

Public Law 495

CHAPTER 507

AN ACT

July 15, 1954
[S. 1999]

To provide for the recovery, care, and disposition of the remains of members of the uniformed services and certain other personnel, and for other purposes.

Overseas per-
sonnel.
Remains.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the Secretary of the Treasury, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare (hereafter in this Act individually and severally referred to as the Secretary) are hereby respectively granted the powers and authorities hereafter in this Act enumerated and defined.

Recovery, care,
and disposition.

SEC. 2. The Secretary is authorized to provide for the recovery, care and disposition of the remains of persons within the classes enumerated in section 3 hereof and, incident thereto, to pay the necessary expenses incurred for (a) notification to the next of kin or other appropriate person; (b) recovery and identification of remains; (c) preparation of remains for burial (including cremation of remains, upon request of the person recognized as the one to direct the disposition of the remains); (d) furnishing of a casket or urn, or both, with outside box; (e) hearse service; (f) funeral director's services; (g) transportation of remains and an escort of one person, including round-trip transportation and prescribed allowances for such escort, to the town or city, or national or other cemetery, designated by the person recognized as the person to direct the disposition of the remains or, in the absence of such designation, to a national or other cemetery designated by the Secretary in which burial of the decedent is authorized; (h) furnishing of a uniform or other articles of clothing; (i) presentation of a flag of the United States to the person recognized as the one to direct the disposition of the remains, except that the presentation of a flag shall not be authorized in the case of a military prisoner who dies while in his custody and whose sentence includes a discharge other than honorable; and (j) interment of remains.

Military person-
nel.

Reserve compo-
nents.

SEC. 3. The expenses authorized by section 2 hereof may be incurred by the Secretary in respect of (a) military personnel, including commissioned officers of the Coast and Geodetic Survey and the Public Health Service, who die while on active duty; (b) members of a reserve component of the Army, Navy and Marine Corps, Air Force, Coast Guard, Coast and Geodetic Survey, and Public Health Service, of the federally recognized National Guard or Air National Guard (in respect of duty for which they are entitled by law to receive pay from the Federal Government), or of the National Guard or Air National Guard of the United States, who die while on active duty, active duty for training, or while performing authorized travel to or from such service, or who die while on inactive duty training pursuant to proper authority, or who die while hospitalized or undergoing treatment at Government expense, as authorized by law, for injuries, illness, or disease contracted or incurred while on such service or inactive duty training or such authorized travel; (c) members of a Reserve Officers' Training Corps of the Army, Navy, and Air Force who die while attending training camps or on authorized practice cruises, pursuant to proper authority, or while performing authorized travel to or from such camps or cruises or while hospitalized or undergoing treatment at Government expense, as authorized by law, for injury, disease or illness contracted or incurred while attending such camps or on such cruises or authorized travel; (d) accepted applicants for enlistment in the Army, Navy and Marine Corps, Air Force, and Coast Guard; (e) former enlisted members of the Army, Navy

ROTC.

Accepted en-
listees.

Hospitalized
former enlistees.

and Marine Corps, Air Force, and Coast Guard who shall have been discharged in United States Government hospitals and who continue as patients in such hospitals to the date of their death; (f) retired members of the Army, Navy and Marine Corps, Air Force, and Coast Guard, and the reserve components thereof, hospitalized during periods of extended active duty, who continue as patients in United States Government hospitals to the date of their death; and (g) military prisoners who die while in his custody.

SEC. 4. The benefits of this Act shall not be denied in respect of a person within the classes enumerated in subsections (a), (b), (c), (d), (e), and (f) of section 3 hereof on the ground that such person was temporarily absent from active duty with or without leave at the time of his death, unless such person shall have prior to the time of his death been dropped from the rolls of his organization.

SEC. 5. The Secretary is authorized to provide for the care and disposition of the remains of prisoners of war and interned enemy aliens who die while in his custody, and, incident thereto, to pay the necessary expenses incurred for (a) notification to the next of kin or other appropriate person; (b) preparation of the remains for burial (including cremation); (c) furnishing of a casket or urn, or both, with outside box; (d) transportation of remains to the town, city, or cemetery designated by the Secretary; (e) furnishing of articles of clothing; and (f) interment of remains.

