

Union Calendar No. 45

112TH CONGRESS
1ST SESSION

H. R. 1627

[Report No. 112–84, Part I]

To amend title 38, United States Code, to provide for certain requirements for the placement of monuments in Arlington National Cemetery, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2011

Mr. MILLER of Florida (for himself, Mr. ROE of Tennessee, Mr. LAMBORN, and Mr. JOHNSON of Ohio) 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

MAY 20, 2011

Reported from the Committee on Veterans' Affairs with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

MAY 20, 2011

The Committee on Armed Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on April 15, 2011]

A BILL

To amend title 38, United States Code, to provide for certain requirements for the placement of monuments in Arlington 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 “Honoring American Vet-*
 5 *erans Act of 2011”.*

6 **SEC. 2. REQUIREMENTS FOR THE PLACEMENT OF MONU-**
 7 **MENTS IN ARLINGTON NATIONAL CEMETERY.**

8 *Section 2409(b) of title 38, United States Code, is*
 9 *amended—*

10 *(1) by striking “Under” and inserting “(1)*
 11 *Under”;*

12 *(2) by inserting after “Secretary of the Army”*
 13 *the following: “and subject to paragraph (2)”;* and

14 *(3) by adding at the end the following new para-*
 15 *graphs:*

16 *“(2)(A) Except for a monument containing or mark-*
 17 *ing interred remains, no monument (or similar structure,*
 18 *as determined by the Secretary of the Army in regulations)*
 19 *may be placed in Arlington National Cemetery except pur-*
 20 *suant to the provisions of this subsection.*

21 *“(B) A monument may be placed in Arlington Na-*
 22 *tional Cemetery if the monument commemorates—*

23 *“(i) the service in the Armed Forces of the indi-*
 24 *vidual, or group of individuals, whose memory is to*
 25 *be honored by the monument; or*

1 “(ii) a particular military event.

2 “(C) No monument may be placed in Arlington Na-
3 tional Cemetery until the end of the 25-year period begin-
4 ning—

5 “(i) in the case of the commemoration of service
6 under subparagraph (B)(i), on the last day of the pe-
7 riod of service so commemorated; and

8 “(ii) in the case of the commemoration of a par-
9 ticular military event under subparagraph (B)(ii), on
10 the last day of the period of the event.

11 “(D) A monument may be placed only in those sections
12 of Arlington National Cemetery designated by the Secretary
13 of the Army for such placement and only on land the Sec-
14 retary determines is not suitable for burial.

15 “(E) A monument may only be placed in Arlington
16 National Cemetery if an appropriate non-governmental en-
17 tity has agreed to act as a sponsoring organization to co-
18 ordinate the placement of the monument and—

19 “(i) the construction and placement of the monu-
20 ment are paid for only using funds from private
21 sources;

22 “(ii) the Secretary of the Army consults with the
23 Commission of Fine Arts before approving the design
24 of the monument; and

1 “(iii) the sponsoring organization provides for
2 an independent study on the availability and suit-
3 ability of alternative locations for the proposed monu-
4 ment outside of Arlington National Cemetery.

5 “(3)(A) The Secretary of the Army may waive the re-
6 quirement under paragraph (2)(C) in a case in which the
7 monument would commemorate a group of individuals who
8 the Secretary determines—

9 “(i) has made valuable contributions to the
10 Armed Forces that have been ongoing and perpetual
11 for longer than 25 years and are expected to continue
12 on indefinitely; and

13 “(ii) has provided service that is of such a char-
14 acter that the failure to place a monument to the
15 group in Arlington National Cemetery would present
16 a manifest injustice.

17 “(B) If the Secretary waives such requirement under
18 subparagraph (A), the Secretary shall—

19 “(i) make available on an Internet website noti-
20 fication of the waiver and the rationale for the waiv-
21 er; and

22 “(ii) submit to the Committee on Veterans’ Af-
23 fairs and the Committee on Armed Services of the
24 Senate and the Committee on Veterans’ Affairs and
25 the Committee on Armed Services of the House of

1 *Representatives written notice of the waiver and the*
2 *rationale for the waiver.*

3 *“(4) The Secretary of the Army shall provide notice*
4 *to the Committee on Armed Services and the Committee on*
5 *Veterans’ Affairs of the Senate and the Committee on Vet-*
6 *erans’ Affairs and the Committee on Armed Services of the*
7 *House of Representatives of any monument proposed to be*
8 *placed in Arlington National Cemetery. During the 60-day*
9 *period beginning on the date on which such notice is re-*
10 *ceived, Congress may pass a joint resolution of disapproval*
11 *of the placement of the monument. The proposed monument*
12 *may not be placed in Arlington National Cemetery until*
13 *the later of—*

14 *“(A) if Congress does not pass a joint resolution*
15 *of disapproval of the placement of the monument, the*
16 *date that is 60 days after the date on which notice*
17 *is received under this paragraph; or*

18 *“(B) if Congress passes a joint resolution of dis-*
19 *approval of the placement of the monument, and the*
20 *President signs a veto of such resolution, the earlier*
21 *of—*

22 *“(i) the date on which either House of Con-*
23 *gress votes and fails to override the veto of the*
24 *President; or*

1 “(ii) the date that is 30 session days after
 2 the date on which Congress received the veto and
 3 objections of the president.”.

