

§ 1479. Death gratuity: delegation of determinations, payments

For the purpose of making immediate payments under section 1475 of this title, the Secretary concerned shall—

(1) authorize the commanding officer of a territorial command, installation, or district in which a survivor of a person covered by that section is residing to determine the beneficiary eligible for the death gratuity; and

(2) authorize a disbursing or certifying official of each of those commands, installations, or districts to make the payments to the beneficiary, or certify the payments due them, as the case may be.

(Added Pub. L. 85-861, §1(32)(A), Sept. 2, 1958, 72 Stat. 1455; amended Pub. L. 97-258, §2(b)(1)(A), Sept. 13, 1982, 96 Stat. 1052.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1479	38:1132.	Aug. 1, 1956, ch. 837, §302, 70 Stat. 868.

The word “territorial” is substituted for the words “military or naval”, since the subsection could only apply to that type of command, installation, or district. Clause (2) is substituted for 38:1132(2).

Editorial Notes

AMENDMENTS

1982—Par. (2). Pub. L. 97-258 substituted “official” for “officer”.

§ 1480. Death gratuity: miscellaneous provisions

(a) A payment may not be made under sections 1475-1477 of this title if the decedent was put to death as lawful punishment for a crime or a military offense, unless he was put to death by a hostile force with which the armed forces of the United States were engaged in armed conflict.

(b) A payment may not be made under section 1476 unless the Secretary of Veterans Affairs determines that the decedent was discharged or released, as the case may be, under conditions other than dishonorable from the last period of the duty or training that he performed.

(c) For the purposes of section 1475(a)(3) of this title, the Secretary concerned shall determine whether the decedent was authorized or required to perform the duty or training and whether or not he died from injury so incurred. For the purposes of section 1476 of this title, the Secretary of Veterans Affairs shall make those determinations. In making those determinations, the Secretary concerned or the Secretary of Veterans Affairs, as the case may be, shall consider—

- (1) the hour on which the Reserve began to travel directly to or from the duty or training;
- (2) the hour at which he was scheduled to arrive for, or at which he ceased performing, that duty or training;
- (3) the method of travel used;
- (4) the itinerary;
- (5) the manner in which the travel was performed; and
- (6) the immediate cause of death.

In cases covered by this subsection, the burden of proof is on the claimant.

(d) Payments under sections 1475-1477 of this title shall be made from appropriations available for the payment of members of the armed force concerned.

(Added Pub. L. 85-861, §1(32)(A), Sept. 2, 1958, 72 Stat. 1455; amended Pub. L. 101-189, div. A, title XVI, §1621(a)(2), (5), Nov. 29, 1989, 103 Stat. 1603.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1480(a)	38:1134(a).	Aug. 1, 1956, ch. 837, §§102(6)(B) (less 1st sentence, as applicable to death gratuity) 303(e), 304(a), (b), 70 Stat. 859, 869.
1480(b)	38:1133(e).	
1480(c)	38:1101(6)(B) (less 1st sentence, as applicable to death gratuity).	
1480(d)	38:1134(b).	

In subsection (a), the words “was put to death” are substituted for the words “suffered death”. The words “or naval” are omitted as covered by the word “military”.

In subsection (b), the words “last period * * * that he performed” are substituted for the words “such period”.

Editorial Notes

AMENDMENTS

1989—Subsec. (b). Pub. L. 101-189, §1621(a)(2), substituted “Secretary of Veterans Affairs” for “Administrator of Veterans Affairs”.

Subsec. (c). Pub. L. 101-189, §1621(a)(2), (5), substituted “Secretary of Veterans Affairs” for “Administrator of Veterans Affairs” after “section 1476 of this title, the” and “the Secretary concerned or the Secretary of Veterans Affairs” for “the Secretary or the Administrator”.

