

The original documents are located in Box 23, folder “1/8/75 HR12860 Reimbursement of Memorial Service Expenses” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

Exact duplicates within this folder were not digitized.

APPROVED

JAN 8 - 1975



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEC 31 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 12860 - Reimbursement of
 memorial service expenses
 Sponsor - Rep. Brown (R) Ohio

Posted
1/9

To Archives
1/9

Last Day for Action

January 10, 1975 - Friday

Purpose

To clarify and extend the time period within which the next of kin of deceased military members whose remains are not recovered must submit claims for reimbursement of memorial service expenses.

Agency Recommendations

Office of Management and Budget	Approval
Department of Defense	Approval
American Battle Monuments Commission	Approval
Veterans Administration	Defers to Defense

Discussion

Under a 1970 law, the next of kin of a deceased military member whose remains are not recovered may be reimbursed for the expenses of a memorial service if a claim for reimbursement is filed within 2 years of the date of death or 2 years of the date of enactment of the law. If this law is strictly interpreted, however, it could preclude such next of kin from being reimbursed. For example, a military member who was declared missing in 1968 may at some point be presumed dead,



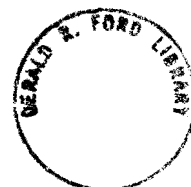
under appropriate authority, on the basis of the salient circumstances. Although the presumption of death may not be made until 1975 or some other time in the future, the date of death could be established as having occurred in 1968. Thus, the next of kin in this case would not be entitled to reimbursement for the expenses of a memorial service because it would be impossible to file a claim within either of the statutory time limits.

Enactment of the enrolled bill would clarify the intent of the existing law and eliminate any inequity which could result in cases of unrecovered remains. H.R. 12860 would allow the next of kin to file a claim for reimbursement of memorial service expenses within 2 years after notification of the date of death. Thus, in the above example, if the next of kin were notified in 1975 of the servicemember's death, they would have until 1977 to recover memorial service expenses.

Alfred H. Rosenthal

Assistant Director for
Legislative Reference

Enclosures



ACTION

THE WHITE HOUSE
WASHINGTON

Last Day: January 10

January 7, 1975

MEMORANDUM FOR THE PRESIDENT

FROM:

KEN COLE

SUBJECT:

Enrolled Bill H.R. 12860
Reimbursement of Memorial Service Expenses

Attached for your consideration is H.R. 12860, sponsored by Representative Brown, which would clarify and extend the time period within which the next of kin of deceased military members whose remains are not recovered must submit claims for reimbursement of memorial service expenses. The legislation would allow the next of kin to file a claim for reimbursement of memorial service expenses within two years after notification of the date of death.

OMB recommends approval and provides additional background information in its enrolled bill report (Tab A).

Max Friedersdorf, Phil Areeda and the NSC all recommend approval.

RECOMMENDATION

That you sign H.R. 12860 (Tab B).



DEPARTMENT OF THE ARMY

WASHINGTON, D.C. 20310

27 DEC 1974

Honorable Roy L. Ash
Director, Office of Management Budget

Dear Mr. Ash:

The Secretary of Defense has delegated responsibility to the Department of the Army for reporting the views of the Department of Defense on enrolled enactment of H.R. 12860, 93d Congress, "To amend Title 10 of the United States Code in order to clarify when claims must be presented for reimbursement of memorial service expenses in the case of members of the Armed Forces whose remains are not recovered."

The Department of the Army on behalf of the Department of Defense recommends approval of the enrolled enactment.

The act provides the next of kin of deceased servicemen whose remains are not recovered a period of two years from the date notification that the servicemember has been reported or determined to be dead in which to submit a claim for reimbursement of memorial expenses.

