

date of correction of the discharge. If a claimant's application is incomplete at the time it is originally submitted, the Secretary shall notify the applicant of the evidence necessary to complete the application. If such evidence is not received within one year from the date of such notification, no allowance may be paid.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1170, §904; Pub. L. 88-3, Apr. 2, 1963, 77 Stat. 4; Pub. L. 91-24, §7, June 11, 1969, 83 Stat. 34; Pub. L. 99-576, title VII, §701(51), Oct. 28, 1986, 100 Stat. 3295; Pub. L. 101-237, title III, §313(b)(1), Dec. 18, 1989, 103 Stat. 2077; renumbered §2304 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 116-315, title II, §2202(b)(1)(A), Jan. 5, 2021, 134 Stat. 4985.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-315 substituted “Applications for payments under section 2303 of this title regarding veterans described in subparagraph (B) or (C) of subsection (a)(2) of such section” for “Applications for payments under section 2302 of this title”.

1991—Pub. L. 102-83 renumbered section 904 of this title as this section and substituted “2302” for “902”.

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

1986—Pub. L. 99-576 substituted “the veteran’s” for “his” in three places.

1969—Pub. L. 91-24 substituted “two years from the date of correction of the discharge” for “two years from whichever last occurs, the date of correction of the discharge or the date of enactment of this sentence”.

1963—Pub. L. 88-3 authorized payment of a burial allowance in cases where it was not payable at death because of the nature of the veteran’s discharge, where such discharge has been corrected by competent authority to reflect conditions other than dishonorable, and the claim is filed within two years from whichever last occurs, the date of correction of the discharge or the date of enactment of Pub. L. 88-3 [approved Apr. 2, 1963].

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.

§ 2305. Persons eligible under prior law

The death of any person who had a status which would, under the laws in effect on December 31, 1957, afford entitlement to the burial benefits and other benefits provided for in this chapter, but who did not meet the service requirements contained in this chapter, shall afford entitlement to such benefits, notwithstanding the failure of such person to meet such service requirements.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1170, §905; renumbered §2305, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

Editorial Notes

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 905 of this title as this section.

§ 2306. Headstones, markers, and burial receptacles

(a) The Secretary shall furnish, when requested, appropriate Government headstones or markers at the expense of the United States for the unmarked graves of the following:

(1) Any individual buried in a national cemetery or in a post cemetery.

(2) Any individual eligible for burial in a national cemetery (but not buried there), except for those persons or classes of persons enumerated in section 2402(a)(4), (5), and (6) of this title.

(3) Soldiers of the Union and Confederate Armies of the Civil War.

(4) Any individual described in section 2402(a)(5) of this title who is buried in a veterans’ cemetery owned by a State or a veterans’ cemetery owned by a tribal organization or on land owned by or held in trust for a tribal organization.

(5) Any individual who at the time of death was entitled to retired pay under chapter 1223 of title 10 or would have been entitled to retired pay under that chapter but for the fact that the person was under 60 years of age.

(b)(1) The Secretary shall furnish, when requested, an appropriate memorial headstone or marker for the purpose of commemorating an eligible individual whose remains are unavailable. Such a headstone or marker shall be furnished for placement in a national cemetery area reserved for that purpose under section 2403 of this title, a veterans’ cemetery owned by a State, a veterans’ cemetery of a tribal organization or on land owned by or held in trust for a tribal organization, or, in the case of a veteran, in a State, local, or private cemetery.

(2) For purposes of paragraph (1), an eligible individual is any of the following:

(A) A veteran.

(B) An individual who dies on or after November 11, 1998, who is the spouse or surviving spouse of a veteran, or the spouse of a member of the Armed Forces serving on active duty under conditions other than dishonorable, as shown by a statement from a general court-martial convening authority, at the time of the spouse’s death if such death occurs before October 1, 2024.

(C) An individual who dies on or after November 11, 1998, who is an eligible dependent child of a veteran, or the eligible dependent child of a member of the Armed Forces serving on active duty under conditions other than dishonorable, as shown by a statement from a general court-martial convening authority, at the time of the child’s death if such death occurs before October 1, 2024.

(3) For purposes of paragraph (1), the remains of an individual shall be considered to be unavailable if the individual’s remains—

(A) have not been recovered or identified;

(B) were buried at sea, whether by the individual’s own choice or otherwise;

(C) were donated to science; or

(D) were cremated and the ashes scattered without interment of any portion of the ashes.

(4) For purposes of this subsection:

(A) The term “veteran” includes an individual who dies in the active military, naval, air, or space service.