

113TH CONGRESS  
1ST SESSION

# S. 1471

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2013

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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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

9 (a) **AUTHORITY TO RECONSIDER PRIOR DECI-**  
10 **SIONS.**—Section 2411 of title 38, United States Code, is  
11 amended—

12 (1) by redesignating subsection (d) as sub-  
13 section (f); and

14 (2) by inserting after subsection (c) the fol-  
15 lowing new subsections:

16 “(d)(1) In a case described in subsection (e), the ap-  
17 propriate Federal official may reconsider a decision to—

18 “(A) inter the remains of a person in a ceme-  
19 tery in the National Cemetery Administration or in  
20 Arlington National Cemetery; or

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

1           “(2)(A)(i) In a case described in subsection (e)(1)(A),  
2 the appropriate Federal official shall provide notice to the  
3 deceased person’s next of kin or other person authorized  
4 to arrange burial or memorialization of the deceased per-  
5 son of the decision of the appropriate Federal official to  
6 disinter the remains of the deceased person or to remove  
7 a memorial headstone or marker memorializing the de-  
8 ceased person.

9           “(ii) In a case described in subsection (e)(1)(B), if  
10 the appropriate Federal official finds, based upon a show-  
11 ing of clear and convincing evidence and after an oppor-  
12 tunity for a hearing in a manner prescribed by the appro-  
13 priate Federal official, that the person had committed a  
14 Federal capital crime or a State capital crime but had not  
15 been convicted of such crime by reason of such person not  
16 being available for trial due to death or flight to avoid  
17 prosecution, the appropriate Federal official shall provide  
18 notice to the deceased person’s next of kin or other person  
19 authorized to arrange burial or memorialization of the de-  
20 ceased person of the decision of the appropriate Federal  
21 official to disinter the remains of the deceased person or  
22 to remove a memorial headstone or marker memorializing  
23 the deceased person.

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

1           “(i) By the Secretary in accordance with section  
2           5104 of this title.

3           “(ii) By the Secretary of Defense in accordance  
4           with such regulations as the Secretary of Defense  
5           shall prescribe for purposes of this subsection.

6           “(3)(A) Notwithstanding any other provision of law,  
7           the next of kin or other person authorized to arrange bur-  
8           ial or memorialization of the deceased person shall be al-  
9           lowed a period of 60 days from the date of the notice re-  
10          quired by paragraph (2) to file a notice of disagreement  
11          with the Federal official that provided the notice.

12          “(B)(i) A notice of disagreement filed with the Sec-  
13          retary under subparagraph (A) shall be treated as a notice  
14          of disagreement filed under section 7105 of this title and  
15          shall initiate appellate review in accordance with the provi-  
16          sions of chapter 71 of this title.

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

21          “(4) When the decision of the appropriate Federal  
22          official to disinter the remains or remove a memorial head-  
23          stone or marker of the deceased person becomes final ei-  
24          ther by failure to appeal the decision in accordance with  
25          paragraph (3)(A) or by final disposition of the appeal pur-

1 suant to paragraph (3)(B), the appropriate Federal offi-  
2 cial may take any of the following actions:

3           “(A) Disinter the remains of the person from  
4 the cemetery in the National Cemetery Administra-  
5 tion or in Arlington National Cemetery and provide  
6 for the reburial or other appropriate disposition of  
7 the disinterred remains in a place other than a cem-  
8 etery in the National Cemetery Administration or in  
9 Arlington National Cemetery.

10           “(B) Remove from a memorial area in a ceme-  
11 tery in the National Cemetery Administration or in  
12 Arlington National Cemetery any memorial head-  
13 stone or marker placed to honor the memory of the  
14 person.

15           “(e)(1) A case described in this subsection is a case  
16 in which the appropriate federal official receives—

17           “(A) written notice of a conviction referred to  
18 in subsection (b)(1), (b)(2), or (b)(4) of a person de-  
19 scribed in paragraph (2); or

20           “(B) information that a person described in  
21 paragraph (2) may have committed a Federal capital  
22 crime or a State capital crime but was not convicted  
23 of such crime by reason of such person not being  
24 available for trial due to death or flight to avoid  
25 prosecution.

1       “(2) A person described in this paragraph is a per-  
2 son—

3               “(A) whose remains have been interred in a  
4 cemetery in the National Cemetery Administration  
5 or in Arlington National Cemetery; or

6               “(B) whose memory has been honored in a me-  
7 morial area in a cemetery in the National Cemetery  
8 Administration or in such an area in Arlington Na-  
9 tional Cemetery.”.

10       (b) MODIFICATION OF EXCEPTION TO INTERMENT  
11 OR MEMORIALIZATION PROHIBITION.—Subsection (a)(2)  
12 of such section is amended by striking “such official ap-  
13 proves an application for”.

14       (c) APPLICABILITY.—The amendments made by this  
15 section shall apply with respect to any interment or memo-  
16 rialization conducted by the Secretary of Veterans Affairs  
17 or the Secretary of the Army in a cemetery in the National  
18 Cemetery Administration or in Arlington National Ceme-  
19 tery after the date of the enactment of this Act.

20 **SEC. 3. DISINTERMENT OF REMAINS OF MICHAEL**  
21 **LASHAWN ANDERSON FROM FORT CUSTER**  
22 **NATIONAL CEMETERY.**

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

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

3 (1) notify the next-of-kin of record for Michael  
4 LaShawn Anderson of the impending disinterment  
5 of his remains; and

6 (2) upon disinterment, relinquish the remains  
7 to the next-of-kin of record for Michael LaShawn  
8 Anderson or, if the next-of-kin of record for Michael  
9 LaShawn Anderson is unavailable, arrange for an  
10 appropriate disposition of the remains.

Passed the Senate November 18, 2013.

Attest:

NANCY ERICKSON,

*Secretary.*