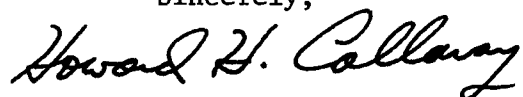
The enactment of this measure is recommended to preclude any misinterpretation and eliminate any inequity which may exist in cases where remains are not recovered. Under the strictest interpretation of the current law the next of kin may not be entitled to recover memorial expenses because of limitation imposed by the law. The next of kin has a period of two years after the effective date of the law (22 October 1970) or two years after the date of death, whichever is later, to recover memorial expenses. The next of kin of a serviceman declared missing in 1968 and in 1974 presumed to have died in 1968 would not be entitled to recover memorial expenses. Enactment of this measure will provide the next of kin a period of two years from the date they are notified of the death of a servicemember. Thus, if a next of kin were informed in 1974 that the servicemember was presumed to have died in 1968 the next of kin would have until 1976 in which to recover memorial expenses.

Approval of the enactment will cause no apparent increase in budgetary requirements for the Department of Defense.

Honorable Roy L. Ash

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

Sincerely,

A handwritten signature in cursive script that reads "Howard H. Callaway". The signature is written in black ink and is positioned below the word "Sincerely,".

Howard H. Callaway
Secretary of the Army

THE AMERICAN BATTLE MONUMENTS COMMISSION

WASHINGTON, D.C. 20314

24 December 1974

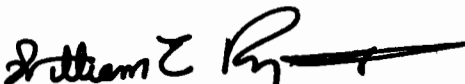
SUBJECT: Enrolled Bill Request

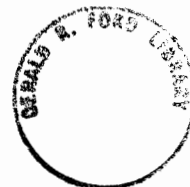
TO: Mr. W. H. Rommel
Assistant Director for
Legislative Reference
Room 7201, New Executive
Office Building
Washington, D.C. 20503

1. Reference is made to Enrolled Bill HR 12860 to amend title 10 of the United States Code in order to clarify when claims must be presented for reimbursement of memorial service expenses in the case of members of the armed forces whose remains are not recovered.

2. This Commission recommends enactment of subject bill.

FOR THE SECRETARY:


WILLIAM E. RYAN, JR.
Colonel, ADA
Director of Operations
and Finance





VETERANS ADMINISTRATION
OFFICE OF THE ADMINISTRATOR OF VETERANS AFFAIRS
WASHINGTON, D.C. 20420

DECEMBER 26 1974

The Honorable
Roy L. Ash
Director, Office of
Management and Budget
Washington, D. C. 20503

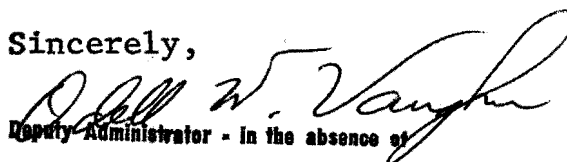
Dear Mr. Ash:

This is in reply to the request of the Assistant Director for Legislative Reference for the views of the Veterans Administration on the enrolled enactment of H. R. 12860, 93rd Congress, an act "To amend title 10 of the United States Code in order to clarify when claims must be presented for reimbursement of memorial service expenses in the case of members of the armed forces whose remains are not recovered."

Since the provision of the Act would be administered by the concerned Secretaries of the military departments, we defer to their views on the Act. Its enactment would impose no duties or responsibilities on the Veterans Administration.

Accordingly, we defer to the Department of Defense regarding recommendations as to Presidential action on H. R. 12860.

Sincerely,


Deputy Administrator - In the absence of

RICHARD L. ROUDEBUSH
Administrator

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEC 31 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 12860 - Reimbursement of
memorial service expenses
Sponsor - Rep. Brown (R) Ohio

Last Day for Action

January 10, 1975 - Friday

Purpose

To clarify and extend the time period within which the next of kin of deceased military members whose remains are not recovered must submit claims for reimbursement of memorial service expenses.

Agency Recommendations

Office of Management and Budget	Approval
Department of Defense	Approval
American Battle Monuments Commission	Approval
Veterans Administration	Defers to Defense

Discussion

Under a 1970 law, the next of kin of a deceased military member whose remains are not recovered may be reimbursed for the expenses of a memorial service if a claim for reimbursement is filed within 2 years of the date of death or 2 years of the date of enactment of the law. If this law is strictly interpreted, however, it could preclude such next of kin from being reimbursed. For example, a military member who was declared missing in 1968 may at some point be presumed dead,



To: Mr. Hendricks
12-31-74
4:00 p.m.

under appropriate authority, on the basis of the salient circumstances. Although the presumption of death may not be made until 1975 or some other time in the future, the date of death could be established as having occurred in 1968. Thus, the next of kin in this case would not be entitled to reimbursement for the expenses of a memorial service because it would be impossible to file a claim within either of the statutory time limits.

