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**AMENDMENT TO H.R. 4200, AS REPORTED  
OFFERED BY MR. JOHNSON OF ILLINOIS**

At the end of title V (page 200, after line 24), insert  
the following new section:

1 **SEC. 598. AUTHORITY FOR REMOVAL OF REMAINS OF CER-**  
2 **TAIN PERSONS INTERRED IN UNITED STATES**  
3 **MILITARY CEMETERIES OVERSEAS.**

4 (a) **REMOVAL AND TRANSPORTATION OF REMAINS.**—  
5 Upon receipt from a qualifying survivor of an application  
6 with respect to a person interred in a United States over-  
7 seas military cemetery, the Secretary of Defense may,  
8 upon approval of such application, provide for—

9 (1) the removal of the remains of that person  
10 from the cemetery in which interred; and

11 (2) transportation of such remains to a location  
12 in the United States selected by such qualifying sur-  
13 vivor.

14 (b) **REQUIREMENT FOR APPROVAL OF APPLICA-**  
15 **TIONS.**—(1) An application under this section may be ap-  
16 proved only if the application presents sufficient evidence  
17 that, at the time of the initial disposition decision (as de-  
18 fined in paragraph (2)), there was a misunderstanding or



1 error related to that disposition decision that the Sec-  
2 retary finds warrants approval of the application.

3 (2) In paragraph (1), the term “initial disposition de-  
4 cision”, with respect to the remains of a person who died  
5 outside the United States and was interred in a United  
6 States overseas military cemetery, means a decision by a  
7 family member (or other designated person) as to the dis-  
8 position (in accordance with laws and regulations in effect  
9 at the time) of the remains of the person with respect to  
10 whom the application is submitted, such decision being to  
11 have the remains interred in a United States overseas mili-  
12 tary cemetery (rather than to have those remains trans-  
13 ported to the United States for interment or other dispo-  
14 sition in the United States).

15 (c) ABMC ASSISTANCE.—The American Battle  
16 Monuments Commission shall provide the Secretary of De-  
17 fense with such assistance as the Secretary may require  
18 in carrying out this section with respect to cemeteries  
19 under the jurisdiction of the Commission.

20 (d) TIME FOR APPLICATION.—An application under  
21 subsection (a) must be submitted to the Secretary of De-  
22 fense not later than the end of the two-year period begin-  
23 ning on the date of the enactment of this Act.

24 (e) NO EXPENDITURE OF FEDERAL FUNDS.—No  
25 costs associated with the removal and transportation of



1 remains provided for under subsection (a) may be paid  
2 by the United States.

3 (f) DEFINITIONS.—For purposes of this section:

4 (1) UNITED STATES OVERSEAS MILITARY CEM-  
5 ETERY.—The term “United States overseas military  
6 cemetery” means a cemetery located in a foreign  
7 country that is administered by the Secretary of a  
8 military department or the American Battle Monu-  
9 ments Commission.

10 (2) QUALIFYING SURVIVORS.—The term “quali-  
11 fying survivor” means the following, in the order  
12 specified.

13 (A) The surviving spouse.

14 (B) All surviving children (including adop-  
15 tive children), acting concurrently.

16 (C) A birth parent or, if both survive, both  
17 birth parents, acting concurrently.