4 **SEC. 3. CODIFICATION OF PROHIBITION AGAINST RESERVA-**
 5 **TION OF GRAVESITES AT ARLINGTON NA-**
 6 **TIONAL CEMETERY.**

7 (a) *IN GENERAL.*—Chapter 24 of title 38, United
 8 States Code, is amended by inserting after section 2410 the
 9 following new section:

10 **“§2410A. Arlington National Cemetery: other admin-**
 11 **istrative matters**

12 “(a) *ONE GRAVESITE PER FAMILY.*—(1) Not more
 13 than one gravesite may be provided at Arlington National
 14 Cemetery to a veteran or member of the Armed Forces who
 15 is eligible for interment at such cemetery and the family
 16 members of such veteran or member who are also eligible
 17 for interment at such cemetery.

18 “(2) The Secretary may waive the requirement under
 19 paragraph (1) in extreme circumstances, as determined by
 20 the Secretary. If the Secretary waives such requirement
 21 under this paragraph, the Secretary shall submit notice of
 22 the waiver to the Committee on Veterans’ Affairs and the
 23 Committee on Armed Services of the Senate and the Com-
 24 mittee on Veterans’ Affairs and the Committee on Armed
 25 Services of the House of Representatives.

1 “(b) *PROHIBITION AGAINST RESERVATION OF*
 2 *GRAVESITES.*—*A gravesite at Arlington National Cemetery*
 3 *may not be reserved for an individual before the death of*
 4 *such individual.”.*

5 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 6 *the beginning of chapter 24 of such title is amended by in-*
 7 *serting after the item relating to section 2410 the following*
 8 *new item:*

“2410A. *Arlington National Cemetery: other administrative matters.”.*

9 (c) *APPLICABILITY.*—

10 (1) *IN GENERAL.*—*Except as provided in para-*
 11 *graph (2), section 2410A of such title, as added by*
 12 *subsection (a), shall apply with respect to all inter-*
 13 *ments at Arlington National Cemetery after the date*
 14 *of the enactment of this Act.*

15 (2) *EXCEPTION.*—*Subsection (b) of such section,*
 16 *as so added, shall not apply with respect to the inter-*
 17 *ment of an individual for whom a written request for*
 18 *a reserved gravesite was submitted to the Secretary of*
 19 *the Army before January 1, 1962, and subsequently*
 20 *approved.*

21 (d) *REPORT.*—

22 (1) *IN GENERAL.*—*Not later than 180 days after*
 23 *the date of the enactment of this Act, the Secretary of*
 24 *the Army shall submit to Congress a report on res-*

1 *ervations made for interment at Arlington National*
2 *Cemetery.*

3 (2) *ELEMENTS.—The report required by para-*
4 *graph (1) shall include the following:*

5 (A) *The number of requests for reservation*
6 *of a gravesite at Arlington National Cemetery*
7 *that were submitted to the Secretary of the Army*
8 *before January 1, 1962.*

9 (B) *The number of gravesites at such ceme-*
10 *tery that, on the day before the date of the enact-*
11 *ment of this Act, were reserved in response to*
12 *such requests.*

13 (C) *The number of such gravesites that, on*
14 *the day before the date of the enactment of this*
15 *Act, were unoccupied.*

16 (D) *A list of all reservations for gravesites*
17 *at such cemetery that were extended by individ-*
18 *uals responsible for management of such ceme-*
19 *tery in response to requests for such reservations*
20 *made on or after January 1, 1962.*

21 (E) *A description of the measures that the*
22 *Secretary is taking to improve the accountability*
23 *and transparency of the management of gravesite*
24 *reservations at Arlington National Cemetery.*

1 (F) *Such recommendations as the Secretary*
2 *may have for legislative action as the Secretary*
3 *considers necessary to improve such account-*
4 *ability and transparency.*

5 **SEC. 4. SENSE OF CONGRESS REGARDING THE PROVISION**
6 **OF A MEMORIAL MARKER ON CHAPLAINS**
7 **HILL TO HONOR THE MEMORY OF THE JEW-**
8 **ISH CHAPLAINS WHO DIED WHILE ON ACTIVE**
9 **DUTY IN THE ARMED FORCES OF THE UNITED**
10 **STATES.**

11 (a) *FINDINGS.—Congress makes the following findings:*

12 (1) *13 Jewish chaplains have died while on ac-*
13 *tive duty in the Armed Forces of the United States.*

14 (2) *Army Chaplain Rabbi Alexander Goode died*
15 *on February 3, 1943, when then U.S.S. Dorchester*
16 *was sunk by German torpedoes off the coast of Green-*
17 *land.*

18 (3) *Chaplain Goode received the Four Chaplains’*
19 *Medal for Heroism and the Distinguished Service*
20 *Cross for his heroic efforts to save the lives of those*
21 *onboard the Dorchester.*

22 (4) *Army Chaplain Rabbi Irving Tepper was*
23 *killed in action in France on August 13, 1944.*

1 (5) Chaplain Tepper also saw combat in Mo-
2 rocco, Tunisia, and Sicily while attached to an infan-
3 try combat team in the Ninth Division.

