

Union Calendar No. 205

107TH CONGRESS
1ST SESSION

H. R. 3423

[Report No. 107-346]

To amend title 38, United States Code, to enact into law eligibility of certain veterans and their dependents for burial in Arlington National Cemetery.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2001

Mr. SMITH of New Jersey (for himself, Mr. BILIRAKIS, Mr. BUYER, Mr. SIMPSON, Mr. BAKER, Mr. SIMMONS, Mr. WOLF, and Mr. TOM DAVIS of Virginia) introduced the following bill; which was referred to the Committee on Veterans' Affairs

DECEMBER 19, 2001

Additional sponsors: Mr. EVANS, Mr. GIBBONS, Mr. FILNER, Mr. GUTIERREZ, Ms. BROWN of Florida, Ms. CARSON of Indiana, Mr. REYES, Mr. SHOWS, Ms. BERKLEY, and Mrs. DAVIS of California

DECEMBER 19, 2001

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Insert the part printed in *italic*]

A BILL

To amend title 38, United States Code, to enact into law eligibility of certain veterans and their dependents for burial in Arlington National Cemetery.

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. ELIGIBILITY OF CERTAIN PERSONS FOR BUR-**
4 **IAL IN ARLINGTON NATIONAL CEMETERY.**

5 (a) IN GENERAL.—(1) Chapter 24 of title 38, United
6 States Code, is amended by adding at the end the fol-
7 lowing new section:

8 **“§ 2412. Arlington National Cemetery: eligibility of**
9 **certain persons for burial**

10 “(a)(1) The remains of a member or former member
11 of a reserve component of the Armed Forces who at the
12 time of death was under 60 years of age and who, but
13 for age, would have been eligible at the time of death for
14 retired pay under chapter 1223 of title 10 may be buried
15 in Arlington National Cemetery on the same basis as the
16 remains of members of the Armed Forces entitled to re-
17 tired pay under that chapter.

18 “(2) The remains of the dependents of a member
19 whose remains are permitted under paragraph (1) to be
20 buried in Arlington National Cemetery may be buried in
21 that cemetery on the same basis as dependents of mem-
22 bers of the Armed Forces entitled to retired pay under
23 such chapter 1223.

24 “(b)(1) The remains of a member of a reserve compo-
25 nent of the Armed Forces who dies in the line of duty

1 while on active duty for training or inactive duty training
2 may be buried in Arlington National Cemetery on the
3 same basis as the remains of a member of the Armed
4 Forces who dies while on active duty.

5 “(2) The remains of the dependents of a member
6 whose remains are permitted under paragraph (1) to be
7 buried in Arlington National Cemetery may be buried in
8 that cemetery on the same basis as dependents of mem-
9 bers on active duty.”.

10 (2) The table of sections at the beginning of chapter
11 24 of title 38, United States Code, is amended by adding
12 at the end the following new item:

“2412. Arlington National Cemetery: eligibility of certain persons for burial.”.

13 (b) EFFECTIVE DATE.—Section 2412 of title 38,
14 United States Code, as added by subsection (a), shall
15 apply with respect to interments occurring on or after the
16 date of the enactment of this Act.

17 **SEC. 2. PLACEMENT OF MEMORIAL IN ARLINGTON NA-**
18 **TIONAL CEMETERY HONORING THE VICTIMS**
19 **OF THE ACTS OF TERRORISM PERPETRATED**
20 **AGAINST THE UNITED STATES ON SEP-**
21 **TEMBER 11, 2001.**

22 (a) *AUTHORIZATION TO PLACE MEMORIAL.*—*The Sec-*
23 *retary of the Army is authorized to construct and place in*
24 *Arlington National Cemetery a memorial marker honoring*

1 *the victims of the acts of terrorism perpetrated against the*
2 *United States on September 11, 2001.*

3 **(b) CONSULTATION WITH FAMILIES OF VICTIMS BE-**
4 *FORE USE OF AUTHORITY.—The Secretary of the Army*
5 *shall consult with the families of victims of such acts of*
6 *terrorism prior to the exercise of the authority provided for*
7 *under subsection (a).*

Amend the title so as to read: “A bill to amend title 38, United States Code, to enact into law eligibility of certain Reservists and their dependents for burial in Arlington National Cemetery, and for other purposes.”.

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A BILL

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