SEC. 6. The Secretary is authorized to provide for the care and disposition of the remains of pensioners and indigent patients who die in hospitals maintained and operated by him and persons dying on military reservations, and, incident thereto, to pay the necessary expenses incurred for (a) notification to the next of kin or other appropriate person; (b) preparation of remains for burial (including cremation); (c) furnishing of a casket or urn, or both, with outside box; (d) furnishing of articles of clothing; (e) transportation to a cemetery designated by the Secretary; and (f) interment of remains. However, no expenses shall be incurred pursuant to this section unless proper disposition of such remains cannot otherwise be made.

SEC. 7. (a) The Secretary is authorized, in the case of dependents of military personnel, including commissioned officers of the Coast and Geodetic Survey and the Public Health Service, on active duty, who die while residing with such military personnel at a place of duty outside the continental limits of the United States or in Alaska or while in transit to or from such place of duty, to provide for, and to pay the necessary expenses incurred for, the transportation of remains to such person's home or to such other place as the Secretary shall determine to be the appropriate place of interment. Mortuary services and supplies may be furnished, if practicable, by the Secretary in respect of such dependents on a reimbursable basis where local commercial mortuary facilities and supplies are not available, or if available, the cost thereof is prohibitive in the opinion of the Secretary. Reimbursement for the cost of mortuary services and supplies furnished under the authority of this subsection shall be collected and credited to current appropriations available for the payments of such costs.

(b) Section 1 of the Act entitled "An Act to defray the costs of returning to the United States the remains, families, and effects of officers and employees dying abroad, and for other purposes", approved July 8, 1940 (54 Stat. 743), is amended by adding a new clause (c) thereto to read as follows:

"(c) In the case of dependents of a civilian officer or employee who died while residing with such civilian officer or employee performing official duties at a place outside the continental United States or in Alaska or while in transit thereto or therefrom, the head of the depart-

Retired members.

Military prisoners.

Absence from duty at death.

Authorized expenses. Prisoners of war, etc.

Hospitalized pensioners, etc.

Limitation.

Dependents of military personnel.

Reimbursement.

Death outside U. S.

5 USC 103a, 103b.

Dependent of civilian employee.

ment concerned is authorized to pay the necessary expenses incurred for the transportation of remains to such person's home or to such other place as the head of the department concerned shall determine to be the appropriate place for interment. Mortuary services and supplies may be furnished, if practicable, by the department concerned in respect of such dependents on a reimbursable basis where local commercial mortuary facilities and supplies are not available, or if available, the cost thereof is prohibitive in the opinion of the head of such department. Reimbursement for the cost of mortuary services and supplies furnished under the authority of this subsection shall be collected and credited to current appropriations available for the payment of such costs."

Reimbursement.

SEC. 8. In the case of death occurring outside the continental limits of the United States or in Alaska, if local commercial mortuary facilities and supplies are not available, or if available the cost thereof is prohibitive in the opinion of the Secretary, mortuary services and supplies may be furnished by the Secretary on a reimbursable basis in respect of citizens of the United States who are (a) employees of humanitarian agencies accredited to the Armed Forces of the United States, such as the American Red Cross and United Service Organization, Incorporated; (b) civilians performing services directly for the Secretary by virtue of employment by an agency under contract with the Secretary; (c) masters, officers, and members of crews of merchant vessels operated by or for the account of the United States through the Secretary; (d) personnel on duty with the Armed Forces of the United States who are paid from nonappropriated funds; (e) persons within a class not specifically enumerated in this section, upon the specific request of the Department of State; or (f) dependents of citizens of the United States within the classes enumerated in this section who at the time of death reside abroad with the supporting citizen concerned. Government transportation for the remains of persons specified in this section to a port of entry in the United States may be furnished by the Secretary on a reimbursable basis. Reimbursement for the cost of services, supplies, and transportation furnished under the authority of this section shall be collected and credited to current appropriations available for such costs.

Red Cross, USO, etc.

Civilians.

Merchant vessel crews.

Armed Forces.

State Department requests.
Dependents.

Temporary interment.