4 (6) Army Chaplain Rabbi Louis Werfel died on
5 December 24, 1944, at the young age of 27, in a plane
6 crash while en route to conduct Chanukah services.

7 (7) Chaplain Werfel was known as “The Flying
8 Rabbi” because his duties required traveling great
9 distances by plane to serve Army personnel of Jewish
10 faith at outlying posts.

11 (8) Army Chaplain Rabbi Meir Engel died at
12 the Naval Hospital in Saigon, Vietnam, on December
13 16, 1964, after faithfully serving his country during
14 World War II, the Korean War, and the Vietnam
15 War.

16 (9) Army Chaplain Rabbi Morton Singer died
17 on December 17, 1968, in a plane crash while on a
18 mission in Vietnam to conduct Chanukah services.

19 (10) Army Chaplain Rabbi Herman Rosen died
20 in service of his faith and his country on June 18,
21 1943.

22 (11) His son, Air Force Chaplain Solomon
23 Rosen, also died in service of his faith and his coun-
24 try on November 2, 1948.

1 (12) *Army Chaplain Rabbi Nachman Arnoff*
2 *died in service of his faith and his country on May*
3 *9, 1946.*

4 (13) *Army Chaplain Rabbi Frank Goldenberg*
5 *died in service of his faith and his country on May*
6 *22, 1946.*

7 (14) *Army Chaplain Rabbi Henry Goody died*
8 *in service of his faith and his country on October 19,*
9 *1943.*

10 (15) *Army Chaplain Rabbi Samuel Hurwitz*
11 *died in service of his faith and his country on Decem-*
12 *ber 9, 1943.*

13 (16) *Air Force Chaplain Rabbi Samuel Rosen*
14 *died in service of his faith and his country on May*
15 *13, 1955.*

16 (17) *Air Force Chaplain Rabbi David Sobel died*
17 *in service of his faith and his country on March 7,*
18 *1974.*

19 (18) *Chaplains Hill in Arlington National Cem-*
20 *etry memorializes the names of 242 chaplains who*
21 *perished while serving on active duty in the Armed*
22 *Forces of the United States.*

23 (19) *None of the 13 Jewish chaplains who have*
24 *died while serving on active duty are memorialized*
25 *on Chaplains Hill.*

1 (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*
 2 *that an appropriate site on Chaplains Hill in Arlington*
 3 *National Cemetery should be provided for a memorial*
 4 *marker, to be paid for with private funds, to honor the*
 5 *memory of the Jewish chaplains who died while on active*
 6 *duty in the Armed Forces of the United States, so long as*
 7 *the Secretary of the Army has exclusive authority to ap-*
 8 *prove the design and site of the memorial marker.*

9 **SEC. 5. SENSE OF CONGRESS REGARDING THE SERVICE**
 10 **AND SACRIFICE OF MEMBERS OF THE UNITED**
 11 **STATES ARMED FORCES WHO ARE SERVING**
 12 **IN, OR HAVE SERVED IN, OPERATION ENDUR-**
 13 **ING FREEDOM, OPERATION IRAQI FREEDOM,**
 14 **AND OPERATION NEW DAWN.**

15 (a) *FINDINGS.*—*Congress makes the following findings:*

16 (1) *More than 2,000,000 members of the Armed*
 17 *Forces have deployed to the theaters of war since the*
 18 *commencement of Operation Enduring Freedom, Op-*
 19 *eration Iraqi Freedom, and Operation New Dawn.*

20 (2) *Hundreds of thousands of such members have*
 21 *deployed for multiple tours of duty, leaving their*
 22 *homes, their families, and in many cases, their civil-*
 23 *ian jobs.*

1 (3) *More than 5,500 members of the Armed*
2 *Forces have made the ultimate sacrifice for the United*
3 *States while serving in Iraq or Afghanistan.*

4 (4) *Tens of thousands of additional members of*
5 *the Armed Forces have been seriously wounded in the*
6 *line of duty while serving in these theaters of war.*

7 (5) *These members of the Armed Forces have an-*
8 *swered the Nation's call to duty, serving bravely and*
9 *nobly and, in most cases, without fanfare or acclaim.*

10 (6) *These members of the Armed Forces have per-*
11 *sonified the virtues of patriotism, service, duty, cour-*
12 *age, and sacrifice.*

13 (7) *All Americans recognize the service and sac-*
14 *rifices made by these members of the Armed Forces*
15 *and their families.*

16 (b) *SENSE OF CONGRESS.—Congress—*

17 (1) *honors the members of the Armed Forces who*
18 *are serving in Operation Enduring Freedom, Oper-*
19 *ation Iraqi Freedom, and Operation New Dawn and*
20 *the members and veterans who have previously served*
21 *in Operation Enduring Freedom, Operation Iraqi*
22 *Freedom, and Operation New Dawn; and*

23 (2) *calls on all Americans to reflect on the serv-*
24 *ice of these members and veterans and to hold them*
25 *in a special place of honor now and in the future.*

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