

## EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 110-157, title II, §203(b), Dec. 26, 2007, 121 Stat. 1833, provided that: "Notwithstanding subsection (d) of section 502 of the Veterans Education and Benefits Expansion Act of 2001 (Public Law 107-103; 115 Stat. 995; 38 U.S.C. 2306 note) or any other provision of law, the amendments made by that section and by subsections (a), (b), (c), (d), and (f) of section 402 of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461; 120 Stat. 3429) [amending this section] shall take effect as of November 1, 1990, and shall apply with respect to headstones and markers for the graves of individuals dying on or after that date."

Pub. L. 109-461, title IV, §401(c), Dec. 22, 2006, 120 Stat. 3429, provided that: "The amendments made by subsections (a) and (b) [amending this section] shall apply with respect to individuals dying after the date of the enactment of this Act [Dec. 22, 2006]."

## EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-330 applicable with respect to deaths occurring on or after Dec. 6, 2002, see section 201(d) of Pub. L. 107-330, set out as a note under section 112 of this title.

## EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by section 502 of Pub. L. 107-103 effective Nov. 1, 1990, and applicable with respect to headstones and markers for the graves of individuals dying on or after that date, see section 203(b) of Pub. L. 110-157, set out as an Effective Date of 2006 Amendment note above.

Pub. L. 107-103, title V, §502(d), Dec. 27, 2001, 115 Stat. 995, as amended by Pub. L. 107-330, title II, §203(a), Dec. 6, 2002, 116 Stat. 2824, provided that: "The amendments made by subsections (a) and (b) [amending this section] shall apply with respect to markers for the graves of individuals dying on or after September 11, 2001."

[Pub. L. 107-330, title II, §203(b), Dec. 6, 2002, 116 Stat. 2824, provided that: "The amendment made by subsection (a) [amending section 502(d) of Pub. L. 107-103, set out above] shall take effect as if included in the enactment of such section 502."]

## EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-368, title IV, §401(d), Nov. 11, 1998, 112 Stat. 3335, provided that: "The amendments made by subsections (a) and (b) [amending this section] shall apply to deaths occurring after the date of the enactment of this Act [Nov. 11, 1998]."

## EFFECTIVE DATE OF 1990 AMENDMENT

Pub. L. 101-508, title VIII, §8041(b), Nov. 5, 1990, 104 Stat. 1388-349, provided that: "This section [amending this section] shall apply to deaths occurring on or after November 1, 1990."

## EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101-237, title V, §504(b), Dec. 18, 1989, 103 Stat. 2094, provided that: "The amendment made by subsection (a) [amending this section] shall apply to interments that occur after January 1, 1990."

## EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-66 applicable with respect to veterans dying before, on, or after Oct. 17, 1981, see section 701(b)(6) of Pub. L. 97-66, set out as a note under section 1114 of this title.

## EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-385 applicable only with respect to individuals who die after Sept. 30, 1980, see section 601(c) of Pub. L. 96-385, set out as a note under section 1114 of this title.

## EFFECTIVE DATE OF 1978 AMENDMENTS

Amendment by Pub. L. 95-479 effective Oct. 1, 1978, see section 401(a) of Pub. L. 95-479, set out as a note under section 1114 of this title.

Amendment by Pub. L. 95-476 effective Oct. 18, 1978, see section 205(a) of Pub. L. 95-476, set out as a note under section 2303 of this title.

## EFFECTIVE DATE

Pub. L. 93-43, §10(c), June 18, 1973, 87 Stat. 88, provided that: "Clause (2) of section 5(a) [enacting this section and section 907 [now 2307] of this title] and sections 6 [enacting provisions set out a note under section 2404 of this title] and 7 [repealing sections 271 to 276, 278 to 279d, 281 to 282, 286 to 290, and 296 of Title 24, Hospitals and Asylums, and enacting provisions set out as notes under sections 271 to 276 of Title 24] of this Act shall take effect September 1, 1973, or on such earlier date as the President may prescribe and publish in the Federal Register."

## CONTINUATION OF AUTHORITY

Pub. L. 110-92, §162, as added by Pub. L. 110-149, §2, Dec. 21, 2007, 121 Stat. 1819, provided that: "Notwithstanding section 106 [121 Stat. 990], the authority provided by section 2306(d)(3) of title 38, United States Code, shall continue in effect through September 30, 2008."

