

America safe, keeping America strong. A permanent memorial for these brave men and women will ensure all Americans are able to honor and remember their sacrifice.

While construction of such a memorial has been authorized since 1994, this bill offers critical amendments to make it a reality. It allows the National Museum of the American Indian to build the memorial on its grounds and permits the museum to work with the National Congress of American Indians in raising funding.

This honor is past due for the thousands of Native American veterans and servicemembers and their families, and I urge my colleagues to join me, to join all of us in giving thanks for their service by supporting this bill.

Mr. MULLIN. Mr. Speaker, I yield as much time as he may consume to the gentleman from Montana (Mr. DAINES).

Mr. DAINES. Mr. Speaker, I want to thank Congressman MULLIN for the work he has done in leading this important bill and bringing it to the floor, as well as the bipartisan support from my distinguished friend and Member from Arizona (Mr. GRIJALVA), as we are bringing something together here that is bipartisan in nature for a very important reason.

Montana is the proud home of seven federally recognized tribes, along with the State-recognized tribe the Little Shell. Montana's tribes not only represent an important part of Montana's history and our heritage, in fact, more than 2,500 Montana tribal members are veterans who serve as true examples of service, of bravery, of patriotism.

Last month, I was blessed with the opportunity to meet with some of those Montana veterans, their families, and other tribal members in Washington, D.C., for a Congressional Gold Medal ceremony honoring the Native American code talkers who served in both World Wars. In fact, it was a special moment.

I brought several of those members of the Crow Tribe, descendants of these Crow code talkers, to the House floor for a tour after Congress had adjourned. And here we were, in this great Chamber, as these members of the Crow Tribe presented a blessing in their native language that was helpful in allowing us to win the World Wars.

This recognition was long overdue and well-deserved for these brave and selfless men and women. I think it is important that all of our Native American veterans receive the honor they deserve.

This bill would help a memorial commemorating our Native American veterans to be constructed on the National American Indian Museum grounds here in Washington, D.C. This memorial will serve as an important symbol of gratitude for the thousands of native men and women who have fought to keep us free.

I hope all Members will join me today in supporting this effort to show our Native American veterans the ap-

preciation and honor that is most deserved.

Mr. GRIJALVA. Mr. Speaker, I have no further speakers.

I just want to conclude by again thanking the sponsor of the legislation and, I think, to point out the obvious: this legislation is important, its timing is important, and the fact that this recognition, per capita, for contributions to our Nation in military service for Native American peoples and tribes across this country is a very important one. It speaks to real loyalty, real love of the land, and real love of this Nation. I am proud to be here and to lend my support to this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. MULLIN. Mr. Speaker, I would like to thank my colleague from Arizona for his support on this very important piece of legislation.

We have no further speakers, so I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma (Mr. MULLIN) that the House suspend the rules and pass the bill, H.R. 2319, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MULLIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

ALICIA DAWN KOEHL RESPECT FOR NATIONAL CEMETERIES ACT

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1471) 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.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1471

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alicia Dawn Koehl Respect for National Cemeteries Act".

SEC. 2. AUTHORITY TO RECONSIDER DECISIONS OF SECRETARY OF VETERANS AFFAIRS OR SECRETARY OF THE ARMY TO INTER THE REMAINS OR HONOR THE MEMORY OF A PERSON IN A NATIONAL CEMETERY.

(a) AUTHORITY TO RECONSIDER PRIOR DECISIONS.—Section 2411 of title 38, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:

“(d)(1) In a case described in subsection (e), the appropriate Federal official may reconsider a decision to—

“(A) inter the remains of a person in a cemetery in the National Cemetery Adminis-

tration or in Arlington National Cemetery; or

“(B) honor the memory of a person in a memorial area in a cemetery in the National Cemetery Administration (described in section 2403(a) of this title) or in such an area in Arlington National Cemetery (described in section 2409(a) of this title).

“(2)(A)(i) In a case described in subsection (e)(1)(A), the appropriate Federal official shall provide notice to the deceased person's next of kin or other person authorized to arrange burial or memorialization of the deceased person of the decision of the appropriate Federal official to disinter the remains of the deceased person or to remove a memorial headstone or marker memorializing the deceased person.