Enactment of the enrolled bill would clarify the intent of the existing law and eliminate any inequity which could result in cases of unrecovered remains. H.R. 12860 would allow the next of kin to file a claim for reimbursement of memorial service expenses within 2 years after notification of the date of death. Thus, in the above example, if the next of kin were notified in 1975 of the servicemember's death, they would have until 1977 to recover memorial service expenses.

Alfred H. Rosenthal
Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE

WASHINGTON

January 2, 1975

MEMORANDUM FOR:

WARREN HENDRIKS

FROM:

MAX L. FRIEDERSDORF

SUBJECT:

Action Memorandum - Log No. 940

Enrolled Bill H. R. 12860 - Reimbursement
of memorial service expenses.

The Office of Legislative Affairs concurs with the Agencies
that the enrolled bill should be signed.

Attachments

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 940

Date: January 1, 1974

Time: 11:00 a.m.

FOR ACTION: NSC/S
Max Friedersdorf *sign*
Phil Areeda *1006,*

cc (for information): Warren ~~Endriks~~
Jerry Jones
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, January 2

Time: noon

SUBJECT:

Enrolled Bill H.R. 12860 - Reimbursement of memorial
service expenses

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a
delay in submitting the required material, please
telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 940

Date: January 1, 1974

Time: 11:00 a.m.

FOR ACTION: NSC/S
Max Friedersdorf
Phil Areeda

cc (for information): Warren Hendriks
Jerry Jones
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: Thursday, January 2

Time: noon

SUBJECT:

Enrolled Bill H.R. 12860 - Reimbursement of memorial service expenses

ACTION REQUESTED:

___ For Necessary Action

___ For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

___ For Your Comments

___ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

No objection

P. Areeda



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President

EXTENDING THE TIME LIMIT FOR REIMBURSING EXPENSES OF MEMORIAL SERVICES FOR MILITARY DECEDENTS WHOSE REMAINS ARE DETERMINED TO BE UNRECOVERABLE

SEPTEMBER 30, 1974.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. STRATTON, from the Committee on Armed Services, submitted the following

REPORT

[To accompany H.R. 12860]

The Committee on Armed Services, to whom was referred the bill (H.R. 12860) to amend title 10 of the United States Code in order to clarify when claims must be presented for reimbursement of memorial service expenses in the case of members of the armed forces whose remains are not recovered, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

At present, a claim for reimbursement of expenses of a memorial service and the presentation of a memorial flag for the next of kin of a military decedent whose remains are determined to be unrecoverable may be allowed only if it is presented within two years after the effective date of the current legislation (October 22, 1970), or the date of death, whichever is later. For personnel who are and have been classified as missing-in-action, at some point a decision will be made to alter their status based upon consideration of the salient circumstances. If the determination is that the individual is no longer alive, it may also be, and very often is, decided that the date of death was at some time in the past rather than as of the date of the determination. If this date of death is determined to be more than two years prior to the date of the determination, the next of kin will not be eligible for the entitlements of section 1482(c). This legislation will extend this period for submitting claims to include the two year time period after the next of kin (as determined by section 1482(c)) receive notification the member has been reported or determined to be dead under appropriate authority. It should be noted that there is no time limit within which a claim for funeral expenses may be submitted for a decedent whose remains are recovered under section 1482(a).

FISCAL DATA

This legislation will not alter the budgetary requirements of the Department of Defense.

DEPARTMENTAL POSITION

The Department of Defense supports this legislation and the Office of Management and Budget interposes no objection, as indicated in the correspondence below:

(NOTE.—The Departmental report addresses H.R. 6216, which was superseded by H.R. 12860.)

SEPTEMBER 12, 1973.

