SEC. 622. REPEAL OF OBSOLETE SPECIAL TRAVEL AND TRANSPORTATION ALLOWANCE FOR SURVIVORS OF DECEASED MEMBERS FROM THE VIETNAM CONFLICT.

Section 481f of title 37, United States Code, is amended by striking subsection (d).

[Please note: The "Changes to Existing Law" section below sets out in red-line format how the legislative text would amend existing law.]

Section-by-Section Analysis

This proposal would amend section 481f of title 37, United States Code, by repealing the outdated special travel and transportation allowance for survivors of deceased members from the Vietnam conflict.

Under section 481f of title 37, United States Code, the Secretaries of the Military Departments are authorized to provide transportation for survivors of deceased Service members to attend the member's burial ceremony and transfer ceremony. This included "expanded" benefits for the family of a deceased member of the armed forces who died while classified as a prisoner of war or as missing in action during the Vietnam conflict and whose remains are returned to the United States in order that the family members may attend the burial ceremony of the deceased member. These travel entitlements were meant to address the changing dynamic of the families awaiting the return of remains from that conflict, i.e. widows became remarried and dependent children came to the age of majority.

Over time, however, the general allowance has actually become more general than the travel entitlements of survivors from the Vietnam conflict. For example, the general benefit now provides for "unconditional" eligibility of parents and expanded travel eligibility to include children (regardless of age), siblings, and the person authorized to direct disposition (PADD).

Accordingly, the Department requests that the outdated special travel and transportation allowance for survivors of deceased members from the Vietnam be repealed to clarify Congressional intent that the families of all deceased service members receive the more generous general benefit.

Budget Implications: The table below details resource requirements. This amendment will cause a minimal increase in the Services annual travel budgets. All Services are currently applying the more generous provision.

RESOURCE REQUIREMENTS ($THOUSANDS)									
	FY 2016	**FY 2017**	**FY 2018**	**FY 2019**	**FY 2020**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**	**Program Element**
Army	25	25	25	25	25	Operation and Maintenance,	04	434	0808716A

						Army			
Air Force	5	5	5	5	5	Operation and Maintenance, Air Force	04	042A	88716F
Navy	5	5	5	5	5	Operation and Maintenance, Navy	04	4A5M	0808716N
Marine Corps	20	20	20	20	20	Operation and Maintenance, Marine Corps	04	4A4G	0901212M
Total	55	55	55	55	55				

Changes to Existing Law: This proposal would make the following change to section 481f of title 37, United States Code:

§ 481f. Travel and transportation allowances: transportation for survivors of deceased member to attend member's burial ceremonies; transportation for survivors of member dying overseas to attend transfer ceremonies

(a) ALLOWANCES AUTHORIZED.—(1) The Secretary concerned may provide round trip travel and transportation allowances to eligible relatives of a member of the uniformed services who dies while on active duty or inactive duty in order that the eligible relatives may attend the burial ceremony of the deceased member at the location determined under subsection (a)(8) of section 1482 of title 10 or attend a memorial service for the deceased member, under circumstances covered by subsection (d) of such section.

(2) The Secretary concerned may provide round trip travel and transportation allowances to eligible relatives of a member of the uniformed services who dies while on active duty in order that the eligible relatives may attend a memorial service for the deceased member that occurs at a location other than the location of the burial ceremony for which travel and transportation allowances are provided under paragraph (1). Travel and transportation allowances may be provided under this paragraph for travel of eligible relatives to only one memorial service for the deceased member concerned.

(3) The Secretary concerned may also provide round trip travel and transportation allowances to an attendant who accompanies an eligible relative provided travel and transportation allowances under paragraph (1) for travel to the burial ceremony if the Secretary concerned determines that—

(A) the accompanied eligible relative is unable to travel unattended because of age, physical condition, or other justifiable reason; and

(B) there is no other eligible relative of the deceased member traveling to the burial ceremony who is eligible for travel and transportation allowances under paragraph (1) and is qualified to serve as the attendant.

(b) LIMITATION ON AMOUNT.—Allowances for travel under subsection (a) may not exceed the rates for two days and the time necessary for such travel.

