

## Calendar No. 201

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### FALLEN SERVICEMEMBERS RELIGIOUS HERITAGE RESTORATION ACT

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OCTOBER 22 (legislative day, OCTOBER 21), 2025.—Ordered to be printed

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Mr. MORAN, from the Committee on Veterans' Affairs,  
submitted the following

### R E P O R T

[To accompany S. 1318]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to which was referred the bill (S. 1318) to direct the American Battle Monuments Commission to establish a program to identify American-Jewish servicemembers buried in United States military cemeteries overseas under markers that incorrectly represent their religion and heritage, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### INTRODUCTION

On April 7, 2025, Senator Moran from Kansas introduced S. 1318, the Fallen Servicemembers Religious Heritage Restoration Act. Senators Jacky Rosen from Nevada, Richard Blumenthal from Connecticut, and John Cornyn from Texas are original cosponsors. Senators Elissa Slotkin from Michigan, Adam Schiff from California, Thomas Tillis from North Carolina, John Boozman from Arkansas, Susan Collins from Maine, Ted Cruz from Texas, Raphael Warnock from Georgia, Jim Banks from Indiana, Patty Murray from Washington, David McCormick from Pennsylvania, Mazie Hirono from Hawaii, Margaret Hassan from New Hampshire, Peter Welch from Vermont, James Lankford from Oklahoma, Jon Ossoff from Georgia, and Jon Husted from Ohio were later added as cosponsors of the bill. The bill was referred to the Committee on Veterans' Affairs (hereinafter, "Committee").

## COMMITTEE HEARINGS

On May 21, 2025, the Committee held a hearing on legislation pending before the Committee, including S. 1318. Testimony was received from: Thomas O'Toole, MD, Acting Assistant Under Secretary for Health for Clinical Services, Veterans Health Administration, U.S. Department of Veterans Affairs; Morgan Brown, National Legislative Director, Paralyzed Veterans of America; Brian Dempsey, Director, Government Affairs, Wounded Warrior Project; and Jon Retzer, Deputy National Legislative Director for Health, Disabled American Veterans.

## COMMITTEE MEETING

After reviewing the testimony from the foregoing hearing, the Committee met in open session on July 30, 2025, to consider S. 1318. The Committee, by voice vote, voted to favorably report S. 1318, en bloc with other measures, to the Senate.

## SUMMARY OF THE BILL AS REPORTED

S. 1318, as reported (hereinafter, “the bill”), consists of three sections, summarized below.

Section 1 provides the short title of the bill, the Fallen Servicemembers Religious Heritage Restoration Act.

Section 2 lists findings by Congress including related history and scale of American-Jewish servicemembers buried under inaccurate grave markers.

Section 3 would establish a Fallen Servicemembers Religious Heritage Restoration Program at the American Battle Monuments Commission (ABMC).

## BACKGROUND AND DISCUSSION

*Sec. 3. Fallen Servicemembers Religious Heritage Restoration Program*

Section 3 of the bill would direct the establishment of a Fallen Servicemembers Religious Heritage Restoration Program within ABMC with the purpose of identifying American-Jewish servicemembers incorrectly buried under grave markers that do not reflect their Jewish religious heritage and facilitating a grave marker replacement.

The bill authorizes this program for the first 10 fiscal years after the bill’s enactment, and requires ABMC to award contracts to qualifying nonprofit organizations, organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code. Each contract would be awarded to the nonprofit organization for one year and in the amount of \$500,000. The bill requires ABMC, in awarding such contracts, to prioritize contracts to nonprofit organizations with demonstrated capability and expertise in carrying out the purposes described above.

