

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”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 116-315, title II, §2201(e), Jan. 5, 2021, 134 Stat. 4983, provided that: "The amendments made by this section [amending this section] shall take effect on the date that is two years after the date of the enactment of this Act [Jan. 5, 2021]."

Amendment by section 2202(b)(1)(C) of 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 2013 AMENDMENT

Amendment by Pub. L. 112-260 effective on the date that is one year after Jan. 10, 2013, and applicable with respect to burials and funerals occurring on or after that date, see section 104(b)(3) of Pub. L. 112-260, set out as a note under section 2302 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as an Effective Date of 1976 Amendment note under section 1101 of this title.

CHAPTER 24—NATIONAL CEMETERIES AND MEMORIALS

Sec.

2400. Establishment of National Cemetery Administration; composition of Administration.
2401. Advisory Committee on Cemeteries and Memorials.
2402. Persons eligible for interment in national cemeteries.
2403. Memorial areas.
2404. Administration.
2405. Disposition of inactive cemeteries.
2406. Acquisition of lands.
2407. Authority to accept and maintain suitable memorials.
2408. Aid to States, counties, and tribal organizations for establishment, expansion, and improvement of veterans' cemeteries.
2409. Memorial areas in Arlington National Cemetery.
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- 2410A. Arlington National Cemetery: other administrative matters.
2411. Prohibition against interment or memorialization in the National Cemetery Administration or Arlington National Cemetery of persons committing Federal or State capital crimes.
2412. Lease of land and buildings.
2413. Prohibition on certain demonstrations and disruptions at cemeteries under control of the National Cemetery Administration and at Arlington National Cemetery.
2414. Communication between Department of Veterans Affairs and medical examiners and funeral directors.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-315, title II, §2205(b)(2), Jan. 5, 2021, 134 Stat. 4987, inserted ", counties, and tribal organizations" after "States" in item 2408.

2013—Pub. L. 112-260, title I, §103(b), Jan. 10, 2013, 126 Stat. 2420, added item 2414.

2012—Pub. L. 112-154, title VI, §§601(c)(2), 602(b), Aug. 6, 2012, 126 Stat. 1199, 1200, added items 2410A and 2413 and struck out former item 2413 "Prohibition on certain demonstrations at cemeteries under control of the National Cemetery Administration and at Arlington National Cemetery".

2006—Pub. L. 109-228, §2(a)(2), May 29, 2006, 120 Stat. 388, added item 2413.

2004—Pub. L. 108-454, title VI, §602(b), Dec. 10, 2004, 118 Stat. 3624, added item 2412.

1998—Pub. L. 105-368, title IV, §403(c)(4), (d)(1), Nov. 11, 1998, 112 Stat. 3338, 3339, substituted "Administration; composition of Administration" for "System; composition of such system; appointment of director" in item 2400 and "Administration" for "System" in item 2411.

1997—Pub. L. 105-116, §1(b), Nov. 21, 1997, 111 Stat. 2382, added item 2411.

1991—Pub. L. 102-83, §5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 1000 to 1010 as 2400 to 2410, respectively.

1989—Pub. L. 101-237, title V, §502(b), Dec. 18, 1989, 103 Stat. 2093, added item 1010.

1986—Pub. L. 99-576, title IV, §413(b), Oct. 28, 1986, 100 Stat. 3284, added item 1009.

1978—Pub. L. 95-476, title II, §202(b)(2), Oct. 18, 1978, 92 Stat. 1505, added item 1008.

§2400. Establishment of National Cemetery Administration; composition of Administration

(a) There shall be within the Department a National Cemetery Administration responsible for the interment of deceased servicemembers and veterans. The National Cemetery Administration shall be headed by the Under Secretary for Memorial Affairs, who shall perform such functions as may be assigned by the Secretary.

(b) The national cemeteries and other facilities under the control of the National Cemetery Administration shall consist of—

(1) national cemeteries transferred from the Department of the Army to the Veterans' Administration by the National Cemeteries Act of 1973;

(2) cemeteries under the jurisdiction of the Veterans' Administration on the date of enactment of this chapter; and

(3) any other cemetery, memorial, or monument transferred to the Veterans' Administration by the National Cemeteries Act of 1973, or later acquired or developed by the Secretary.

(Added Pub. L. 93-43, §2(a), June 18, 1973, 87 Stat. 75, §1000; amended Pub. L. 99-576, title VII, §701(52), Oct. 28, 1986, 100 Stat. 3295; Pub. L. 100-527, §13(i), Oct. 25, 1988, 102 Stat. 2644; Pub. L. 101-237, title III, §313(b)(1), Dec. 18, 1989, 103 Stat. 2077; renumbered §2400 and amended Pub. L. 102-83, §§4(a)(3), (4), 5(a), Aug. 6, 1991, 105 Stat. 404, 406; Pub. L. 105-368, title IV, §403(c)(3), Nov. 11, 1998, 112 Stat. 3338.)

Editorial Notes

REFERENCES IN TEXT

The National Cemeteries Act of 1973, referred to in subsec. (b)(1), (3), is Pub. L. 93-43, June 18, 1973, 87 Stat. 75, as amended, which is classified principally to this chapter (§2400 et seq.). For complete classification of this Act to the Code, see section 1 of Pub. L. 93-43 set out as a Short Title of 1973 Amendment note under section 101 of this title and Tables.

For national cemeteries transferred from the Department of the Army to the Veterans' Administration by the National Cemeteries Act of 1973, and any other cemetery, memorial, or monument transferred to the Veterans' Administration by the National Cemeteries Act of 1973, referred to in subsec. (b)(1), (3), see Transfer of Functions note set out under section 2404 of this title.

The date of enactment of this chapter, referred to in subsec. (b)(2), is the date of enactment of Pub. L. 93-43, which was approved June 18, 1973.