practice cruise under section 2104(b)(6)(B) of this title or while performing authorized travel to or from the place where the training or cruise is conducted; or a graduate of a reserve officers’ training corps who has received a commission but has yet to receive a first duty assignment; or

(5) a person who dies while traveling to or from or while at a place for final acceptance, or for entry upon active duty (other than for training), in an armed force, who has been ordered or directed to go to that place, and who—

(A) has been provisionally accepted for that duty; or

(B) has been selected, under the Military Selective Service Act (50 U.S.C. 3801 et seq.), for service in that armed force.

(b) This section does not apply to the survivors of persons who were temporary members of the Coast Guard Reserve at the time of their death.

(Added Pub. L. 85–861, §1(32)(A), Sept. 2, 1958, 72 Stat. 1452; amended Pub. L. 88–647, title III, §301(1), Oct. 13, 1964, 78 Stat. 1071; Pub. L. 96–513, title V, §511(59), Dec. 12, 1980, 94 Stat. 2925; Pub. L. 99–661, div. A, title VI, §604(e)(1), Nov. 14, 1986, 100 Stat. 3877; Pub. L. 112–81, div. A, title VI, §651(a)(1), Dec. 31, 2011, 125 Stat. 1466; Pub. L. 114–328, div. A, title X, §1081(b)(1)(A)(vi), Dec. 23, 2016, 130 Stat. 2418; Pub. L. 116–92, div. A, title VI, §623(a), Dec. 20, 2019, 133 Stat. 1428; Pub. L. 116–283, div. A, title X, §1081(a)(27), Jan. 1, 2021, 134 Stat. 3872.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1475(a)	38:1101(2) (less last sentence, as applicable to death gratuity). 38:1101(4) (as applicable to death gratuity, less (D) (as applicable to 38:1133(a))). 38:1101(5) (as applicable to death gratuity, less (D) (as applicable to 38:1133(a))). 38:1101(6)(A) (less clause (3) of 2d sentence, as applicable to death gratuity). 38:1001(6)(B) (1st sentence, less last 32 words, as applicable to death gratuity, and less (ii) (as applicable to 38:1133(a))). 38:1101(11)(E) (less last 27 words, as applicable to death gratuity). 38:1131(a).	Aug. 1, 1956, ch. 837, §§102(2) (less last sentence, as applicable to death gratuity), 102(2) (last sentence, as applicable to death gratuity), (4) (as applicable to death gratuity, less (D) (as applicable to §303(a))), (5) (as applicable to death gratuity, less (D) (as applicable to §303(a))), (6)(A) (as applicable to death gratuity), (B) (1st sentence, less last 32 words, as applicable to death gratuity, and less (ii) (as applicable to §303(a))), (11)(E) (less last 27 words, as applicable to death gratuity), 301(a), 70 Stat. 858–861, 868.
1475(b)	38:1101(2) (last sentence, as applicable to death gratuity under 38:1131(a)). 38:1101(6)(A) (clause (3) of 2d sentence, as applicable to death gratuity under 38:1131(a)).	

In subsection (a), the word “receiving” is inserted for clarity. Clause (1) is substituted for 38:1101(2) (1st sentence, and clauses (A)–(C) of 2d sentence); 38:1101(4)(A), (C), and (D); and 38:1101(5)(A), (C), and (D). Clause (2) is based on the words “inactive duty training”, in 38:1131(a). Clause (3) (less words in parentheses) is substituted for 38:1101(6)(B) (1st sentence, less last 32 words). 38:1101(6)(A) (1st sentence) is omitted as covered by section 101(31) of this title. The words in parentheses in clause (3) are substituted for 38:1101(6)(A) (2d sentence, less clause (3)). Clause (4) is substituted for 38:1101(2) (clause (D) of 2d sentence) and (5)(C). Clause (5) is substituted for 38:1101(2)(E), (11)(E) (less last 27 words). The words “active duty for training”, in 38:1131(a), are omitted as covered by the definition of “active duty” in section 101(22) of this title.

Editorial Notes

REFERENCES IN TEXT

The Military Selective Service Act, referred to in subsec. (a)(5)(B), is title I of act June 24, 1948, ch. 625, 62 Stat. 604, which is classified principally to chapter 49 (§3801 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see References in Text note set out under section 3801 of Title 50 and Tables.

AMENDMENTS

2021—Subsec. (a)(4). Pub. L. 116–283 substituted “or a graduate” for “or; or a graduate”.

2019—Subsec. (a)(4). Pub. L. 116–92 inserted at end “; or a graduate of a reserve officers’ training corps who has received a commission but has yet to receive a first duty assignment; or”.