*Background*

During World War II, the scale of burials conducted in theater resulted, at times, in clerical errors concerning the grave markers needed for the fallen. Additionally, some American-Jewish

servicemembers did not wish to publicly display their faith on their dog tags when fighting against Nazi Germany. Currently, there are approximately 900 American-Jewish servicemembers who were killed in action during World Wars I and II that are incorrectly buried under a Latin Cross grave marker, instead of the Star of David. The Committee recognizes the role that faith traditions play in the lives of those who serve in uniform, and the importance of accurately depicting the biographical and personal details of those buried in ABMC cemeteries. Recognizing this importance, Senator Jerry Moran from Kansas, the bill's lead sponsor, stated in an April 7, 2025, press release marking the introduction of the bill:

We owe a debt we can never repay to those who have given their last full measure of devotion on behalf of our nation and the freedoms we cherish, religious liberty being chief among them. This legislation makes certain that the religious heritage of those who have died for our country, particularly Jewish-American servicemembers, is rightfully represented at their final resting places, providing their survivors with assurance that their loved one's faith is being acknowledged and memorialized with accuracy.

In that same press release, Senator Jacky Rosen from Nevada, the bill's original cosponsor, stated that:

Our nation has a duty to fully honor the heroes who made the ultimate sacrifice to protect our freedoms. I'm proud to join Senator Moran in introducing this bipartisan legislation to correct the headstones of servicemembers by ensuring that the religious affiliation of our fallen is properly and accurately recognized.

During the course of typical meetings with organizations, Congressional offices, and other partners active in the burial and memorialization space, the Committee learned of many American-Jewish servicemembers buried under inaccurate grave markers—dispersed among the many thousands interred in ABMC's 26 cemeteries. Included in ABMC's stakeholders are the descendants and loved ones of the veterans interred in ABMC cemeteries, the militaries of the United States and of allied and host countries, other government agencies, historians, educators, cemetery visitors, the travel and tourism industry, citizens of the United States and allied and host countries, and the media. Nonprofit organizations partake in the type of research and outreach needed to identify deceased members of the Armed Forces who were Jewish and are buried in a United States military cemetery located outside the United States and under a marker that indicates such member was not Jewish. ABMC will replace grave markers that contain mistakes, such as incorrect religious affiliation.

This bill is meant to correct these, often unintentional or incidental, errors by marshalling resources of the federal government to partner with qualified entities that are well-suited to expeditiously conduct the historical genealogical and archival research to identify these fallen servicemembers and connect with their families to facilitate a grave marker replacement. Such replacement requests must both have incontrovertible proof of the servicemember's religion and the consent from the next of kin. This

Committee is aware, and supportive, of ABMC's ongoing partnership efforts to identify and replace incorrect grave markers for American-Jewish servicemembers buried in ABMC cemeteries and intends the bill to be carried out in support of, and in conjunction with, those existing efforts.

ABMC utilized two types of grave markers during World Wars I and II, Latin Crosses and Stars of David. The program this bill would establish is explicitly focused on American-Jewish fallen servicemembers given the unique historical conditions that caused many American-Jewish servicemembers to not accurately reflect their faith on their dog tags. This is amidst the challenges of burying large numbers of individuals in the 1940s in a pre-digital world where clerical errors happened and can be time-consuming to identify and rectify. The bill authorizes this program for 10 years, which is an appreciable amount of time to demonstrate progress on finding these cases and facilitating grave marker replacements.

The focus is on World War II casualties to capitalize on the benefit of remaining family members with either living memory of the deceased, or closer familial memory. Since many of these servicemembers in question were young unmarried men with no children, identifying next of kin can be challenging and take a long time. This program is important to invest in now while these closer family members are still alive.

### *Bill*

The bill would require ABMC to establish a Fallen Servicemembers Religious Heritage Restoration Program. The defined purpose of the program is, first, to identify American-Jewish servicemembers incorrectly buried under grave markers that do not reflect their Jewish religious heritage and, second, to contact survivors and descendants of such decedents with the purpose of facilitating a grave marker replacement.

