

DIGNIFIED INTERMENT OF OUR VETERANS ACT OF 2015

OCTOBER 26, 2015.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MILLER of Florida, from the Committee on Veterans' Affairs, submitted the following

R E P O R T

[To accompany H.R. 1338]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 1338) to require the Secretary of Veterans Affairs to conduct a study on matters relating to the burial of unclaimed remains of veterans in national cemeteries, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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AMENDMENT IN THE NATURE OF A SUBSTITUTE

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Dignified Interment of Our Veterans Act of 2015”.

SEC. 2. DEPARTMENT OF VETERANS AFFAIRS STUDY ON MATTERS RELATING TO BURIAL OF UNCLAIMED REMAINS OF VETERANS IN NATIONAL CEMETERIES.

(a) **STUDY AND REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(1) complete a study on matters relating to the interring of unclaimed remains of veterans in national cemeteries under the control of the National Cemetery Administration; and

(2) submit to Congress a report on the findings of the Secretary with respect to the study required under paragraph (1).

(b) **MATTERS STUDIED.**—The matters studied under subsection (a)(1) shall include the following:

(1) Determining the scope of issues relating to unclaimed remains of veterans, including an estimate of the number of unclaimed remains of veterans.

(2) Assessing the effectiveness of the procedures of the Department of Veterans Affairs for working with persons or entities having custody of unclaimed remains to facilitate interment of unclaimed remains of veterans in national cemeteries under the control of the National Cemetery Administration.

(3) Assessing State and local laws that affect the ability of the Secretary to inter unclaimed remains of veterans in national cemeteries under the control of the National Cemetery Administration.

(4) Developing recommendations for such legislative or administrative action as the Secretary considers appropriate.

(c) **METHODOLOGY.**—

(1) **NUMBER OF UNCLAIMED REMAINS.**—In estimating the number of unclaimed remains of veterans under subsection (b)(1), the Secretary may review such subset of applicable entities as the Secretary considers appropriate, including a subset of funeral homes and coroner offices that possess unclaimed veterans remains.

(2) **ASSESSMENT OF STATE AND LOCAL LAWS.**—In assessing State and local laws under subsection (b)(3), the Secretary may assess such sample of applicable State and local laws as the Secretary considers appropriate in lieu of reviewing all applicable State and local laws.

SEC. 3. LIMITATION ON AWARDS AND BONUSES PAID TO SENIOR EXECUTIVE EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

Section 705 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 703 note) is amended by striking the period at the end and inserting the following: “, of which, during fiscal year 2016, not more than an aggregate amount of \$2,000,000 may be paid to employees of the Department of Veterans Affairs who are members of the Senior Executive Service.”.

PURPOSE AND SUMMARY

H.R. 1338, as amended, the “Dignified Interment of Our Veterans Act of 2015,” was introduced by Representative Bill Shuster of Pennsylvania on March 6, 2015. This legislation would require the Department of Veterans Affairs (VA) to conduct a study and report to Congress on matters relating to the interment of the unclaimed remains of deceased veterans in our national cemeteries to ensure they are treated with dignity and respect. It would also limit awards and bonuses paid to VA employees who are members of the Senior Executive Service during fiscal year 2016 to not more than an aggregate of \$2,000,000.

BACKGROUND AND NEED FOR LEGISLATION

In 2013, Congress enacted the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012, which authorized VA to provide burial benefits in a national cemetery for the unclaimed re-

mains of deceased veterans with no known next of kin and who do not have sufficient financial resources for this purpose. Such burial benefits include reimbursements for the cost of a casket or urn, for costs of transportation to the nearest national cemetery, and for certain other funeral expenses.

During the June 24, 2015, Subcommittee on Disability Assistance and Memorial Affairs hearing, Representative Shuster testified that despite passage of the Dignified Burial and Other Veteran's Benefits Act of 2012, there are currently 47,000 unclaimed, uninterred veterans. This testimony raises serious concerns regarding the effectiveness of VA, State, City, County, and other municipality policies with respect to identifying and interring such remains.