HON. F. EDWARD HÉBERT,
*Chairman, Committee on Armed Services,
House of Representatives.*

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of the Army for the views of the Department of the Army with respect to the following bill introduced in the 93rd Congress: H.R. 6216, a bill "To amend title 10 of the United States Code in order to clarify when claims must be presented for reimbursement of memorial service expenses in the case of members of the armed forces whose remains are not recovered."

The proposed legislation would eliminate an element of confusion in the wording of 10 U.S.C. 1482(e) and would help to preclude misinterpretations. However, the Department of the Army feels that the language could be refined still further to preclude possible inequities. It is considered that the fairest approach to this problem is to give the claimants two years from the date the next kin actually receives notice of an official report or determination of death. Although the cases would be few, there have been instances where next of kin have not been located for an appreciable period after an official report or determination of death has been made. Accordingly, it is proposed that the wording in the bill be changed by substituting the following language for lines 3 through 6 of H.R. 6216;

That the last sentence of Section 1482(e) of title 10, United States Code, is amended by inserting immediately before "whichever is later." the following: "or the date the person who would have been designated under subsection (c) to direct disposition of the remains, if they had been recovered, receives notification that the member has been reported or determined to be dead under authority of Chapter 10, Title 37, United States Code (The Missing Persons Act)."

The fiscal effects of this bill are not known but it is reasonable to assume they would be minimal.

The Office of Management and Budget advises that from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

HOWARD H. CALLAWAY,
Secretary of the Army.

COMMITTEE POSITION

The Committee on Armed Services on September 24, 1974, a quorum being present, without objection approved H.R. 12860, without amendment, and recommends its enactment.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, there is printed below in parallel columns the text of provisions of existing law which would be repealed or amended by the various provisions of the bill as reported.

EXISTING LAW

THE BILL AS REPORTED

SECTION 1482 OF TITLE 10, UNITED STATES CODE

§ 1482. Expenses incident to death

(a) Incident to the recovery, care, and disposition of the remains of any decedent covered by section 1481 of this title, the Secretary concerned may pay the necessary expenses of—

- (1) recovery and identification of the remains;
- (2) notification to the next of kin or other appropriate person;
- (3) preparation of the remains for burial, including cremation if requested by the person designated to direct disposition of the remains;
- (4) furnishing of a uniform or other clothing;
- (5) furnishing of a casket or urn, or both, with outside box;
- (6) hearse service;
- (7) funeral director's services;
- (8) transportation of the remains, and round-trip transportation and prescribed allowances for an escort of one person, to the place selected by the person designated to direct disposition of the remains or, if

such a selection is not made, to a national or other cemetery which is selected by the Secretary and in which burial of the decedent is authorized;

(9) interment of the remains;

(10) presentation of a flag of the United States to the person designated to direct disposition of the remains, except in the case of a military prisoner who dies while in the custody of the Secretary and while under a sentence that includes a discharge; and

(11) presentation of a flag of equal size to the flag presented under clause (10) to the parents or parent, if the person to be presented a flag under clause (10) is other than the parent of the decedent; for the purpose of this clause, the term "parent" includes a natural parent, a stepparent, a parent by adoption or a person who for a period of not less than one year before the death of the decedent stood in loco parentis to him, and preference under this clause shall be given to the persons who exercised a parental relationship at the time of, or most nearly before, the death of the decedent.

(b) If an individual pays any expense payable by the United States under this section, the Secretary concerned shall reimburse him or his representative in an amount not larger than that normally incurred by the Secretary in furnishing the supply or service concerned. If reimbursement by the United States is also authorized under another provision of law or regulation, the individual may elect under which provision to be reimbursed.

(c) Only the following persons may be designated to direct disposition of the remains of a decedent covered by this chapter:

- (1) The surviving spouse of the decedent.
- (2) Blood relatives of the decedent.
- (3) Adoptive relatives of the decedent.
- (4) If no person covered by clauses (1)-(3) can be found, a person standing in loco parentis to the decedent.