The bill authorizes this program for the first 10 fiscal years after the bill's enactment, and requires ABMC to award contracts to qualifying nonprofit organizations, organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code. Each contract would be awarded to the nonprofit organization for one year and in the amount of \$500,000. The bill requires ABMC, in awarding such contracts, to prioritize contracts to nonprofit organizations with demonstrated capability and expertise in carrying out the purposes described above.

Given the laborious and meticulous nature of research to carry out this program, the bill directs that priority be given to organizations with demonstrated capability and expertise. With the passage of time, descendants pass away themselves and verifying the biographical details of the fallen servicemembers can grow more difficult. Government records can at times be incomplete, missing, or damaged—such as certain Army and Air Force records following the 1973 fire at the National Personnel Records Center. Historical genealogical research can involve field visits to synagogues, cemeteries, and archives, in addition to research conducted online. Once identified, surviving relatives and descendants can offer additional documentation, memories, or other supporting evidence—but they must be located first. Since many of the deceased have no direct

descendants, this type of research can be painstaking. The contracts are intended to be open bid so that ABMC can choose the best partner to work with to make the most impact, with the understanding that while this universe of applicants is likely small, no one organization is guaranteed a contract or federal funding year over year.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

| <b>S. 1318, Fallen Servicemembers Religious Heritage Restoration Act</b><br>As ordered reported by the Senate Committee on Veterans' Affairs on July 30, 2025 |      |                                              |           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|------|----------------------------------------------|-----------|
| By Fiscal Year, Millions of Dollars                                                                                                                           | 2025 | 2025-2030                                    | 2025-2035 |
| Direct Spending (Outlays)                                                                                                                                     | 0    | 0                                            | 0         |
| Revenues                                                                                                                                                      | 0    | 0                                            | 0         |
| Increase or Decrease (-) in the Deficit                                                                                                                       | 0    | 0                                            | 0         |
| Spending Subject to Appropriation (Outlays)                                                                                                                   | 0    | 3                                            | 5         |
| Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2036?                                                        | No   | Statutory pay-as-you-go procedures apply? No |           |
|                                                                                                                                                               |      | <b>Mandate Effects</b>                       |           |
| Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2036?                                                         | No   | Contains intergovernmental mandate? No       |           |
|                                                                                                                                                               |      | Contains private-sector mandate? No          |           |

S. 1318 would authorize annual appropriations of \$500,000 for 10 years to the American Battle Monuments Commission for the purpose of providing grants to nonprofit organizations. The commission maintains American military cemeteries and memorials outside of the United States. Grant recipients would use the funds to identify the graves of Jewish U.S. service members who are buried in those cemeteries under headstones or markers that incorrectly indicate they were not Jewish. CBO estimates that implementing the grant program would cost \$5 million over the 2025–2035 period. Such spending would be subject to the appropriation of the specified amounts.

The costs of the legislation, detailed in Table 1, fall within budget function 700 (veterans benefits and services).

TABLE 1.—ESTIMATED SPENDING SUBJECT TO APPROPRIATION UNDER S. 1318

|                               | By fiscal year, millions of dollars— |      |      |      |      |      |      |      |      |      |      |   |   |  | 2025–2030 | 2025–2035 |
|-------------------------------|--------------------------------------|------|------|------|------|------|------|------|------|------|------|---|---|--|-----------|-----------|
|                               | 2025                                 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 | 2033 | 2034 | 2035 |   |   |  |           |           |
| Estimated Authorization ..... | 0                                    | 1    | *    | 1    | *    | 1    | *    | 1    | *    | 1    | *    | 3 | 5 |  |           |           |
| Estimated Outlays .....       | 0                                    | 1    | *    | 1    | *    | 1    | *    | 1    | *    | 1    | *    | 3 | 5 |  |           |           |

\* = between zero and \$500,000.