§ 1481. Recovery, care, and disposition of remains: decedents covered

(a) The Secretary concerned may provide for the recovery, care, and disposition of the remains of the following persons:

- (1) Any Regular of an armed force under his jurisdiction who dies while on active duty.
- (2) A member of a reserve component of an armed force who dies while—
 - (A) on active duty;
 - (B) performing inactive-duty training;
 - (C) performing authorized travel directly to or from active duty or inactive-duty training;
 - (D) remaining overnight immediately before the commencement of inactive-duty training, or remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training;
 - (E) staying at the member’s residence, when so authorized by proper authority, during a period of inactive duty training or between successive days of inactive duty training;
 - (F) hospitalized or undergoing treatment for an injury, illness, or disease incurred or aggravated while on active duty or performing inactive-duty training; or
 - (G) either—
 - (i) serving on funeral honors duty under section 12503 of this title or section 115 of title 32;
 - (ii) traveling directly to or from the place at which the member is to so serve; or

(iii) remaining overnight at or in the vicinity of that place before so serving, if the place is outside reasonable commuting distance from the member's residence.

[(3) Repealed. Pub. L. 99-661, div. A, title VI, § 604(e)(3)(B), Nov. 14, 1986, 100 Stat. 3877.]

(4) Any member of, or applicant for membership in, a reserve officers' training corps who dies while (A) attending a training camp, (B) on an authorized practice cruise, (C) performing authorized travel to or from such a camp or cruise, or (D) hospitalized or undergoing treatment at the expense of the United States for injury incurred, or disease contracted, while attending such a camp, while on such a cruise, or while performing that travel.

(5) Any accepted applicant for enlistment in an armed force under his jurisdiction.

(6) Any person who has been discharged from an enlistment in an armed force under his jurisdiction while a patient in a United States hospital, and who continues to be such a patient until the date of his death.

(7) A person who—

(A) dies as a retired member of an armed force under the Secretary's jurisdiction during a continuous hospitalization of the member as a patient in a United States hospital that began while the member was on active duty for a period of more than 30 days; or

(B) is not covered by subparagraph (A) and, while in a retired status by reason of eligibility to retire under chapter 61 of this title, dies during a continuous hospitalization of the person that began while the person was on active duty as a Regular of an armed force under the Secretary's jurisdiction.

(8) Any military prisoner who dies while in his custody.

(9) To the extent authorized under section 1482(f) of this title, any retired member of an armed force who dies while outside the United States or any individual who dies outside the United States while a dependent of such a member.

(10) To the extent authorized under section 1482(g) of this title, any person not otherwise covered by the preceding paragraphs whose remains (or partial remains) have been retained by the Secretary concerned for purposes of a forensic pathology investigation by the Armed Forces Medical Examiner under section 1471 of this title.

(b) This section applies to each person covered by subsection (a)(1)–(7) even though he may have been temporarily absent from active duty, with or without leave, at the time of his death, unless he had been dropped from the rolls of his organization before his death.

(c) In this section, the term “dependent” has the meaning given such term in section 1072(2) of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 112; Pub. L. 88-647, title III, § 301(3), Oct. 13, 1964, 78 Stat. 1071; Pub. L. 99-661, div. A, title VI, § 604(e)(3), Nov. 14, 1986, 100 Stat. 3877; Pub. L. 103-337, div. A, title VI, § 652(a)(1), Oct. 5, 1994, 108 Stat. 2793; Pub. L. 104-106, div. A, title VII, § 702(b), Feb. 10, 1996, 110 Stat. 371; Pub. L. 105-85, div. A, title V,

§ 513(e), Nov. 18, 1997, 111 Stat. 1732; Pub. L. 105-261, div. A, title VI, § 645(a), (b), Oct. 17, 1998, 112 Stat. 2049, 2050; Pub. L. 106-65, div. A, title V, § 578(i)(5), Oct. 5, 1999, 113 Stat. 630; Pub. L. 106-398, § 1 [[div. A], title X, § 1087(d)(3)], Oct. 30, 2000, 114 Stat. 1654, 1654A-293; Pub. L. 107-107, div. A, title V, § 513(c), title VI, § 638(b)(2), Dec. 28, 2001, 115 Stat. 1093, 1147; Pub. L. 112-81, div. A, title VI, § 651(b), Dec. 31, 2011, 125 Stat. 1467; Pub. L. 113-66, div. A, title VI, § 651(a)(1), Dec. 26, 2013, 127 Stat. 787.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1481(a)	5:2151 (as applicable to armed forces). 5:2152 (1st 27 words, as applicable to armed forces). 5:2153 (less 1st 18 words, as applicable to armed forces).	July 15, 1954, ch. 507, § 1, 2 (1st 25 words, as applicable to armed forces), 3 (less 1st 16 words, as applicable to armed forces), 4 (as applicable to armed forces), 68 Stat. 478.
1481(b)	5:2154 (as applicable to armed forces).	