“(ii) In a case described in subsection (e)(1)(B), if the appropriate Federal official finds, based upon a showing of clear and convincing evidence and after an opportunity for a hearing in a manner prescribed by the appropriate Federal official, that the person had committed a Federal capital crime or a State capital crime but had not been convicted of such crime by reason of such person not being available for trial due to death or flight to avoid prosecution, the appropriate Federal official shall provide notice to the deceased person's next of kin or other person authorized to arrange burial or memorialization of the deceased person of the decision of the appropriate Federal official to disinter the remains of the deceased person or to remove a memorial headstone or marker memorializing the deceased person.

“(B) Notice under subparagraph (A) shall be provided by the appropriate Federal official as follows:

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

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

“(3)(A) Notwithstanding any other provision of law, the next of kin or other person authorized to arrange burial or memorialization of the deceased person shall be allowed a period of 60 days from the date of the notice required by paragraph (2) to file a notice of disagreement with the Federal official that provided the notice.

“(B)(i) A notice of disagreement filed with the Secretary under subparagraph (A) shall be treated as a notice of disagreement filed under section 7105 of this title and shall initiate appellate review in accordance with the provisions of chapter 71 of this title.

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

“(4) When the decision of the appropriate Federal official to disinter the remains or remove a memorial headstone or marker of the deceased person becomes final either by failure to appeal the decision in accordance with paragraph (3)(A) or by final disposition of the appeal pursuant to paragraph (3)(B), the appropriate Federal official may take any of the following actions:

“(A) Disinter the remains of the person from the cemetery in the National Cemetery Administration or in Arlington National Cemetery and provide for the reburial or other appropriate disposition of the disinterred remains in a place other than a cemetery in the National Cemetery Administration or in Arlington National Cemetery.

“(B) Remove from a memorial area in a cemetery in the National Cemetery Administration or in Arlington National Cemetery any memorial headstone or marker placed to honor the memory of the person.

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

“(A) written notice of a conviction referred to in subsection (b)(1), (b)(2), or (b)(4) of a person described in paragraph (2); or

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

“(2) A person described in this paragraph is a person—

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

“(B) whose memory has been honored in a memorial area in a cemetery in the National Cemetery Administration or in such an area in Arlington National Cemetery.”.

(b) MODIFICATION OF EXCEPTION TO INTERMENT OR MEMORIALIZATION PROHIBITION.—Subsection (a)(2) of such section is amended by striking “such official approves an application for”.

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to any interment or memorialization conducted by the Secretary of Veterans Affairs or the Secretary of the Army in a cemetery in the National Cemetery Administration or in Arlington National Cemetery after the date of the enactment of this Act.

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

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

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

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

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and add any extraneous material and include that material on S. 1471.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1245

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of S. 1471, the Alicia Dawn Koehl Respect for National Cemeteries Act. This bill would grant authority to the Department of Veterans Affairs to reconsider the decision to inter or memorialize an individual within a national cemetery in

situations where it is later discovered that the deceased committed a capital crime.

Currently, section 2411 of title 38, United States Code, prohibits the interment or memorialization of persons who committed a Federal or State capital crime. Nonetheless, situations have arisen where the entity, such as a funeral home, or the individual who is charged with scheduling the interment or memorialization of a decedent either does not know of the decedent's crime or does not truthfully report such crime to Federal cemetery officials.

In situations where a funeral home had no knowledge that a decedent was involved in a capital crime at the time of the burial request, VA actually lacks the statutory authority to reconsider interment or memorialization decisions. Simply put, individuals who are buried or memorialized within national cemeteries cannot be disinterred on the basis of subsequently received information.

Mr. Speaker, S. 1471 would provide this authority to VA, as well as to the Department of Defense, in the case of Arlington National Cemetery.

VA supports this bill, as it would provide the Department with the ability to redress interment cases where eligibility is invalidated by information that is learned after a burial.

This bill would also specifically direct the Secretary of Veterans Affairs to disinter the remains of Michael Lashawn Anderson from Fort Custer National Cemetery, as it was Mr. Anderson who murdered Alicia Dawn Koehl prior to taking his own life. In that case, the funeral home charged with Mr. Anderson's burial was unaware of the incident. Thus they did not properly report the crime, and Fort Custer National Cemetery provided the military funeral.

The interment of Mr. Anderson was brought to the attention of the Indiana congressional delegation; and I want to thank my colleague from Indiana (Mrs. BROOKS) for highlighting this tragic incident and for offering companion legislation to S. 1471. I also want to thank our colleagues in the Senate for addressing this need and for passing S. 1471. I encourage all of my colleagues to support this legislation.