**§ 2307. Death from service-connected disability**

In any case in which a veteran dies as the result of a service-connected disability or disabilities, the Secretary, upon the request of the survivors of such veteran, shall pay the burial and funeral expenses incurred in connection with the death of the veteran in an amount not exceeding the greater of (1) \$2,000, or (2) the amount authorized to be paid under section 8134(a) of title 5 in the case of a Federal employee whose death occurs as the result of an injury sustained in the performance of duty. Funeral and burial benefits provided under this section shall be in lieu of any benefits authorized under sections 2302 and 2303(a)(1) and (b)(2) of this title.

(Added Pub. L. 93-43, §5(a)(2), June 18, 1973, 87 Stat. 80, §907; amended Pub. L. 95-479, title III, §303(c), Oct. 18, 1978, 92 Stat. 1565; Pub. L. 100-322, title III, §303, May 20, 1988, 102 Stat. 534; Pub. L. 101-237, title III, §313(b)(1), Dec. 18, 1989, 103 Stat. 2077; renumbered §2307 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 107-103, title V, §501(a)(1), Dec. 27, 2001, 115 Stat. 994; Pub. L. 108-183, title V, §501(b), Dec. 16, 2003, 117 Stat. 2667; Pub. L. 116-315, title II, §2202(b)(1)(B), Jan. 5, 2021, 134 Stat. 4985.)

## AMENDMENT OF SECTION

*Pub. L. 116-315, title II, §2202(b)(1)(B), (d), Jan. 5, 2021, 134 Stat. 4985, provided that, applicable to deaths that occur on or after the date that is two years after Jan. 5, 2021, this section is amended by striking "sections 2302 and 2303(a)(1) and (b)(2) of this title" and inserting "subsections (a)(1) and (b)(2) of section 2303 of this title". See 2021 Amendment note below.*

**Editorial Notes**

## AMENDMENTS

2021—Pub. L. 116-315 substituted "subsections (a)(1) and (b)(2) of section 2303 of this title" for "sections 2302 and 2303(a)(1) and (b)(2) of this title".

2003—Subsec. (b). Pub. L. 108-183 substituted "and (b)(2)" for "and (b)" in last sentence.

2001—Pub. L. 107-103 substituted "\$2,000" for "\$1,500".

1991—Pub. L. 102-83 renumbered section 907 of this title as this section and substituted "2302 and 2303(a)(1)" for "902 and 903(a)(1)".

1989—Pub. L. 101-237 substituted “Secretary” for “Administrator”.

1988—Pub. L. 100-322 substituted “\$1,500” for “\$1,100”.

1978—Pub. L. 95-479 inserted “the greater of (1) \$1,100, or (2)” after “not exceeding”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 116-315 applicable to deaths that occur on or after the date that is two years after Jan. 5, 2021, see section 2202(d) of Pub. L. 116-315, set out as a note under section 113 of this title.

##### EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-103, title V, §501(a)(2), Dec. 27, 2001, 115 Stat. 994, provided that: “The amendment made by paragraph (1) [amending this section] shall apply to deaths occurring on or after September 11, 2001.”

##### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-322 effective Apr. 1, 1988, see section 304 of Pub. L. 100-322, set out as a note under section 2102 of this title.

##### EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-479 effective Oct. 1, 1978, see section 401(a) of Pub. L. 95-479, set out as a note under section 1114 of this title.

##### EFFECTIVE DATE

Section effective Sept. 1, 1973, or such earlier date as the President may prescribe and publish in the Federal Register, see section 10(c) of Pub. L. 93-43, set out as a note under section 2306 of this title.

#### § 2308. Transportation of deceased veteran to a national cemetery

(a) IN GENERAL.—The Secretary may pay, in addition to any amount paid pursuant to section 2302 or 2307 of this title, the cost of transportation of the deceased veteran described in subsection (b) for burial in a national cemetery. Such payment shall not exceed the cost of transportation to the national cemetery nearest the veteran's last place of residence in which burial space is available.