(d) When, as a result of a disaster involving the multiple deaths of persons covered by section 1481 of this title, the Secretary concerned has possession of commingled remains that cannot be individually identified, and burial of those remains in a common grave in a national cemetery is considered necessary, he may, for the interment services of each known decedent, pay the expenses of round-trip transportation to the cemetery of (1) the person who would have been designated under subsection (c) to direct disposition of the remains if individual identification had been made, and (2) two additional persons selected by that person who are closely related to the decedent. The transportation expenses authorized to be paid under this subsection may not exceed the transportation allowances authorized for members of the armed forces for travel on official business, but no per diem allowance may be paid.

(e) When the remains of a decedent covered by section 1481 of this title, whose death occurs after January 1, 1961, are determined to be nonrecoverable, the person who would have been designated under subsection (c) to direct

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 1482(e) of title 10, United States Code, is amended by inserting immediately before "whichever is later." the following: "or the date the person who would have been designated under subsection (c) to direct disposition of the remains, if they had been recovered. receives notification that the member has been reported or determined to be dead under authority of chapter 10, title 37, U.S. Code (The Missing Persons Act)."

EXISTING LAW

THE BILL AS REPORTED

disposition of the remains if they had been recovered may be—

(1) presented with a flag of the United States; however, if the person designated by subsection (c) is other than a parent of the deceased member, a flag of equal size may also be presented to the parents, and

(2) reimbursed by the Secretary concerned for the necessary expenses of a memorial service.

However, the amount of the reimbursement shall be determined in the manner prescribed in subsection (b) for an interment, but may not be larger than that authorized when the United States provides the grave site. A claim for reimbursement under this subsection may be allowed only if it is presented within two years after the effective date of this subsection, or the date of death, whichever is later.

SUMMARY

PURPOSE OF THE BILL

To clarify and extend the time period within which claims must be submitted for reimbursement of memorial service expenses in the case of deceased military members whose remains are not recovered.

FISCAL DATA

This legislation will not alter the budgetary requirements of the Department of Defense.

DEPARTMENTAL POSITION

The Department of Defense supports this legislation and the Office of Management and Budget interposes no objection.

COMMITTEE POSITION

The Committee on Armed Services on September 24, 1974, a quorum being present, without objection approved the bill.



EXTENDING THE TIME LIMIT FOR REIMBURSING EXPENSES OF
MEMORIAL SERVICES FOR MILITARY DECEDENTS WHOSE RE-
MAINS ARE DETERMINED TO BE UNRECOVERABLE

DECEMBER 12, 1974.—Ordered to be printed

Mr. NUNN, from the Committee on Armed Services,
submitted the following

REPORT

[To accompany H.R. 12860]

The Committee on Armed Services, to which was referred the bill (H.R. 12860) to amend title 10, United States Code, in order to clarify when claims must be presented for reimbursement of memorial service expenses in the case of members of the armed forces whose remains are not recovered, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

COMMITTEE AMENDMENT

In line 10, strike out "United States Code (The Missing Persons Act)." This is a technical amendment to change a period to a comma and to eliminate superfluous language.

PURPOSE OF THE BILL

This bill would allow, in the case of a military decedent whose remains are determined to be unrecoverable, a claim for reimbursement for memorial service expenses and the presentation of a memorial flag to be presented within two years after the notification of death. The member must either be reported dead or be determined to be dead under title 37, United States Code. Under existing law (section 1482 (e) of title 10, United States Code), a claim for reimbursement is allowed only if it is presented within two years after the effective date of the existing law (October 22, 1970), or the date of death, whichever is later.

In cases of personnel who are, have been, or may be classified as missing-in-action, at some point a decision will be made to alter their status based upon consideration of the salient circumstances. If the

determination is that the individual is no longer alive, it may also be, and very often is, decided that the date of death was at some time in the past rather than as of the date of the determination, and if this date of death is determined to be more than two years prior to the date of the determination, the next of kin will not be eligible for the entitlements of section 1482(e). This legislation would eliminate this time limit problem in the present law. In addition, it is worth noting that there is no time limit within which a claim for funeral expenses must be submitted for a decedent whose remains are recovered.