On August 8, 2025 CBO transmitted a cost estimate for H.R. 2701, the Fallen Servicemembers Religious Heritage Restoration Act, as ordered reported by the House Committee on Veterans' Af-

fairs on July 23, 2025. H.R. 2701 would authorize grants for non-profits for five years, rather than the 10-year period specified in S. 1318. H.R. 2701 would reduce direct spending for VA pensions; S. 1318 would not affect those benefits.

The CBO staff contact for this estimate is Logan Smith. The estimate was reviewed by Hawley Anthony, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,  
*Director, Congressional Budget Office.*

#### REGULATORY IMPACT STATEMENT

The Committee finds that the bill would impose regulatory requirements on the American Battle Monuments Commission and nonprofit partners, and could affect the personal privacy of individuals by contacts to descendants of interred servicemembers. The paperwork resulting from enactment is expected to be minimal.

#### TABULATION OF VOTES CAST IN COMMITTEE

In compliance with paragraph 7(b) of rule XXVI of the Standing Rules of the Senate, the following is a tabulation of votes cast in person or by proxy by members of the Committee on Veterans' Affairs at its July 30, 2025, meeting.

During this meeting, Chairman Moran called up 23 bills, including S. 1318, to be considered en bloc. The bills were reported favorably by voice vote en bloc.

#### AGENCY REPORT

On May 21, 2025, the American Battle Monuments Commission submitted a statement for the record (SFR) in support of S. 1318. That SFR is reprinted below:

#### STATEMENT FOR THE RECORD

S. 1318—FALLEN SERVICEMEMBERS RELIGIOUS HERITAGE RESTORATION ACT; CHAIRMAN MORAN (R-KS), RM BLUMENTHAL (D-CT), SEN. ROSEN (D-NV), SEN. CORNYN (R-TX)

Summary of bill: To direct the American Battle Monuments Commission (ABMC) to establish a program to identify American-Jewish servicemembers buried in a US military cemetery overseas under markers that incorrectly represent their religion and heritage, and for other purposes.

Official position: ABMC supports the proposed bill.

Statement for the record: Chairman Moran, Ranking Member Blumenthal, and distinguished members of the Senate Committee on Veterans' Affairs, thank you for your support of the American Battle Monuments Commission (ABMC) and the opportunity share ABMC's views on the proposed legislation and how it benefits our mission.

Since ABMC was founded in 1923, the success of our mission has depended on the engagement of our stakeholders. Over time, our approach to accomplishing our mission has evolved to meet the changing needs of these various individuals. We have traditionally served:

- **Veterans, Family, and Friends Honored for Their Service or Their Loss**—We honor the veterans, family members, and friends of United States (U.S.) military who have served our country or endured the loss of a loved one who served. This group has the closest ties to our sites, and we strive to provide them with the most positive experience possible. For immediate family members who want to visit a family member's burial or memorialization site, we provide letters authorizing fee-free passports for traveling overseas to visit the memorial site. In addition, we offer a variety of other services, including information on an individual buried or honored, and escort services for family members visiting grave and memorial sites within the cemetery.

- **Military and Public Officials**—We host a variety of special events and commemorations throughout the year, including Memorial Day and Veterans Day holidays, to honor the freedom preserved and restored and the lives lost. Host country and U.S. government officials, diplomats, and military representatives attend these events with the public. In addition, military units hold ceremonies to honor their fallen comrades, and foreign organizations pay tribute to those who died liberating their regions.

- **Guests and Visitors**—We receive millions of American and foreign visitors of all generations at ABMC cemeteries and memorials. They learn and are inspired by the stewardship of the sites themselves, and the stories of our armed forces shared within our visitor centers and contact stations. We provide a variety of services to these visitors, including direction, advice on modes of transportation, and information on local accommodations.

- **ABMC Partners**—We support and provide information to our partners that help us further our mission, including other government agencies, historians and educators, the travel and tourism industry, and the media. Through these partnerships, we promote our mission, encourage visits to our commemorative sites, and help educate and inspire the public.

