

ment, text read as follows: “The Secretary of a military department shall, upon request, provide an honor guard detail (or ensure that an honor guard detail is provided) for the funeral of any veteran that occurs after December 31, 1999.”

Subsec. (b). Pub. L. 106-65, § 578(b), substituted “Funeral Honors Details” for “Honor Guard Details” in subsec. (b) heading, designated existing provisions as par. (1), substituted “a funeral honors detail” for “an honor guard detail” and “two or more persons.” for “not less than three persons and (unless a bugler is part of the detail) has the capability to play a recorded version of Taps.”, redesignated subsec. (c) as subsec. (b)(2), struck out former subsec. (c) heading “Persons Forming Honor Guards”, and substituted “At least two members of the funeral honors detail for a veteran’s funeral shall be members of the armed forces, at least one of whom shall be a member of the armed force of which the veteran was a member. The remainder of the detail” for “An honor guard detail” and “Each member of the armed forces in the detail shall wear the uniform of the member’s armed force while serving in the detail.” for “The Secretary of a military department may provide transportation, or reimbursement for transportation, and expenses for a person who participates in an honor guard detail under this section and is not a member of the armed forces or an employee of the United States.”

Subsec. (c). Pub. L. 106-65, § 578(c)(2), added subsec. (c). Former subsec. (c) redesignated subsec. (b)(2).

Subsecs. (d), (e). Pub. L. 106-65, § 578(c)(2), added subsecs. (d) and (e). Former subsecs. (d) and (e) redesignated (f) and (g), respectively.

Subsec. (f). Pub. L. 106-65, § 578(d), amended heading and text of subsec. (f) generally. Prior to amendment, text read as follows: “The Secretary of Defense shall by regulation establish a system for selection of units of the armed forces and other organizations to provide honor guard details. The system shall place an emphasis on balancing the funeral detail workload among the units and organizations providing honor guard details in an equitable manner as they are able to respond to requests for such details in terms of geographic proximity and available resources. The Secretary shall provide in such regulations that the armed force in which a veteran served shall not be considered to be a factor when selecting the military unit or other organization to provide an honor guard detail for the funeral of the veteran.”

Pub. L. 106-65, § 578(c)(1), redesignated subsec. (d) as (f). Former subsec. (f) redesignated (h).

Subsec. (g). Pub. L. 106-65, § 1067(1), substituted “and the Committee on Armed Services” for “and the Committee on National Security”.

Pub. L. 106-65, § 578(c)(1), redesignated subsec. (e) as (g).

Subsec. (h). Pub. L. 106-65, § 578(e), amended heading and text of subsec. (h) generally. Prior to amendment, text read as follows: “In this section, the term ‘veteran’ has the meaning given that term in section 101(2) of title 38.”

Pub. L. 106-65, § 578(c)(1), redesignated subsec. (f) as (h).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, § 1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-163 applicable with respect to funerals and burials that occur on or after Jan. 6, 2006, see section 662(e) of Pub. L. 109-163, set out as a note under section 985 of this title.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-65, div. A, title V, § 578(a)(2), Oct. 5, 1999, 113 Stat. 625, provided that: “Section 1491(a) of title 10,

United States Code, as amended by paragraph (1), shall apply with respect to funerals that occur after December 31, 1999.”

FULL MILITARY FUNERAL HONORS FOR VETERANS AT MILITARY INSTALLATIONS

Pub. L. 116-92, div. A, title V, § 574(b), Dec. 20, 2019, 133 Stat. 1404, provided that:

“(1) **INSTALLATION PLANS FOR HONORS REQUIRED.**—The commander of each military installation at or through which a funeral honors detail for a veteran is provided pursuant to section 1491 of title 10, United States Code (as amended by subsection (a)), shall maintain and carry out a plan for the provision, upon request, of full military funeral honors at funerals of veterans for whom a funeral honors detail is authorized in that section.

“(2) **ELEMENTS.**—Each plan of an installation under paragraph (1) shall include the following:

“(A) Mechanisms to ensure compliance with the requirements applicable to the composition of funeral honors details in section 1491(b) of title 10, United States Code (as so amended).

“(B) Mechanisms to ensure compliance with the requirements for ceremonies for funerals in section 1491(c) of such title.

“(C) In addition to the ceremonies required pursuant to subparagraph (B), the provision of a gun salute, if otherwise authorized, for each funeral by appropriate personnel, including personnel of the installation, members of the reserve components of the Armed Forces residing in the vicinity of the installation who are ordered to funeral honors duty, or members of veterans organizations or other organizations referred to in section 1491(b)(2) of such title.

“(D) Mechanisms for the provision of support authorized by section 1491(d) of such title.

“(E) Such other mechanisms and activities as the Secretary concerned considers appropriate in order to assure that full military funeral honors are provided upon request at funerals of veterans.

“(3) **DEFINITIONS.**—In this subsection:

“(A) The term ‘Secretary concerned’ has the meaning given that term in section 101(a)(9) of title 10, United States Code.

“(B) The term ‘veteran’ has the meaning given that term in section 1491(h) of title 10, United States Code.”

§ 1492. Authority to provide travel and transportation allowances in connection with transfer ceremonies of certain civilian employees who die overseas

(a) **AUTHORITY.**—A covered official may treat a covered relative of a covered employee under the jurisdiction of that covered official in the same manner the Secretary of a military department treats, under section 481f(d)¹ of title 37, next of kin and family members of a member of the armed forces who dies while located or serving overseas.

(b) **DEFINITIONS.**—In this section:

(1) The term “covered employee” means a civilian employee—

(A) under the jurisdiction of a covered official; and

(B) who dies while located or serving overseas.