(c) ELIGIBLE RELATIVES.—(1) The following members of the family of a deceased member of the uniformed services are eligible for the travel and transportation allowances under paragraphs (1) and (2) of subsection (a):

(A) The surviving spouse (including a remarried surviving spouse) of the deceased member.

(B) The child or children of the deceased member (including stepchildren, adopted children, and illegitimate children).

(C) The parent or parents of the deceased member (as defined in section 401 (b)(2) of this title).

(D) The sibling or siblings of the deceased member.

(E) The person who directs the disposition of the remains of the deceased member under section 1482 (c) of title 10 or, in the case of a deceased member whose remains are commingled and buried in a common grave in a national cemetery, the person who would have been designated under such section to direct the disposition of the remains if individual identification had been made.

(2) If no person described in subparagraphs (A) through (D) of paragraph (1) is provided travel and transportation allowances under paragraph (1) or (2) of subsection (a), the travel and transportation allowances may be provided to one or two other persons who are closely related to the deceased member and are selected by the person referred to in paragraph (1)(E). A person provided travel and transportation allowances under this paragraph is in addition to the person referred to in paragraph (1)(E).

~~(d) EXPANDED ALLOWANCES RELATED TO RECOVERY OF REMAINS FROM VIETNAM CONFLICT.—(1) The Secretary of Defense may provide round trip travel and transportation allowances for the family of a deceased member of the armed forces who died while classified as a prisoner of war or as missing in action during the Vietnam conflict and whose remains are returned to the United States in order that the family members may attend the burial ceremony of the deceased member.~~

~~(2) The allowances under paragraph (1) shall include round trip transportation from the places of residence of such family members to the burial ceremony and such living expenses and other allowances as the Secretary of Defense considers appropriate.~~

~~(3) For purposes of paragraph (1), eligible family members of the deceased member of the armed forces include the following:~~

~~(A) The surviving spouse (including a remarried surviving spouse) of the deceased member.~~

~~(B) The child or children, including children described in section 401 (b)(1) of this title, of the deceased member.~~

~~(C) The parent or parents of the deceased member (as defined in section 401 (b)(2) of this title).~~

~~(D) If no person described in subparagraph (A), (B), or (C) is provided travel and transportation allowances under paragraph (1), any brothers, sisters, halfbrothers, halfsisters, stepbrothers, and stepsisters of the deceased member.~~

(e) TRANSPORTATION TO TRANSFER CEREMONIES OF MEMBERS OF THE ARMED FORCES WHO DIE OVERSEAS.—(1) The Secretary of the military department concerned may provide round trip transportation to ceremonies for the transfer of a member of the armed forces who dies while located or serving overseas to the following:

(A) The primary next of kin of the member.

(B) Two family members (other than primary next of kin) of the member.

(C) One or more additional family members of the member, at the discretion of the Secretary.

(2)(A) For purposes of this subsection, the primary next of kin of a member of the armed forces shall be the eligible relatives of the member specified in subparagraphs (A) through (D) of subsection (c)(1).

(B) The Secretaries of the military departments shall prescribe in regulations the family members of a member of the armed forces who shall constitute family members for purposes of subparagraphs (B) and (C) of paragraph (1). The Secretary of Defense shall ensure that such regulations are uniform across the military departments.

(3) Transportation shall be provided under this subsection by means of Invitational Travel Authorizations.

(4) The Secretary of a military department may, upon the request of the primary next of kin covered by paragraph (1)(A) and at the discretion of the Secretary, provide for the accompaniment of such next of kin in travel under this subsection by a casualty assistance officer or family liaison officer of the military department who shall act as an escort in such accompaniment.

(f) BURIAL CEREMONY DEFINED.—In this section, the term "burial ceremony" includes the following:

(1) An interment of casketed or cremated remains.

(2) A placement of cremated remains in a columbarium.

(3) A memorial service for which reimbursement is authorized under section 1482 (d)(2) of title 10.

(4) A burial of commingled remains that cannot be individually identified in a common grave in a national cemetery.

(g) REGULATIONS.— The Secretaries concerned shall prescribe uniform regulations to carry out this section.

(h) TERMINATION.—No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.