SEC. 9. The Secretary is authorized, when such action is necessary for the temporary interment of remains pending transportation to a designated cemetery as authorized by this Act, to acquire by purchase or otherwise, and to provide for the care and maintenance of, single or multiple grave sites in commercial cemeteries, or to acquire the right to use such grave sites for burial purposes. In the case of death occurring in locations outside continental United States where temporary commercial grave sites are not available on a reasonable basis, the Secretary is authorized to acquire land, or the right to use land, necessary for the temporary interment of remains as authorized by this Act.

Transfer of remains.

SEC. 10. The Secretary is authorized to provide for the removal of remains from cemeteries on military reservations (including installation cemeteries), when such cemeteries have been, or are to be, discontinued, to national cemeteries, other installation cemeteries, or other cemeteries and for the removal from places of temporary interment, abandoned graves or abandoned cemeteries to national cemeteries, of the remains of military personnel whose last service terminated honorably by death or otherwise.

Reimbursement to individuals.

SEC. 11. In any case where expenses which are allowable under section 2 of this Act are borne by individuals, reimbursement to such individuals or their representatives may be made by the Secretary for such expenses in an amount not in excess of the cost normally incurred by the Secretary in furnishing such services or supplies as authorized

herein. No reimbursement, however, shall be made under this section for any expenses incurred prior to the date of the enactment of this Act which would not have been a proper charge against the Government at the time of the incurring of such expenses. The reimbursements authorized herein shall be in lieu of but not in addition to reimbursements for like purposes which may be otherwise authorized by Federal law or regulation, but a person entitled to any reimbursement under this section may elect under which provision of Federal law or regulation to claim such reimbursement.

SEC. 12. The Secretary may issue such regulations as may be necessary to carry out the purposes of this Act. The person recognized under such regulations as the person to direct the disposition of the remains of a deceased person shall be either a surviving spouse, a blood relative, or an adoptive relative of the deceased person, or, if none of such persons can be ascertained and located, a person standing in loco parentis to the deceased person.

SEC. 13. There are authorized to be appropriated from time to time such amounts as may be necessary to carry out the provisions of this Act.

SEC. 14. (a) Section 212 (a) (1) of the Public Health Service Act, approved July 1, 1944 (58 Stat. 682), is amended by deleting therefrom the phrase "burial payments in the event of death,".

(b) Section 506 of the Public Health Service Act, approved July 1, 1944 (58 Stat. 682), is amended by adding at the end thereof a new sentence reading as follows: "Appropriations available for carrying out the provisions of this Act shall also be available for the payment of such expenses relating to the recovery, care, and disposition of the remains of personnel or their dependents as may be authorized under other provisions of law."

(c) The following laws or parts of laws are hereby repealed:

(1) The Act of March 9, 1928 (45 Stat. 251, ch. 162), as amended by the Act of May 17, 1938 (52 Stat. 398);

(2) The Act of May 26, 1928 (45 Stat. 767, ch. 779);

(3) The fourth sentence and the first proviso of the Act of June 15, 1936 (49 Stat. 1507);

(4) The Act of April 20, 1940 (54 Stat. 144); and

(5) Title 14, United States Code, sections 504, 505, and 506.

SEC. 15. Section 9 of the Act of January 19, 1942 (56 Stat. 6), as amended by section 4 of the Act of March 29, 1944 (58 Stat. 129), is further amended by deleting the words "provisions of sections 1 to 5, inclusive, of the Act of April 20, 1940 (54 Stat. 144), relating to the burial expenses of Navy personnel, and the".

Approved July 15, 1954.

Regulations.

Appropriations.

Military benefits.
42 USC 213.

Transportation of remains.
42 USC 224.

Repeals.

10 USC 916-916d.
34 USC 923.

10 USC 455a,
455d.
34 USC 924-929.
63 Stat. 537.

33 USC 870.

34 USC 924-928.

Public Law 496

CHAPTER 508

AN ACT

To authorize the sale of certain vessels to Brazil for use in the coastwise trade of Brazil.

July 15, 1954
[S. 2370]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is authorized, at any time prior to twenty-four months from the date of enactment of this Act, to transfer to the Government of Brazil or to citizens of Brazil title to not more than twelve C1-MAV-1 type merchant vessels under the following conditions:

Brazil,
Sale of vessels,

(a) After consultation with the Secretary of State it is determined that the sale of such ships to Brazil will contribute to the economic development of Brazil, and such sales would serve the interest of the foreign policy of the United States;

Conditions.