2016—Subsec. (a)(5)(B). Pub. L. 114–328 substituted “(50 U.S.C. 3801 et seq.)” for “(50 U.S.C. App. 451 et seq.)”.

2011—Subsec. (a)(3). Pub. L. 112–81 inserted “or while staying at the Reserve’s residence, when so authorized by proper authority, during the period of such inactive duty training or between successive days of inactive duty training” before the semicolon at the end.

1986—Subsec. (a)(3). Pub. L. 99–661 struck out “from an injury incurred by him after December 31, 1956,” before “while traveling directly to or from”.

1980—Subsec. (a)(5)(B). Pub. L. 96–513 substituted “Military Selective Service Act (50 U.S.C. App. 451 et seq.)” for “Universal Military Training and Service Act (50 App. U.S.C. 451 et seq.)”.

1964—Subsec. (a)(4). Pub. L. 88–647 inserted provisions covering applicants for membership in a reserve officers’ training corps while attending, or in travel to or from field training or a practice cruise.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2019 AMENDMENT

Pub. L. 116–92, div. A, title VI, §623(b), Dec. 20, 2019, 133 Stat. 1428, as amended by Pub. L. 116–283, div. A, title VI, §623, Jan. 1, 2021, 134 Stat. 3677, provided that: “The amendment under subsection (a) [amending this section] applies to deaths that occur on or after May 1, 2017.”

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112–81, div. A, title VI, §651(c), Dec. 31, 2011, 125 Stat. 1467, provided that: “The amendments made by this section [amending this section and sections 1478 and 1481 of this title] shall take effect on the date of the enactment of this Act [Dec. 31, 2011], and shall apply with respect to deaths that occur on or after that date.”

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99–661 applicable with respect to persons who, after Nov. 14, 1986, incur or aggravate an injury, illness, or disease or die, see section 604(g) of Pub. L. 99–661, set out as a note under section 1074a of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of this title.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

PUBLIC HEALTH SERVICE

Authority vested by this chapter in “military departments”, “the Secretary concerned”, or “the Secretary of Defense” to be exercised, with respect to commissioned officers of Public Health Service, by Secretary of Health and Human Services or his designee, see section 213a of Title 42, The Public Health and Welfare.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Authority vested by this chapter in “military departments”, “the Secretary concerned”, or “the Secretary

of Defense” to be exercised, with respect to commissioned officer corps of National Oceanic and Atmospheric Administration, by Secretary of Commerce or Secretary’s designee, see section 3071 of Title 33, Navigation and Navigable Waters.

OBLIGATION OF DEFENSE HEALTH PROGRAM
APPROPRIATIONS FOR DEATH GRATUITY PAYMENTS

Pub. L. 116-260, div. C, title VIII, §8123, Dec. 27, 2020, 134 Stat. 1333, provided that: “Amounts appropriated for ‘Defense Health Program’ in this Act [div. C of Pub. L. 116-260] and hereafter may be obligated to make death gratuity payments, as authorized in subchapter II of chapter 75 of title 10, United States Code, if no appropriation for ‘Military Personnel’ is available for obligation for such payments: *Provided*, That such obligations may subsequently be recorded against appropriations available for ‘Military Personnel’.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 116-93, div. A, title VIII, §8127, Dec. 20, 2019, 133 Stat. 2366.

Pub. L. 115-245, div. A, title VIII, §8136, Sept. 28, 2018, 132 Stat. 3030.

OBLIGATION OF DEPARTMENT OF HOMELAND SECURITY
APPROPRIATIONS FOR DEATH GRATUITY PAYMENTS

Pub. L. 116-93, div. D, title II, §231, Dec. 20, 2019, 133 Stat. 2517, provided that:

“(a) Any discretionary amounts appropriated in this Act [div. D of Pub. L. 116-93] in the current fiscal year and any fiscal year thereafter may be obligated for death gratuity payments, as authorized in subchapter II of chapter 75 of title 10, United States Code.

“(b) Subsection (a) shall only apply if an appropriation for ‘Coast Guard—Operations and Support’ is unavailable for obligation for such payments.

“(c) Such obligations shall subsequently be recorded against appropriations that become available for ‘Coast Guard—Operations and Support’.”

IMPROVED ASSISTANCE FOR GOLD STAR SPOUSES AND
OTHER DEPENDENTS

Pub. L. 113-66, div. A, title VI, §633, Dec. 26, 2013, 127 Stat. 786, as amended by Pub. L. 116-92, div. A, title VI, §625, Dec. 20, 2019, 133 Stat. 1428; Pub. L. 116-283, div. A, title VI, §624, Jan. 1, 2021, 134 Stat. 3677, provided that:

“(a) ADVOCATES FOR GOLD STAR SPOUSES AND OTHER DEPENDENTS.—(1) Each Secretary of a military department shall designate for each Armed Force under the jurisdiction of such Secretary a casualty assistance officer who is a member of such Armed Force or civilian employee of such military department to assist—

“(A) a spouse and any other dependent of a member of such Armed Force (including the reserve components thereof) who dies on active duty; and

“(B) a dependent described in subparagraph (A) if the spouse of the deceased member dies and the dependent (or the guardian of such dependent) requests such assistance.