The Committee strongly believes that the remains of deceased veterans should be treated with the utmost dignity and respect. H.R. 1338, as amended, would require the Secretary of Veterans Affairs to conduct a study on matters relating to obtaining and interring of unclaimed veteran remains. The intent of the study is to confirm the scope of this problem, uncover any barriers associated with claiming and interring veteran remains, and solicit recommendations from VA on improvements to our Nation's collective ability to identify and inter veteran remains.

HEARINGS

On June 24, 2015, the Subcommittee on Disability Assistance and Memorial Affairs conducted a legislative hearing on various bills introduced during the 114th Congress, including H.R. 1338.

The following witnesses testified:

The Honorable Bill Johnson, U.S. House of Representatives; Mr. David R. McLenachen, Acting Deputy Under Secretary for Disability Assistance, Veterans Benefits Administration, U.S. Department of Veterans Affairs; Mr. Zachary Hearn, Deputy Director for Claims, Veterans Affairs and Rehabilitation Division, The American Legion; Mr. Paul R. Varela, Assistant National Legislative Director, Disabled American Veterans; Mr. Aleks Morosky, Deputy Director, National Legislative Service, Veterans of Foreign Wars; Ms. Diane Zumatto, National Legislative Director, AMVETS; and Mr. Chris Neiweem, Legislative Associate, Iraq and Afghanistan Veterans of America.

Statements for the record were submitted by the following:

The Honorable Bob Latta, U.S. House of Representatives; the Honorable Bill Shuster, U.S. House of Representatives; and the Paralyzed Veterans of America.

SUBCOMMITTEE CONSIDERATION

On July 9, 2015, the Subcommittee on Disability Assistance and Memorial Affairs met in open markup session, a quorum being present, and favorably forwarded H.R. 1338 to the full Committee.

COMMITTEE CONSIDERATION

On September 17, 2015, the full Committee met in an open markup session, a quorum being present, and ordered H.R. 1338, as amended, reported favorably to the House of Representatives by voice vote.

During consideration of the bill, the following amendment was offered and agreed to by voice vote:

An amendment in the nature of a substitute to H.R. 1338, offered by Mr. Abraham of Louisiana, which included the contents of H.R. 1338 and inserted a provision that would limit awards and bonuses paid to VA Senior Executive Service employees during fiscal year 2016, by not more than an aggregate amount of \$2,000,000.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report the legislation and amendments thereto. There were no recorded votes taken on amendments or in connection with ordering H.R. 1338, as amended, reported to the House. A motion by Ranking Member Corrine Brown of Florida to report H.R. 1338, as amended, favorably to the House of Representatives was agreed to by voice vote.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee establishes the following performance related goals and objectives for this legislation:

VA will use the authority granted by this legislation to conduct a study that would assist in forming policies to better identify and inter unclaimed remains of deceased veterans and develop recommendations to improve the effectiveness of VA State, City, County, and other municipality procedures for identifying and interring unclaimed remains of deceased veterans. Further, VA would be required to submit a report to Congress detailing the findings of this study.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

EARMARKS AND TAX AND TARIFF BENEFITS

H.R. 1338, as amended, does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate on H.R. 1338, as amended, prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate for H.R. 1338, as amended, provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 22, 2015.

Hon. JEFF MILLER,
*Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1338, the Dignified Interment of Our Veterans Act of 2015.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Dwayne M. Wright.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 1338—Dignified Interment of Our Veterans Act of 2015

H.R. 1338 would require the Department of Veterans Affairs (VA) to limit the amounts of awards and bonuses paid to senior executive service (SES) employees and require VA to study matters related to unclaimed remains of veterans. On net, CBO estimates that implementing H.R. 1338 would reduce costs by \$1 million over the 2016–2020 period, assuming appropriation actions consistent with the bill. Enacting H.R. 1338 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

Section 3 would limit to \$2 million the total amount VA could pay in awards and bonuses to SES employees in 2016. From 2008 to 2012, VA paid an average of about \$3.5 million each year in such awards and bonuses. Assuming such payments will continue at about that level under current law, adjusted for inflation, CBO estimates that implementing section 3 would reduce discretionary spending for personnel by about \$2 million over the 2016–2020 period, assuming appropriation actions consistent with the bill.