FISCAL DATA

The legislation contains no cost requirements which would alter the budgetary requirements of the Department of Defense.

DEPARTMENTAL POSITION

The DOD supports this legislation and the Office of Management and Budget has no objection, as indicated in the letter set out below and hereby made a part of this report.

DEPARTMENT OF THE ARMY,
Washington, D.C., December 2, 1974.

HON. JOHN C. STENNIS,
*Chairman, Committee on Armed Services,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to H.R. 12860, 93d Congress, a bill "To amend Title 10 of the United States Code in order to clarify when claims must be presented for reimbursement of memorial service expenses in the case of members of the Armed Forces whose remains are not recovered." The Department of the Army has been assigned responsibility for expressing the views of the Department of Defense on this bill.

The title of the bill states its purpose.

The Department of the Army, on behalf of the Department of Defense, favors the bill.

Title 10, United States Code, currently addresses expenses incident to death, of which there are two categories, those in which the decedent's remains are recovered (Sec. 1482(a)) and those in which the decedent's remains are not recovered (Sec. 1482(e)). H.R. 12860 is applicable to those cases in which the remains of the decedent are not recovered.

Public Law 91-487, dated 22 October 1970, which amended Section 1482, Title 10, USC by adding a new subsection (e), provides that the next of kin of the decedent may make a claim for reimbursement for the expenses of a memorial service in cases where the remains of the decedent are determined to be nonrecoverable. The law also provides that such a claim will be allowed only if it is presented within two years after the effective date of the Act or the date of death, whichever is later.

A problem could arise in cases of members of the Armed Forces who are classified as missing in action (MIA) and whose status is yet

unknown. Although the service member may have been listed as missing since 1968, an official change in status may not be effected until many years later.

As an example if it is ruled after 22 October 1974, that a MIA is officially dead and the date of death is presumed to be 1968, the date the service member became missing, under the strictest interpretation of the current law the next of kin would not be entitled to recover memorial service expenses because of the two year limitation imposed by the current law. The next of kin would have two years after the date of death (1970) or two years after the effective date of the law (1972) in which to recover expenses. As another example, although the cases would be few, there have been instances where the next of kin have not been located for an appreciable period after an official report or determination of death has been made. Under H.R. 12860, the next kin would have two years from the date they are actually notified, rather than from the date of either the official report or determination of death, within which they could submit a claim.

Passage of H.R. 12860 would eliminate any inequity which may exist under the current law. The next of kin would be given two years from the date they actually receive notice of an official report of determination of death to file a claim for reimbursement of memorial expenses. In the example given in the preceding paragraph if the next of kin were advised of a determination of death in 1974, regardless of the date the service member became missing, claims for reimbursement for memorial service expenses would be honored until 1976.

It is possible that some cases may arise where the decedent has been declared nonrecoverable and claims for memorial service expenses paid and at a later date the decedent's remains are recovered. Although the next of kin was reimbursed under the provisions of Section 1482(e), Title 10, USC, this would not preclude the government reimbursing the next of kin for funeral expenses in accordance with Section 1482(a), Title 10, USC.

For the foregoing reasons, the Department of the Army on behalf of the Department of Defense recommends that the bill be favorably considered.

The fiscal effects of this legislation are considered to be insignificant to the Department of Defense.

This report has been coordinated within the Department of Defense in accord with procedures prescribed by the Secretary of Defense.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely,

HOWARD H. CALLAWAY,
Secretary of the Army.

CHANGES IN EXISTING LAW

In compliance with paragraph 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law proposed to be made by the bill are shown as follows: New matter is printed in italic, and existing law in which no change is proposed is shown in roman.