(2) The term “covered official” means—

(A) the Secretary of the military department concerned; and

(B) the head of a Defense Agency or Department of Defense Field Activity.

¹ See References in Text note below.

(3) The term “covered relative” means—

(A) the primary next of kin of the covered employee;

(B) two family members (other than primary next of kin) of the covered employee; and

(C) one or more additional family members of the covered employee, at the discretion of the Secretary a sibling of the covered employee.

(Added Pub. L. 116-283, div. A, title XI, §1104(a)(1), Jan. 1, 2021, 134 Stat. 3889.)

REFERENCES IN TEXT

Section 481f of title 37, referred to in subsec. (a), was repealed by Pub. L. 117-81, div. A, title VI, §604(a), Dec. 27, 2021, 135 Stat. 1767.

CHAPTER 76—MISSING PERSONS

Sec.

1501. System for accounting for missing persons.
 1501a. Public-private partnerships; other forms of support.
 1502. Missing persons: initial report.
 1503. Actions of Secretary concerned; initial board inquiry.
 1504. Subsequent board of inquiry.
 1505. Further review.
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 1508. Judicial review.
 1509. Program to resolve missing person cases.
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Editorial Notes

AMENDMENTS

2014—Pub. L. 113-291, div. A, title IX, §916(f)(2), Dec. 19, 2014, 128 Stat. 3479, added item 1501a and substituted “Program to resolve missing person cases” for “Program to resolve preenactment missing person cases” in item 1509.

2009—Pub. L. 111-84, div. A, title V, §541(b), Oct. 28, 2009, 123 Stat. 2298, substituted “Program to resolve preenactment missing person cases” for “Preenactment cases” in item 1509.

1996—Pub. L. 104-201, div. A, title V, §578(f)(2)(B), Sept. 23, 1996, 110 Stat. 2537, struck out “, special interest” after “Preenactment” in item 1509.

Statutory Notes and Related Subsidiaries

DETERMINATION AND REPORTING OF MEMBERS MISSING, ABSENT UNKNOWN, ABSENT WITHOUT LEAVE, AND DUTY STATUS-WHEREABOUTS UNKNOWN

Pub. L. 117-81, div. A, title V, §548, Dec. 27, 2021, 135 Stat. 1714, provided that:

“(a) COMPREHENSIVE REVIEW OF MISSING PERSONS REPORTING.—The Secretary of Defense shall instruct each Secretary of a military department to perform a comprehensive review of the policies and procedures of the military department concerned to determine and report a member of an Armed Force under the jurisdiction of such Secretary of a military department as missing, absent unknown, absent without leave, or duty status-whereabouts unknown.

“(b) REVIEW OF INSTALLATION-LEVEL PROCEDURES.—In addition to such other requirements as may be set forth by the Secretary of Defense pursuant to subsection (a), each Secretary of a military department shall, with regard to the military department concerned—

“(1) direct each commander of a military installation, including any tenant command or activity present on such military installation, to review policies and procedures for carrying out the determination and reporting activities described in subsection (a); and

“(2) update such installation-level policies and procedures, including any tenant command or activity policies and procedures, to improve force protection, enhance security for members living on the military installation, and promote reporting at the earliest practicable time to local law enforcement (at all levels) and Federal law enforcement field offices with overlapping jurisdiction with that installation, when a member is determined to be missing, absent unknown, absent without leave, or duty status-whereabouts unknown.

“(c) INSTALLATION-SPECIFIC REPORTING PROTOCOLS.—

“(1) IN GENERAL.—Each commander of a military installation shall establish a protocol applicable to all persons and organizations present on the military installation, including tenant commands and activities, for sharing information with local and Federal law enforcement agencies about members who are missing, absent-unknown, absent without leave, or duty status-whereabouts unknown. The protocol shall provide for the immediate entry regarding the member concerned in the Missing Persons File of the National Crimes Information Center data and for the commander to immediately notify all local law enforcement agencies with jurisdictions in the immediate area of the military installation, when the status of a member assigned to such installation has been determined to be missing, absent unknown, absent without leave, or duty status-whereabouts unknown.

“(2) REPORTING TO MILITARY INSTALLATION COMMAND.—Each commander of a military installation shall submit the protocol established pursuant to paragraph (1) to the Secretary of the military department concerned.

“(d) REPORT REGARDING NATIONAL GUARD.—Not later than June 1, 2022, the Secretary of Defense shall submit, to the Committees on Armed Services of the Senate and House of Representatives, a report on the feasibility of implementing subsections (a), (b), and (c), with regards to facilities of the National Guard. Such report shall include recommendations of the Secretary, including a proposed timeline for implementing the provisions of such subsections that the Secretary determines feasible.”

§ 1501. System for accounting for missing persons

(a) RESPONSIBILITY FOR MISSING PERSONS.—

(1)(A) The Secretary of Defense shall designate a single organization within the Department of Defense to have responsibility for Department matters relating to missing persons from past conflicts, including accounting for missing persons and persons whose remains have not been recovered from the conflict in which they were lost.

(B) The organization designated under this paragraph shall be a Defense Agency or other entity of the Department of Defense outside the military departments and is referred to in this chapter as the “designated Defense Agency”.

(C) The head of the organization designated under this paragraph is referred to in this chapter as the “designated Agency Director”.

(2) Subject to the authority, direction, and control of the Secretary of Defense, the responsibilities of the designated Agency Director shall include the following:

(A) Policy, control, and oversight of the program established under section 1509 of this title.