In subsection (a), 5:2151 is omitted as covered by the revised sections of this chapter. In clauses (1), (2), (5)–(7), the words “under his jurisdiction” are inserted for clarity. In clause (1) the words “regular member of an armed force, or member of an armed force without component” are substituted for the words “military personnel”, since all other members of the military services are covered by more specific rules set forth in clauses (2) and (7). In clauses (2) and (3), the words “active duty for training” are omitted as covered by the words “active duty”. The words “injury incurred, or disease contracted” are substituted for the words “injuries, illness, or disease contracted or incurred”. The words “by law”, “authorized”, “proper authority”, and “as authorized by law” are omitted as surplusage. In clause (3), the words “while entitled to” are substituted for the words “in respect of duty for which they are entitled by law to receive”. In clause (4), the words “injury incurred, or disease contracted” are substituted for the words “injury, disease or illness contracted or incurred”. The words “as authorized by law” are omitted as surplusage. In clause (6), the word “person” is substituted for the words “former enlisted members”. In clause (7), the words “active duty for a period of more than 30 days” are substituted for the words “extended active duty”.

In subsection (b), the words “This section applies to each person * * * even though” are substituted for the words “The benefits of this Act shall not be denied in respect of a person * * * on the ground”.

Editorial Notes

AMENDMENTS

2013—Subsec. (a)(10). Pub. L. 113-66 added par. (10).

2011—Subsec. (a)(2)(E) to (G). Pub. L. 112-81 added subpar. (E) and redesignated former subpars. (E) and (F) as (F) and (G), respectively.

2001—Subsec. (a)(2)(D). Pub. L. 107-107, § 513(c), struck out “, if the site is outside reasonable commuting distance from the member's residence” before semicolon at end.

Subsec. (a)(9). Pub. L. 107-107, § 638(b)(2), substituted “section 1482(f)” for “section 1482(g)”.

2000—Subsec. (a)(1). Pub. L. 106-398 amended directory language of Pub. L. 105-261, § 645(b). See 1998 Amendment note below.

1999—Subsec. (a)(2)(F). Pub. L. 106-65 added subpar. (F).

1998—Subsec. (a)(1). Pub. L. 105-261, § 645(b), as amended by Pub. L. 106-398, struck out “, or member of an armed force without component,” after “Regular of an armed force”.

Subsec. (a)(7). Pub. L. 105-261, §645(a), amended par. (7) generally. Prior to amendment, par. (7) read as follows: "Any retired member of an armed force under his jurisdiction who becomes a patient in a United States hospital while he is on active duty for a period of more than 30 days, and who continues to be such a patient until the date of his death."

1997—Subsec. (a)(2)(D). Pub. L. 105-85 inserted "remaining overnight immediately before the commencement of inactive-duty training, or" after "(D)".

1996—Subsec. (a)(2)(C) to (E). Pub. L. 104-106 struck out "or" at end of subpar. (C), added subpar. (D), and redesignated former subpar. (D) as (E).

1994—Subsec. (a). Pub. L. 103-337, §652(a)(1)(A), substituted "the remains of the following persons:" for "the remains of—", capitalized the first letter of the first word in pars. (1) to (8), substituted a period for the last semicolon in pars. (1) to (6), substituted a period for "; and" in par. (7), and added par. (9).

Subsec. (c). Pub. L. 103-337, §652(a)(1)(B), added subsec. (c).