TITLE 10, UNITED STATES CODE—ARMED FORCES

* * * * *

CHAPTER 75. DEATH BENEFITS

* * * * *

§ 1482. Expenses incident to death:

(a) Incident to the recovery, care, and disposition of the remains of any decedent covered by section 1481 of this title, the Secretary concerned may pay the necessary expenses of:

- (1) recovery and identification of the remains;
- (2) notification to the next of kin or other appropriate person;
- (3) preparation of the remains for burial, including cremation if requested by the person designated to direct disposition of the remains;
- (4) furnishing of a uniform or other clothing;
- (5) furnishing of a casket or urn, or both, with outside box;
- (6) hearse service;
- (7) funeral director's services;
- (8) transportation of the remains, and round-trip transportation and prescribed allowances for an escort of one person, to the place selected by the person designated to direct disposition of the remains or, if such a selection is not made, to a national or other cemetery which is selected by the Secretary and in which burial of the decedent is authorized;
- (9) interment of the remains;
- (10) presentation of a flag of the United States to the person designated to direct disposition of the remains, except in the case of a military prisoner who dies while in the custody of the Secretary and while under a sentence that includes a discharge; and
- (11) presentation of a flag of equal size to the flag presented under clause (10) to the parents or parent, if the person to be presented a flag under clause (10) is other than the parent of the decedent; for the purpose of this clause, the term "parent" includes a natural parent, a stepparent, a parent by adoption or a person who for a period of not less than one year before the death of the decedent stood in loco parentis to him, and preference under this clause shall be given to the persons who exercised a parental relationship at the time of, or most nearly before, the death of the decedent.

(b) If an individual pays any expense payable by the United States under this section, the Secretary concerned shall reimburse him or his representative in an amount not larger than that normally incurred by the Secretary in furnishing the supply or service concerned. If reimbursement by the United States is also authorized under another provision of law or regulation, the individual may elect under which provision to be reimbursed.

(c) Only the following persons may be designated to direct disposition of the remains of a decedent covered by this chapter:

- (1) The surviving spouse of the decedent.

(2) Blood relatives of the decedent.

(3) Adoptive relatives of the decedent.

(4) If no person covered by clauses (1)-(3) can be found, a person standing in loco parentis to the decedent.

(d) When, as a result of a disaster involving the multiple deaths of persons covered by section 1481 of this title, the Secretary concerned has possession of commingled remains that cannot be individually identified, and burial of those remains in a common grave in a national cemetery is considered necessary, he may, for the interment services of each known decedent, pay the expenses of round-trip transportation to the cemetery of (1) the person who would have been designated under subsection (c) to direct disposition of the remains if individual identification had been made, and (2) two additional persons selected by that person who are closely related to the decedent. The transportation expenses authorized to be paid under this subsection may not exceed the transportation allowances authorized for members of the armed forces for travel on official business, but no per diem allowance may be paid.

(e) When the remains of a decedent covered by section 1481 of this title, whose death occurs after January 1, 1961, are determined to be nonrecoverable, the person who would have been designated under subsection (c) to direct disposition of the remains if they had been recovered may be—

(1) presented with a flag of the United States; however, if the person designated by subsection (c) is other than a parent of the deceased member, a flag of equal size may also be presented to the parents, and

(2) reimbursed by the Secretary concerned for the necessary expenses of a memorial service.

However, the amount of the reimbursement shall be determined in the manner prescribed in subsection (b) for an interment, but may not be larger than that authorized when the United States provides the grave site. A claim for reimbursement under this subsection may be allowed only if it is presented within two years after the effective date of this subsection, or the date of death, *or the date the person who would have been designated under subsection (c) to direct disposition of the remains, if they had been recovered, receives notification that the member has been reported or determined to be dead under authority of Chapter 10, title 37, whichever is later.*

* * * * *



Ninety-third Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,
one thousand nine hundred and seventy-four*

An Act

To amend title 10 of the United States Code in order to clarify when claims must be presented for reimbursement of memorial service expenses in the case of members of the armed forces whose remains are not recovered.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 1482(e) of title 10, United States Code, is amended by inserting immediately before "whichever is later." the following: "or the date the person who would have been designated under subsection (c) to direct disposition of the remains, if they had been recovered, receives notification that the member has been reported or determined to be dead under authority of chapter 10, title 37."

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

December 30, 1974

Dear Mr. Director:

The following bills were received at the White House on December 30th:

H.R. 510
H.R. 12860
H.R. 17450 ✓

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable Roy L. Ash
Director
Office of Management and Budget
Washington, D. C.