At this time, I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

I support this legislation to allow the VA or the Secretary of the Army to reconsider their decisions to inter individuals at our Veterans National Cemeteries, to include Arlington National Cemetery. With this legislation, individuals who may have committed a Federal or State capital crime, but were not convicted by reason of unavailability for trial due to death or flight to avoid prosecution, may be considered for disinterment.

Being buried in our national cemeteries is one of the highest honors our

Nation bestows upon veterans and their dependents for their service and sacrifice.

This legislation also closes a loophole in the current law. Currently, veterans and their dependents who have been convicted of capital crimes may not be buried in Arlington National Cemetery or any national cemetery. If there is a mistake and they are inappropriately buried in one of these cemeteries, the Army and/or VA cannot correct the mistake. This legislation would correct this issue and allow the Secretaries of the Army and the VA to reconsider the original interment and exhume the body for interment elsewhere.

Mr. Speaker, I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, at this time, I yield such time as she may consume to the gentlewoman from Indiana (Mrs. BROOKS), the Member who brought this matter to the committee's attention.

Mrs. BROOKS of Indiana. Mr. Speaker, I want to thank the distinguished gentleman from Florida, Chairman MILLER, and Subcommittee Chairman RUNYAN for bringing up this important piece of legislation today, S. 1471.

Mr. Speaker, during this season of Christmas, we seek to surround ourselves with our family and friends to give thanks for the blessings in our lives. But unfortunately, one family from my district will be spending yet another Christmas season without their wife, without their mother, without their daughter-in-law because of a senseless act of violence that took place at an apartment complex in Indianapolis, Indiana, on May 30, 2012.

On that date, Michael Anderson, a deranged Army veteran, went on a shooting rampage that took the life of Alicia Koehl, who was an apartment complex manager. After taking her life, he also severely injured three others. Mr. Anderson shot Alicia 13 times before taking his own life.

Alicia's killing left a hole in communities throughout Indiana. She was not only a mother to two young children and a loving wife but she was also a Girl Scout leader, the Volunteer of the Year at Spring Mill Elementary School, and an active member of her church.

Paul Koehl, Alicia's husband, provided testimony to the House Veterans' Affairs Committee that Alicia was the “glue that held our family together.” He continued that her motto in life was “live, laugh, love” and that the saying could be found in almost every room of their home. He finally relayed her contagious optimism by telling that her smile and gentle nature never failed to light up a room.

So it is no wonder that her passing triggered an outpouring of sympathy throughout the State, with candlelight vigils being held and the Indianapolis City Council formally memorializing her as someone “whose very presence

in the community is a stabilizing influence which lends a sense of purpose and direction.”

Mr. Speaker, you can only imagine the indignation when, in the midst of their grief, family and friends found out that the killer of Alicia was allowed burial in a national cemetery with full military honors. This is in spite of a Federal law explicitly forbidding the Department of Veterans Affairs from interring anyone who has committed a capital crime, including those never formally convicted.

At the request of Alicia’s family and friends, Senator COATS and I began working on this case to rectify the mistake made by the National Cemeteries Association. The NCA informed us that they lacked the authority to disinter Michael Anderson or the ability to rectify their horrific mistake if something like this should ever happen again.

Mr. Speaker, this is unacceptable. I am outraged not only that the Koehl family has had to endure yet another injustice after Alicia’s life was needlessly cut short but also that our brave servicemen and -women who, in some cases, have given the ultimate sacrifice to their Nation are buried next to a murderous criminal.

The legislation before the House today will simply give the Department of Veterans Affairs the ability to reconsider interment of veterans who lost their privilege of interment in our national cemeteries by committing a capital offense. Our Nation’s cemeteries shouldn’t be tarnished because of a legislative technicality, and the bill before us will close this loophole. Our bravest men and women should be buried next to fellow heroes, and today we can make sure they always are.

So I am proud to be a sponsor of the House version of this bill that garnered the support of all Hoosier Representatives, and I want to thank them for coming together in a bicameral and bipartisan way to get behind this meaningful and important piece of legislation.

I want to encourage all of my colleagues on both sides of the aisle to come together to help give closure to the Koehl family, restore a sense of honor to our national cemeteries, and improve protocol so that an injustice like this will never happen again.