Recognizing the need for a federal agency to be responsible for honoring the fallen members of American armed forces where they had served abroad and for controlling the construction of military monuments and markers on foreign soil, Congress enacted legislation creating the ABMC.

As an independent agency of the Executive Branch, ABMC is responsible for commemorating the service, achievements, and sacrifice of American armed forces in the U.S. and where they have served overseas since April 6, 1917 (the date of U.S. entry into World War I), through the erection of suitable memorial shrines; for designing, constructing, operating, and maintaining permanent American military burial grounds in foreign countries; for con-

trolling the design and construction of U.S. military monuments and markers in foreign countries by other U.S. citizens and organizations, both public and private; and for encouraging the maintenance of such monuments and markers by their sponsors. In performing these functions, ABMC administers, operates and maintains 26 permanent American military burial grounds and 31 separate memorials, monuments and markers, of which three are located in the U.S.

Nearly 208,000 U.S. war dead from World War I and World War II are buried or memorialized on Walls of the Missing at ABMC sites. Additionally, more than 8,200 war dead listed as missing from the Korean War and 2,500 from the Vietnam War are memorialized at ABMC's Honolulu Memorial. ABMC also administers three cemeteries not associated with the world wars: Mexico City National Cemetery, Corozal American Cemetery in Panama, and Clark Veterans Cemetery in the Philippines. More than 15,000 members of the armed forces, veterans, and others are interred in these sites.

Each grave site in the permanent American World War I and World War II cemeteries on foreign soil is marked by a headstone of white marble. Annotated on the headstones of the World War I war dead who could not be identified is the phrase, "HERE RESTS IN HONORED GLORY AN AMERICAN SOLDIER KNOWN BUT TO GOD." In the World War II cemeteries, the words "AMERICAN SOLDIER" were replaced with "COMRADE IN ARMS."

ABMC's World War I, World War II, and Mexico City cemeteries are closed to future burials except for the remains of U.S. war dead found from time to time in the World War I and World War II battle areas. Corozal American Cemetery outside Panama City, Panama, and Clark Veterans Cemetery in the Philippines are the only active cemeteries that ABMC maintains.

The *Fallen Servicemembers Religious Heritage Restoration Act* serves our stakeholders and as such, ABMC has no objections to the purpose or language of S. 1318. However, ABMC requests clarification regarding when the proposed funds will be appropriated. In support of this legislation and to advance the program and its merits, ABMC would prefer funds be appropriated for this purpose in fiscal year (FY) 2026. If not appropriated in FY 2026, ABMC will request funding in its (FY) 2027 budget and the next ten budget cycles in support of this program.

ABMC's appropriations are used to maintain and operate the 26 overseas American cemeteries and 31 federal memorials, monuments and markers that ABMC maintains on behalf of the American people. Without the legislative authority and accompanying funding, ABMC will remain focused on using its appropriations for existing statutory authorities to achieve its sacred duty of telling the story of service and sacrifice of American men and women

who fought to preserve our freedom and now rest in American cemeteries overseas.

For nearly a decade, ABMC has partnered with Operation Benjamin—a nonprofit organization of the type that is described in the proposed bill—to identify American-Jewish servicemembers who were mistakenly buried under Latin crosses and replace those crosses with headstones bearing the Star of David. ABMC is proud to bear witness to Operation Benjamin’s many successes and looks forward to embracing many new endeavors of properly honoring the religion and heritage of servicemember sacrifice in the causes of democracy and freedom as outlined in S. 1318—*Fallen Servicemembers Religious Heritage Restoration Act*.

Thank you for the opportunity to expand on ABMC’s promise to honor those entrusted to our care by preserving their legacy of service and sacrifice for generations to come. Through this proposed bill and appropriated funding, ABMC will ensure that “time will not dim the glory of their deeds.”

#### CHANGES IN EXISTING LAW

Pursuant to paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee finds no changes in existing law made by S. 1318, as ordered reported.

