

113TH CONGRESS  
1ST SESSION

# H. R. 3106

To authorize the Secretary of Veterans Affairs and the Secretary of the Army to reconsider decisions to inter or honor the memory of a person in a national cemetery, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 2013

Mrs. BROOKS of Indiana (for herself, Mr. MESSER, Mr. STUTZMAN, and Mr. ROKITA) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, 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 authorize the Secretary of Veterans Affairs and the Secretary of the Army to reconsider decisions to inter or honor the memory of a person in a national cemetery, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Alicia Dawn Koehl  
5 Respect for National Cemeteries Act”.

1 **SEC. 2. AUTHORITY TO RECONSIDER DECISIONS OF SEC-**  
2 **RETARY OF VETERANS AFFAIRS OR SEC-**  
3 **RETARY OF THE ARMY TO INTER THE RE-**  
4 **MAINS OR HONOR THE MEMORY OF A PER-**  
5 **SON IN A NATIONAL CEMETERY.**

6 (a) AUTHORITY TO RECONSIDER PRIOR DECI-  
7 SIONS.—Section 2411 of title 38, United States Code, is  
8 amended—

9 (1) by redesignating subsection (d) as sub-  
10 section (e); and

11 (2) by inserting after subsection (c) the fol-  
12 lowing new subsection (d):

13 “(d)(1) In a case described in paragraph (2)(A), the  
14 appropriate Federal official may reconsider a decision to—

15 “(A) inter the remains of a person in a ceme-  
16 tery in the National Cemetery Administration or in  
17 Arlington National Cemetery; or

18 “(B) honor the memory of a person in a memo-  
19 rial area in a cemetery in the National Cemetery Ad-  
20 ministration (described in section 2403(a) of this  
21 title) or in such an area in Arlington National Ceme-  
22 tery (described in section 2409(a) of this title).

23 “(2)(A) A case described in this paragraph is a case  
24 in which the appropriate Federal official receives informa-  
25 tion that a person described in subparagraph (B) may  
26 have committed a Federal capital crime or a State capital

1 crime but was not convicted of such crime by reason of  
2 such person not being available for trial due to death or  
3 flight to avoid prosecution.

4 “(B) A person described in this subparagraph is a  
5 person—

6 “(i) whose remains have been interred in a cem-  
7 etery in the National Cemetery Administration or in  
8 Arlington National Cemetery; or

9 “(ii) whose memory has been honored in a me-  
10 morial area in a cemetery in the National Cemetery  
11 Administration or in such an area in Arlington Na-  
12 tional Cemetery.

13 “(3)(A) If in a case described in paragraph (2), the  
14 appropriate Federal official finds, based upon a showing  
15 of clear and convincing evidence and after an opportunity  
16 for a hearing in a manner prescribed by the appropriate  
17 Federal official, that the person had committed a Federal  
18 capital crime or a State capital crime but had not been  
19 convicted of such crime by reason of such person not being  
20 available for trial due to death or flight to avoid prosecu-  
21 tion, the appropriate Federal official shall provide notice  
22 to the deceased person’s next of kin or other person au-  
23 thorized to arrange burial or memorialization of the de-  
24 ceased person of the decision of the appropriate Federal  
25 official to disinter the remains of the deceased person or

1 to remove a memorial headstone or marker memorializing  
2 the deceased person.

3 “(B) Notice under subparagraph (A) shall be pro-  
4 vided by the appropriate Federal official as follows:

5 “(i) By the Secretary in accordance with section  
6 5104 of this title.

7 “(ii) By the Secretary of Defense in accordance  
8 with such regulations as the Secretary of Defense  
9 shall prescribe for purposes of this subsection.

10 “(4)(A) Notwithstanding any other provision of law,  
11 the next of kin or other person authorized to arrange bur-  
12 ial or memorialization of the deceased person shall be al-  
13 lowed a period of 60 days from the date of the notice re-  
14 quired by paragraph (3) to file a notice of disagreement  
15 with the Federal official that provided the notice.

16 “(B)(i) A notice of disagreement filed with the Sec-  
17 retary under subparagraph (A) shall be treated as a notice  
18 of disagreement filed with the Board of Veterans’ Appeals  
19 under chapter 71 of this title, and shall be decided by the  
20 Board in accordance with the provisions of that chapter.

21 “(ii) A notice of disagreement filed with the Secretary  
22 of Defense under subparagraph (A) shall be decided in  
23 accordance with such regulations as the Secretary of De-  
24 fense shall prescribe for purposes of this subsection.

1       “(5) When the decision of the appropriate Federal  
2 official to disinter the remains or remove a memorial head-  
3 stone or marker of the deceased person becomes final ei-  
4 ther by failure to appeal the decision in accordance with  
5 paragraph (4)(A) or by a decision pursuant to paragraph  
6 (4)(B), the appropriate Federal official may take any of  
7 the following actions:

8               “(A) Disinter the remains of the person from  
9 the cemetery in the National Cemetery Administra-  
10 tion or in Arlington National Cemetery and provide  
11 for the reburial or other appropriate disposition of  
12 the disinterred remains in a place other than a cem-  
13 etery in the National Cemetery Administration or in  
14 Arlington National Cemetery.

15               “(B) Remove from a memorial area in a ceme-  
16 tery in the National Cemetery Administration or in  
17 Arlington National Cemetery any memorial head-  
18 stone or marker placed to honor the memory of the  
19 person.”.

20       (b) APPLICABILITY.—The amendments made by sub-  
21 section (a) shall apply with respect to any interment or  
22 memorialization conducted by the Secretary of Veterans  
23 Affairs or the Secretary of the Army in a cemetery in the  
24 National Cemetery Administration or in Arlington Na-

1 tional Cemetery after the date of the enactment of this  
2 Act.

3 **SEC. 3. DISINTERMENT OF REMAINS OF MICHAEL**  
4 **LASHAWN ANDERSON FROM FORT CUSTER**  
5 **NATIONAL CEMETERY.**

6 (a) DISINTERMENT OF REMAINS.—The Secretary of  
7 Veterans Affairs shall disinter the remains of Michael  
8 LaShawn Anderson from Fort Custer National Cemetery.

9 (b) NOTIFICATION OF NEXT-OF-KIN.—The Secretary  
10 of Veterans Affairs shall—

11 (1) notify the next-of-kin of record for Michael  
12 LaShawn Anderson of the impending disinterment  
13 of his remains; and

14 (2) upon disinterment, relinquish the remains  
15 to the next-of-kin of record for Michael LaShawn  
16 Anderson or, if the next-of-kin of record for Michael  
17 LaShawn Anderson is unavailable, arrange for an  
18 appropriate disposition of the remains.

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