1986—Subsec. (a)(2), (3). Pub. L. 99-661 added par. (2) and struck out former pars. (2) and (3) which read as follows:

"(2) any Reserve of an armed force under his jurisdiction who dies while (A) on active duty, (B) performing authorized travel to or from that duty, (C) on authorized inactive-duty training, or (D) hospitalized or undergoing treatment at the expense of the United States for injury incurred, or disease contracted, while on that duty or training or while performing that travel;

"(3) any member of the Army National Guard or Air National Guard who dies while entitled to pay from the United States and while (A) on active duty, (B) performing authorized travel to or from that duty, (C) on authorized inactive-duty training, or (D) hospitalized or undergoing treatment at the expense of the United States for injury incurred, or disease contracted, while on that duty or training or while performing that travel;"

1964—Subsec. (a)(4). Pub. L. 88-647 substituted "or applicant for membership in, a reserve officers' training corps" for "the Army Reserve Officers' Training Corps, Naval Reserve Officers' Training Corps, or Air Force Reserve Officers' Training Corps".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 112-81 effective on Dec. 31, 2011, and applicable with respect to deaths that occur on or after that date, see section 651(c) of Pub. L. 112-81, set out as a note under section 1475 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-398, §1 [[div. A], title X, §1087(d)], Oct. 30, 2000, 114 Stat. 1654, 1654A-292, provided that the amendment made by section 1 [[div. A], title X, §1087(d)(3)] is effective Oct. 17, 1998, and as if included in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, Pub. L. 105-261, as enacted.

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-261, div. A, title VI, §645(c), Oct. 17, 1998, 112 Stat. 2050, provided that: "The amendment made by subsection (a) [amending this section] applies with respect to deaths occurring on or after the date of the enactment of this Act [Oct. 17, 1998]."

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-337, div. A, title VI, §652(a)(3), Oct. 5, 1994, 108 Stat. 2794, provided that: "The amendments made by this subsection [amending this section and section 1482 of this title] shall apply with respect to the remains of, and incidental expenses incident to the recovery, care, and disposition of, an individual who dies after the date of the enactment of this Act [Oct. 5, 1994]."

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.

REQUIREMENT FOR DEPLOYING MILITARY MEDICAL PERSONNEL TO BE TRAINED IN PRESERVATION OF REMAINS UNDER COMBAT OR COMBAT-RELATED CONDITIONS

Pub. L. 109-364, div. A, title V, §567, Oct. 17, 2006, 120 Stat. 2224, provided that:

"(a) REQUIREMENT.—The Secretary of each military department shall ensure that each military health care professional under that Secretary's jurisdiction who is deployed to a theater of combat operations is trained, before such deployment, in the preservation of remains under combat or combat-related conditions.

"(b) MATTERS COVERED BY TRAINING.—The training under subsection (a) shall include, at a minimum, the following:

"(1) Best practices and procedures for the preservation of the remains of a member of the Armed Forces after death, taking into account the conditions likely to be encountered and the objective of returning the remains to the member's family in the best possible condition.

"(2) Practical case studies based on experience of the Armed Forces in a variety of climactic conditions.

"(c) COVERED MILITARY HEALTH CARE PROFESSIONALS.—In this section, the term 'military health care professional' means—

"(1) a physician, nurse, nurse practitioner, physician assistant, or combat medic; and

"(2) any other medical personnel with medical specialties who may provide direct patient care and who are designated by the Secretary of the military department concerned.

"(d) EFFECTIVE DATE.—Subsection (a) shall apply with respect to any military health care professional who is deployed to a theater of combat operations after the end of the 90-day period beginning on the date of the enactment of this Act [Oct. 17, 2006]."

§ 1482. Expenses incident to death

(a) Incident to the recovery, care, and disposition of the remains of any decedent covered by section 1481 of this title, the Secretary concerned may pay the necessary expenses of the following:

(1) Recovery and identification of the remains.

(2) Notification to the next of kin or other appropriate person.

(3) Preparation of the remains for burial, including cremation if requested by the person designated to direct disposition of the remains.

(4) Furnishing of a uniform or other clothing.

(5) Furnishing of a casket or urn, or both, with outside box.

(6) Hearse service.

(7) Funeral director's services.

(8)(A) Transportation of the remains, and travel and transportation allowances as specified in regulations prescribed under section 464 of title 37 for an escort of one person, to the place, subject to subparagraph (B), selected by the person designated to direct disposition of the remains or, if such a selection is not made, to a national or other cemetery which is selected by the Secretary and in which burial of the decedent is authorized.