

veteran described in subparagraph (A) of section 2303(a)(2) of title 38, United States Code.

“(b) VETERAN DESCRIBED.—A veteran described in this subsection is a veteran who dies in a home or other setting at which the deceased veteran was, at the time of death, receiving hospice care pursuant to section 1717(a) of such title if such care was directly preceded by the Secretary furnishing to the veteran hospital care or nursing home care described in clause (ii) of such subparagraph [probably means subpar. (A) of section 2303(a)(2) of title 38, United States Code].

“(c) EFFECTIVE DATE; APPLICABILITY.—This section shall apply with respect to deaths that occur—

- “(1) on or after the date that is 180 days after the date of the enactment of this Act [Jan. 2, 2025]; and  
“(2) before October 1, 2026.”

**PLOT AND INTERMENT ALLOWANCES FOR VETERANS BURIED BEFORE MARCH 15, 2022, IN CEMETERIES ON TRUST LAND OWNED BY, OR HELD IN TRUST FOR, TRIBAL ORGANIZATIONS**

Pub. L. 117-355, § 2, Jan. 5, 2023, 136 Stat. 6278, provided that: “The Secretary of Veterans Affairs shall pay a plot or interment allowance under paragraph (1) of section 2303(b) of title 38, United States Code, for a veteran if—

- “(1) the veteran was buried, before March 15, 2022, in a cemetery, or in a section of a cemetery, that is on trust land owned by, or held in trust for, a tribal organization;  
“(2) the tribal organization that is responsible for operating and maintaining the cemetery, or the section of cemetery, applies for such allowance;  
“(3) a plot or interment allowance was not already paid for the burial of such veteran under paragraph (2) of such section; and  
“(4) the burial of the veteran otherwise meets the requirements under paragraph (1) of such section.”

**§ 2304. Claims for reimbursement**

Applications for payments under section 2303 of this title regarding veterans described in subparagraph (B) or (C) of subsection (a)(2) of such section must be filed within two years after the burial of the veteran. If the burial allowance was not payable at the death of the veteran because of the nature of the veteran's discharge from the service, but after the veteran's death the veteran's discharge has been corrected by competent authority so as to reflect a discharge from the service under conditions other than dishonorable, then the burial allowance may be paid if a claim is filed within two years from the 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 vet-

erans 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