

112TH CONGRESS  
2D SESSION

# H. R. 5735

To provide for the establishment of a Tomb of Remembrance at Arlington National Cemetery for interment of cremated fragments of the remains of members of the Armed Forces killed in Afghanistan, Iraq, or a subsequent conflict when the fragments are unidentifiable by use of DNA testing or other means because of the condition of the fragments, are unclaimed, or are identified and authorized by the person designated to direct disposition of the remains for internment in such memorial.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2012

Mr. STIVERS (for himself and Mr. REYES) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for the establishment of a Tomb of Remembrance at Arlington National Cemetery for interment of cremated fragments of the remains of members of the Armed Forces killed in Afghanistan, Iraq, or a subsequent conflict when the fragments are unidentifiable by use of DNA testing or other means because of the condition of the fragments, are unclaimed, or are identified and authorized by the person designated to direct disposition of the remains for internment in such memorial.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. ESTABLISHMENT OF TOMB OF REMEMBRANCE**

4                       **AT ARLINGTON NATIONAL CEMETERY.**

5           (a) **ESTABLISHMENT REQUIRED.**—The Secretary of  
6       Defense shall establish at an appropriate location in Ar-  
7       lington National Cemetery a Tomb of Remembrance for  
8       the interment of cremated fragments of the remains of  
9       members of the Armed Forces killed in the conflicts speci-  
10      fied in subsection (b) when one of the conditions specified  
11      in subsection (c) applies with respect to the remains.

12          (b) **COVERED CONFLICTS.**—The Tomb of Remem-  
13      brance shall be established for the following conflicts:

14               (1) Operation Enduring Freedom in Afghani-  
15      stan.

16               (2) Operation Iraqi Freedom and Operation  
17      New Dawn in Iraq.

18               (3) Any war declared or contingency operation  
19      designated after the date of the enactment of this  
20      Act from which there are remains described in sub-  
21      section (c).

22          (c) **REMAINS AUTHORIZED FOR INTERNMENT.**—Sub-  
23      section (a) applies to fragments of the remains of a de-  
24      ceased member of the Armed Forces described in such  
25      subsection (or fragments reasonable believed to be from

1 the remains of a deceased member of the Armed Forces  
2 described in such subsection) that—

3 (1) are unidentifiable by use of DNA testing or  
4 other means because of the condition of the frag-  
5 ments;

6 (2) are unclaimed after a reasonable period of  
7 time;

8 (3) are identified and authorized for internment  
9 in the Tomb of Remembrance by the person des-  
10 ignated under section 1482(c) of title 10, United  
11 States Code, to direct disposition of the remains of  
12 the member; or

13 (4) are designated as “No Further Pursuit” re-  
14 mains.

15 (d) SOURCE OF FUNDS FOR ESTABLISHMENT.—To  
16 cover the costs to be incurred to establish the Tomb of  
17 Remembrance, the Secretary of Defense shall transfer the  
18 necessary funds from the account of the Office of the Sec-  
19 retary of Defense to the account of the Secretary of the  
20 Army used to fund operation and maintenance of Arling-  
21 ton National Cemetery.

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