(b) DECEASED VETERAN DESCRIBED.—A deceased veteran described in this subsection is any of the following veterans:

(1) A veteran who dies as the result of a service-connected disability.

(2) A veteran who dies while in receipt of disability compensation (or who but for the receipt of retirement pay or pension under this title, would have been entitled to compensation).

(3) A veteran whom the Secretary determines is eligible for funeral expenses under section 2302 of this title by virtue of the Secretary determining that the veteran has no next of kin or other person claiming the body of such veteran pursuant to subsection (a)(2)(A) of such section.

(Added Pub. L. 94-433, title III, §304(a), Sept. 30, 1976, 90 Stat. 1377, §908; amended Pub. L. 101-237, title III, §313(b)(1), Dec. 18, 1989, 103 Stat. 2077; renumbered §2308 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 112-260, title I, §104(b)(2), Jan. 10, 2013, 126 Stat. 2420; Pub. L. 116-315, title II, §§2201(a)-(c), 2202(b)(1)(C), Jan. 5, 2021, 134 Stat. 4983, 4985.)

##### AMENDMENT OF SECTION

Pub. L. 116-315, title II, §2201(a)-(c), (e), Jan. 5, 2021, 134 Stat. 4983, provided that, effective

on the date that is two years after Jan. 5, 2021, this section is amended as follows:

(1) in the section catchline, by adding at the end “or a covered veterans' cemetery”;

(2) in subsection (a), by striking “in a national cemetery” and inserting “in a national cemetery or a covered veterans' cemetery”;

(3) by adding at the end the following new subsection:

(c) Covered Veterans' Cemetery Defined.—In this section, the term “covered veterans' cemetery” means a veterans' cemetery—

(1) in which a deceased veteran described in subsection (b) is eligible to be buried;

(2) that—

(A) is owned by a State; or

(B) is on trust land owned by, or held in trust for, a tribal organization; and

(3) for which the Secretary has made a grant under section 2408 of this title.

See 2021 Amendment notes below.

Pub. L. 116-315, title II, §2202(b)(1)(C), (d), Jan. 5, 2021, 134 Stat. 4985, provided that, applicable to deaths that occur on or after the date that is two years after Jan. 5, 2021, this section is amended as follows:

(1) in subsection (a), by striking “pursuant to section 2302 or 2307 of this title,” and inserting “pursuant to section 2303 of this title regarding veterans described in subparagraph (B) or (C) of subsection (a)(2) of such section, or pursuant to section 2307 of this title,”; and

(2) in subsection (b)(3), by striking “section 2302” and inserting “section 2303” and by striking “subsection (a)(2)(A)” and inserting “subsection (a)(2)(C)”.

See 2021 Amendment notes below.

#### Editorial Notes

##### AMENDMENTS

2021—Pub. L. 116-315, §2201(c), inserted “or a covered veterans' cemetery” after “national cemetery” in section catchline.

Subsec. (a). Pub. L. 116-315, §2202(b)(1)(C)(i), substituted “pursuant to section 2303 of this title regarding veterans described in subparagraph (B) or (C) of subsection (a)(2) of such section, or pursuant to section 2307 of this title,” for “pursuant to section 2302 or 2307 of this title.”

Pub. L. 116-315, §2201(a), substituted “in a national cemetery or a covered veterans' cemetery” for “in a national cemetery”.

Subsec. (b)(3). Pub. L. 116-315, §2202(b)(1)(C)(ii), substituted “section 2303” for “section 2302” and “subsection (a)(2)(C)” for “subsection (a)(2)(A)”.

Subsec. (c). Pub. L. 116-315, §2201(b), added subsec. (c).

2013—Pub. L. 112-260 designated existing provisions as subsec. (a), inserted heading, substituted “The Secretary” for “Where a veteran dies as the result of a service-connected disability, or is in receipt of (but for the receipt of retirement pay or pension under this title would have been entitled to) disability compensation, the Secretary”, inserted “described in subsection (b)” after “of the deceased veteran”, and added subsec. (b).

1991—Pub. L. 102-83 renumbered section 908 of this title as this section and substituted “2302 or 2307” for “902 or 907”.

1989—Pub. L. 101-237 substituted “Secretary” for “Administrator”.