“(2) Casualty assistance officers described in paragraph (1) shall provide to spouses and dependents described in that paragraph the following services:

“(A) Addressing complaints by spouses and other dependents of deceased members regarding casualty assistance or receipt of benefits authorized by law for such spouses and dependents.

“(B) Providing support to such spouses and dependents regarding such casualty assistance or receipt of such benefits.

“(C) Making reports to appropriate officers or officials in the Department of Defense or the military department concerned regarding resolution of such complaints, including recommendations regarding the settlement of claims with respect to such benefits, as appropriate.

“(D) Performing such other actions as the Secretary of the military department concerned considers appropriate.

“(b) TRAINING FOR CASUALTY ASSISTANCE PERSONNEL.—

“(1) TRAINING PROGRAM REQUIRED.—The Secretary of Defense shall implement a standardized comprehensive training program on casualty assistance for the following personnel of the Department of Defense:

“(A) Casualty assistance officers.

“(B) Casualty assistance calls officers.

“(C) Casualty assistance representatives.

“(2) GENERAL ELEMENTS.—The training program required by paragraph (1) shall include training designed to ensure that the personnel specified in that paragraph provide the spouse and other dependents of a deceased member of the Armed Forces with accurate information on the benefits to which they are entitled and other casualty assistance available to them when the member dies while serving on active duty in the Armed Forces.

“(3) SERVICE-SPECIFIC ELEMENTS.—The Secretary of the military department concerned may, in coordination with the Secretary of Defense, provide for the inclusion in the training program required by paragraph (1) that is provided to casualty assistance personnel of such military department such elements of training that are specific or unique to the requirements or particulars of the Armed Forces under the jurisdiction of such military department as the Secretary of the military department concerned considers appropriate.

“(4) FREQUENCY OF TRAINING.—Training shall be provided under the program required by paragraph (1) not less often than annually.

“(c) ROTC GRADUATES.—

“(1) TREATED AS MEMBERS.—For purposes of this section, a graduate of a reserve officers’ training corps who receives a commission and who dies before receiving a first duty assignment shall be treated as a member of the Armed Forces who dies while on active duty.

“(2) EFFECTIVE DATE.—This subsection applies to deaths on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020 [Dec. 20, 2019].”

POLICY AND PROCEDURES ON CASUALTY ASSISTANCE TO
SURVIVORS OF MILITARY DECEDENTS

Pub. L. 109-163, div. A, title V, §562, Jan. 6, 2006, 119 Stat. 3267, as amended by Pub. L. 109-364, div. A, title V, §566, Oct. 17, 2006, 120 Stat. 2223, provided that:

“(a) COMPREHENSIVE POLICY ON CASUALTY ASSISTANCE.—

“(1) POLICY REQUIRED.—Not later than August 1, 2006, the Secretary of Defense shall prescribe a comprehensive policy for the Department of Defense on the provision of casualty assistance to survivors and next of kin of members of the Armed Forces who die during military service (in this section referred to as ‘military decedents’).

“(2) CONSULTATION.—The Secretary shall develop the policy under paragraph (1) in consultation with the Secretaries of the military departments, the Secretary of Veterans Affairs, and the Secretary of Homeland Security with respect to the Coast Guard.

“(3) INCORPORATION OF PAST EXPERIENCE AND PRACTICE.—The policy developed under paragraph (1) shall be based on—

“(A) the experience and best practices of the military departments;

“(B) the recommendations of nongovernment organizations with demonstrated expertise in responding to the needs of survivors of military decedents; and

“(C) such other matters as the Secretary of Defense considers appropriate.

“(4) PROCEDURES.—The policy shall include procedures to be followed by the military departments in the provision of casualty assistance to survivors and next of kin of military decedents. The procedures shall be uniform across the military departments ex-

cept to the extent necessary to reflect the traditional practices or customs of a particular military department.

“(b) ELEMENTS OF POLICY.—The comprehensive policy developed under subsection (a) shall address the following matters:

“(1) The initial notification of primary and secondary next of kin of the deaths of military decedents and any subsequent notifications of next of kin warranted by circumstances.

“(2) The transportation and disposition of remains of military decedents, including notification of survivors of the performance of autopsies.

“(3) The qualifications, assignment, training, duties, supervision, and accountability for the performance of casualty assistance responsibilities.