Mr. MICHAUD. Mr. Speaker, today we can take a meaningful step to ensure the sanctity of our national cemeteries. These grounds are hallowed for the men and women who fought selflessly on our behalf.

With that, I encourage my colleagues to support this legislation and yield back the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I, too, encourage our colleagues to join in support of S. 1471.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, S. 1471.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MILLER of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

SEAN AND DAVID GOLDMAN INTERNATIONAL CHILD ABDUCTION PREVENTION AND RETURN ACT OF 2013

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3212) to ensure compliance with the 1980 Hague Convention on the Civil Aspects of International Child Abduction by countries with which the United States enjoys reciprocal obligations, to establish procedures for the prompt return of children abducted to other countries, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Sean and David Goldman International Child Abduction Prevention and Return Act of 2013”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings; sense of Congress; purposes.
- Sec. 3. Definitions.

TITLE I—DEPARTMENT OF STATE ACTIONS

- Sec. 101. Annual report.
- Sec. 102. Standards and assistance.
- Sec. 103. Memorandum of understanding.
- Sec. 104. Notification of congressional representatives.

TITLE II—PRESIDENTIAL ACTIONS

- Sec. 201. Presidential actions in response to unresolved cases.
- Sec. 202. Presidential actions in response to patterns of noncooperation in cases of international child abductions.
- Sec. 203. Consultations with foreign governments.
- Sec. 204. Report to Congress.
- Sec. 205. Presidential actions.
- Sec. 206. Presidential waiver.
- Sec. 207. Publication in Federal Register.
- Sec. 208. Termination of Presidential actions.

SEC. 2. FINDINGS; SENSE OF CONGRESS; PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Sean Goldman, a United States citizen and resident of New Jersey, was abducted from the United States in 2004 and separated from his father, David Goldman, who spent nearly six years battling for the return of his son from Brazil before Sean was finally returned to Mr. Goldman’s custody on December 24, 2009.

(2) The Department of State’s Office of Children’s Issues, which serves as the Cen-

tral Authority of the United States for the purposes of the 1980 Hague Convention on the Civil Aspects of International Child Abduction, has received thousands of requests since 2007 for assistance in the return to the United States of children who have been abducted by a parent or other legal guardian to another country. For a variety of reasons reflecting the significant obstacles to the recovery of abducted children, as well as the legal and factual complexity involving such cases, not all cases are reported to the Central Authority of the United States.

(3) More than one thousand outgoing international child abductions are reported to the Central Authority of the United States every year.

(4) Only about half of the children abducted from the United States to countries with which the United States enjoys reciprocal obligations under the Hague Abduction Convention are returned to the United States.

(5) The United States and Convention countries have expressed their desire, through the Hague Abduction Convention, “to protect children internationally from the harmful effects of their wrongful removal or retention and to establish procedures to ensure their prompt return to the State of their habitual residence, as well as to secure protection for rights of access.”

(6) Compliance by the United States and Convention countries depends on the actions of their designated central authorities, the performance of their judiciaries as reflected in the legal process and decisions rendered to enforce or effectuate the Hague Abduction Convention, and the ability and willingness of their law enforcement to insure the swift enforcement of orders rendered pursuant to the Hague Abduction Convention.

(7) According to data compiled by the Central Authority of the United States, approximately 40 percent of abduction cases and access cases involve children taken from the United States to countries with which the United States does not have Hague Abduction Convention obligations or other agreements relating to the resolution of abduction cases and access cases.

(8) According to the Department of State’s April 2010 Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction, “parental child abduction jeopardizes the child and has substantial long-term consequences for both the child and the left-behind parent.”

(9) Abducted children are at risk of serious emotional and psychological problems and have been found to experience anxiety, eating problems, nightmares, mood swings, sleep disturbances, aggressive behavior, resentment, guilt and fearfulness, and as adults may struggle with identity issues, personal relationships, and parenting.

(10) Left-behind parents may encounter substantial psychological and emotional problems, and few have the extraordinary financial resources necessary to pursue individual civil or criminal remedies in both the United States and a foreign country, even where available, or to engage in repeated foreign travel to attempt to procure the return of their children by evoking diplomatic and humanitarian remedies.

(11) Left-behind parents who are military parents may be unable to leave their military duties to pursue multinational litigation or take leave to attend multiple court proceedings, and foreign authorities may not schedule proceedings to accommodate such duties.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should set a strong example for Convention countries in the timely location and return of abducted