Section 2 would require VA to complete a study and submit a report to the Congress on issues and procedures related to burying unclaimed remains of veterans in national cemeteries under the control of the National Cemetery Administration. As part of the study, VA would need to contact funeral homes and coroner offices around the nation to estimate the number of such remains; assess state and local laws that affect VA's ability to take custody of such remains; and, develop recommendations for legislative and administrative actions needed to enable VA to inter all such remains in national cemeteries. Based on information from VA, CBO estimates

that implementing section 2 within the one-year period allotted would cost \$1 million over the 2016–2020 period, assuming appropriation of the necessary amounts.

CBO estimates that enacting H.R. 1338 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2026.

H.R. 1338 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

On June 9, 2015, CBO transmitted an estimate for H.R. 1607, the Ruth Moore Act of 2015, as ordered reported by the House Committee on Veterans' Affairs on May 21, 2015. Section 3 of H.R. 1607 would limit the amount VA could pay in bonuses to SES staff over the 2016–2018 period, whereas section 3 of H.R. 1338 would limit the amount VA could pay in bonuses to SES employees only in 2016. CBO's estimates of the budgetary effects for those provisions reflect that difference in bill language.

The CBO staff contact for this estimate is Dwayne M. Wright. The estimate was approved by H. Samuel Papenfuss, Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates regarding H.R. 1338, as amended, prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act would be created by H.R. 1338, as amended.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to Article I, section 8 of the United States Constitution, the reported bill is authorized by Congress' power to "provide for the common Defense and general Welfare of the United States."

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

STATEMENT ON DUPLICATION OF FEDERAL PROGRAMS

Pursuant to section 3(g) of H. Res. 5, 114th Cong. (2015), the Committee finds that no provision of H.R. 1338, as amended, establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULEMAKING

Pursuant to section 3(i) of H. Res. 5, 114th Cong. (2015), the Committee estimates that H.R. 1338, as amended, contains no directed rule making that would require the Secretary to prescribe regulations.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1—Short title

Section 1 would establish the bill’s short title as the “Dignified Interment of Our Veterans Act of 2015”.

Section 2—Department of Veterans Affairs study on matters relating to burial of unclaimed remains of veterans in national cemeteries

Section 2(a) would require VA to (1) complete a study on matters relating to the interring of unclaimed remains of veterans in national cemeteries; and (2) submit a report to Congress within one year of enactment.

Section 2(b) would require that the study mandated by Section 2(a) include: (1) a determination of the scope of issues relating to unclaimed remains of veterans, including an estimate of the number of unclaimed remains of veterans; (2) an assessment of the effectiveness of VA’s procedures for working with persons having custody of unclaimed remains to facilitate interment of unclaimed remains of veterans in national cemeteries; (3) an analysis of State and local laws that affect the ability of the Secretary to inter unclaimed remains of veterans in national cemeteries; and (4) recommendations for such legislative or administrative action as the Secretary considers appropriate.

Section 2(c) would establish the methodology for completing the study, including how VA should estimate the number of unclaimed remains and how to review state and local laws.

Section 3—Limitation on awards and bonuses paid to Senior Executive employees of Department of Veterans Affairs

Section 3 of this bill would limit the awards and bonuses paid to VA employees who are members of the Senior Executive Service to not more than the aggregate amount of \$2,000,000 during fiscal year 2016.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

**VETERANS ACCESS, CHOICE, AND ACCOUNTABILITY
ACT OF 2014**

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TITLE VII—OTHER VETERANS MATTERS

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SEC. 705. LIMITATION ON AWARDS AND BONUSES PAID TO EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

In each of fiscal years 2015 through 2024, the Secretary of Veterans Affairs shall ensure that the aggregate amount of awards and bonuses paid by the Secretary in a fiscal year under chapter 45 or 53 of title 5, United States Code, or any other awards or bonuses authorized under such title does not exceed \$360,000,000~~].~~, *of which, during fiscal year 2016, not more than an aggregate amount of \$2,000,000 may be paid to employees of the Department of Veterans Affairs who are members of the Senior Executive Service.*

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