“(4) The relief or transfer of casualty assistance officers, including notification to survivors and next of kin of the reassignment of such officers to other duties.

“(5) Centralized, short-term and long-term case-management procedures for casualty assistance by each military department, including rapid access by survivors of military decedents and casualty assistance officers to expert case managers and counselors.

“(6) The provision, through a computer accessible Internet website and other means and at no cost to survivors of military decedents, of personalized, integrated information on the benefits and financial assistance available to such survivors from the Federal Government.

“(7) The provision, at no cost to survivors of military decedents, of legal assistance by military attorneys on matters arising from the deaths of such decedents, including tax matters, on an expedited, prioritized basis.

“(8) The provision of financial counseling to survivors of military decedents, particularly with respect to appropriate disposition of death gratuity and insurance proceeds received by surviving spouses, minor dependent children, and their representatives.

“(9) The provision of information to survivors and next of kin of military decedents on mechanisms for registering complaints about, or requests for, additional assistance related to casualty assistance.

“(10) Liaison with the Department of Veterans Affairs and the Social Security Administration in order to ensure prompt and accurate resolution of issues relating to benefits administered by those agencies for survivors of military decedents.

“(11) Data collection regarding the incidence and quality of casualty assistance provided to survivors of military decedents, including surveys of such survivors and military and civilian members assigned casualty assistance duties.

“(12) The process by which the Department of Defense, upon request, provides information (in person and otherwise) to survivors of a military decedent on the cause of, and any investigation into, the death of such military decedent and on the disposition and transportation of the remains of such decedent, which process shall—

“(A) provide for the provision of such information (in person and otherwise) by qualified Department of Defense personnel;

“(B) ensure that information is provided as soon as possible after death and that, when requested, updates are provided, in accordance with the procedures established under this paragraph, in a timely manner when new information becomes available;

“(C) ensure that—

“(i) the initial provision of such information, and each such update, relates the most complete and accurate information available at the time, subject to limitations applicable to classified information; and

“(ii) incomplete or unverified information is identified as such during the course of the provision of such information or update; and

“(D) include procedures by which such survivors shall, upon request, receive updates or supple-

mental information from qualified Department of Defense personnel.

“(c) ADOPTION BY MILITARY DEPARTMENTS.—Not later than November 1, 2006, the Secretary of each military department shall prescribe regulations, or modify current regulations, on the policies and procedures of such military department on the provision of casualty assistance to survivors and next of kin of military decedents in order to conform such policies and procedures to the policy developed under subsection (a).

“(d) REPORT ON IMPROVEMENT OF CASUALTY ASSISTANCE PROGRAMS.—Not later than December 1, 2006, 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 that includes—

“(1) the assessment of the Secretary of the adequacy and sufficiency of the current casualty assistance programs of the military departments;

“(2) a plan for a system for the uniform provision to survivors of military decedents of personalized, accurate, and integrated information on the benefits and financial assistance available to such survivors through the casualty assistance programs of the military departments under subsection (c); and

“(3) such recommendations for other legislative or administrative action as the Secretary considers appropriate to enhance and improve such programs to achieve their intended purposes.

“(e) GAO REPORT.—

“(1) REPORT REQUIRED.—Not later than July 1, 2006, the Comptroller General shall submit to the committees specified in subsection (d) a report on the evaluation by the Comptroller General of the casualty assistance programs of the Department of Defense and of such other departments and agencies of the Federal Government as provide casualty assistance to survivors and next of kin of military decedents.

“(2) ASSESSMENT.—The report shall include the assessment of the Comptroller General of the adequacy of the current policies and procedures of, and funding for, the casualty assistance programs covered by the report to achieve their intended purposes.”

§ 1476. Death gratuity: death after discharge or release from duty or training

(a)(1) Except as provided in section 1480 of this title, the Secretary concerned shall pay a death gratuity to or for the survivors prescribed in section 1477 of this title of each person who dies within 120 days after discharge or release from—

(A) active duty; or

(B) inactive-duty training (other than work or study in connection with a correspondence course of an armed force or attendance, in an inactive status, at an educational institution under the sponsorship of an armed force or the Public Health Service).

(2) A death gratuity may be paid under paragraph (1) only if the Secretary of Veterans Affairs determines that the death resulted from an injury or disease incurred or aggravated during—

(A) the active duty or inactive-duty training described in paragraph (1); or

(B) travel directly to or from such duty.

(b) For the purpose of this section, the standards and procedures for determining the incurrence or aggravation of a disease or injury are those applicable under the laws relating to disability compensation administered by the Department of Veterans Affairs, except that there is no requirement under this section that any incurrence or aggravation have been in line of duty.