

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1627

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IN THE SENATE OF THE UNITED STATES

MAY 24, 2011

Received; read twice and referred to the Committee on Veterans' Affairs

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Honoring American  
3 Veterans Act of 2011”.

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

6 Section 2409(b) of title 38, United States Code, is  
7 amended—

8 (1) by striking “Under” and inserting “(1)  
9 Under”;

10 (2) by inserting after “Secretary of the Army”  
11 the following: “and subject to paragraph (2)”; and

12 (3) by adding at the end the following new  
13 paragraphs:

14 “(2)(A) Except for a monument containing or mark-  
15 ing interred remains, no monument (or similar structure,  
16 as determined by the Secretary of the Army in regula-  
17 tions) may be placed in Arlington National Cemetery ex-  
18 cept pursuant to the provisions of this subsection.

19 “(B) A monument may be placed in Arlington Na-  
20 tional Cemetery if the monument commemorates—

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

24 “(ii) a particular military event.

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

4 “(i) in the case of the commemoration of serv-  
5 ice under subparagraph (B)(i), on the last day of the  
6 period of service so commemorated; and

7 “(ii) in the case of the commemoration of a  
8 particular military event under subparagraph (B)(ii),  
9 on the last day of the period of the event.

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

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

18 “(i) the construction and placement of the  
19 monument are paid for only using funds from pri-  
20 vate sources;

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

24 “(iii) the sponsoring organization provides for  
25 an independent study on the availability and suit-

1 ability of alternative locations for the proposed  
2 monument outside of Arlington National Cemetery.

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

7 “(i) has made valuable contributions to the  
8 Armed Forces that have been ongoing and perpetual  
9 for longer than 25 years and are expected to con-  
10 tinue on indefinitely; and

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

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

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

20 “(ii) submit to the Committee on Veterans’ Af-  
21 fairs and the Committee on Armed Services of the  
22 Senate and the Committee on Veterans’ Affairs and  
23 the Committee on Armed Services of the House of  
24 Representatives written notice of the waiver and the  
25 rationale for the waiver.

1           “(4) The Secretary of the Army shall provide notice  
2 to the Committee on Armed Services and the Committee  
3 on Veterans’ Affairs of the Senate and the Committee on  
4 Veterans’ Affairs and the Committee on Armed Services  
5 of the House of Representatives of any monument pro-  
6 posed to be placed in Arlington National Cemetery. Dur-  
7 ing the 60-day period beginning on the date on which such  
8 notice is received, Congress may pass a joint resolution  
9 of disapproval of the placement of the monument. The  
10 proposed monument may not be placed in Arlington Na-  
11 tional Cemetery until the later of—

12           “(A) if Congress does not pass a joint resolu-  
13 tion of disapproval of the placement of the monu-  
14 ment, the date that is 60 days after the date on  
15 which notice is received under this paragraph; or

16           “(B) if Congress passes a joint resolution of  
17 disapproval of the placement of the monument, and  
18 the President signs a veto of such resolution, the  
19 earlier of—

20           “(i) the date on which either House of  
21 Congress votes and fails to override the veto of  
22 the President; or

23           “(ii) the date that is 30 session days after  
24 the date on which Congress received the veto  
25 and objections of the president.”.

1 **SEC. 3. CODIFICATION OF PROHIBITION AGAINST RES-**  
2 **ERVATION OF GRAVESITES AT ARLINGTON**  
3 **NATIONAL CEMETERY.**

4 (a) IN GENERAL.—Chapter 24 of title 38, United  
5 States Code, is amended by inserting after section 2410  
6 the following new section:

7 **“§ 2410A. Arlington National Cemetery: other admin-**  
8 **istrative matters**

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

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

23 “(b) PROHIBITION AGAINST RESERVATION OF  
24 GRAVESITES.—A gravesite at Arlington National Ceme-  
25 tery may not be reserved for an individual before the death  
26 of such individual.”.

1           (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of chapter 24 of such title is amended  
3 by inserting after the item relating to section 2410 the  
4 following new item:

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

5           (c) APPLICABILITY.—

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

11               (2) EXCEPTION.—Subsection (b) of such sec-  
12 tion, as so added, shall not apply with respect to the  
13 interment of an individual for whom a written re-  
14 quest for a reserved gravesite was submitted to the  
15 Secretary of the Army before January 1, 1962, and  
16 subsequently approved.

17           (d) REPORT.—

18               (1) IN GENERAL.—Not later than 180 days  
19 after the date of the enactment of this Act, the Sec-  
20 retary of the Army shall submit to Congress a report  
21 on reservations made for interment at Arlington Na-  
22 tional Cemetery.

23               (2) ELEMENTS.—The report required by para-  
24 graph (1) shall include the following:

1           (A) The number of requests for reservation  
2 of a gravesite at Arlington National Cemetery  
3 that were submitted to the Secretary of the  
4 Army before January 1, 1962.

5           (B) The number of gravesites at such cem-  
6 etery that, on the day before the date of the en-  
7 actment of this Act, were reserved in response  
8 to such requests.

9           (C) The number of such gravesites that, on  
10 the day before the date of the enactment of this  
11 Act, were unoccupied.

12           (D) A list of all reservations for gravesites  
13 at such cemetery that were extended by individ-  
14 uals responsible for management of such ceme-  
15 tery in response to requests for such reserva-  
16 tions made on or after January 1, 1962.

17           (E) A description of the measures that the  
18 Secretary is taking to improve the account-  
19 ability and transparency of the management of  
20 gravesite reservations at Arlington National  
21 Cemetery.

22           (F) Such recommendations as the Sec-  
23 retary may have for legislative action as the  
24 Secretary considers necessary to improve such  
25 accountability and transparency.



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

7 (a) FINDINGS.—Congress makes the following find-  
8 ings:

9 (1) 13 Jewish chaplains have died while on ac-  
10 tive duty in the Armed Forces of the United States.

11 (2) Army Chaplain Rabbi Alexander Goode died  
12 on February 3, 1943, when then U.S.S. Dorchester  
13 was sunk by German torpedoes off the coast of  
14 Greenland.

15 (3) Chaplain Goode received the Four Chap-  
16 lains' Medal for Heroism and the Distinguished  
17 Service Cross for his heroic efforts to save the lives  
18 of those onboard the Dorchester.

19 (4) Army Chaplain Rabbi Irving Tepper was  
20 killed in action in France on August 13, 1944.

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

24 (6) Army Chaplain Rabbi Louis Werfel died on  
25 December 24, 1944, at the young age of 27, in a

1 plane crash while en route to conduct Chanukah  
2 services.

3 (7) Chaplain Werfel was known as “The Flying  
4 Rabbi” because his duties required traveling great  
5 distances by plane to serve Army personnel of Jew-  
6 ish faith at outlying posts.

7 (8) Army Chaplain Rabbi Meir Engel died at  
8 the Naval Hospital in Saigon, Vietnam, on Decem-  
9 ber 16, 1964, after faithfully serving his country  
10 during World War II, the Korean War, and the  
11 Vietnam War.

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

15 (10) Army Chaplain Rabbi Herman Rosen died  
16 in service of his faith and his country on June 18,  
17 1943.

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

21 (12) Army Chaplain Rabbi Nachman Arnoff  
22 died in service of his faith and his country on May  
23 9, 1946.

1           (13) Army Chaplain Rabbi Frank Goldenberg  
2 died in service of his faith and his country on May  
3 22, 1946.

4           (14) Army Chaplain Rabbi Henry Goody died  
5 in service of his faith and his country on October 19,  
6 1943.

7           (15) Army Chaplain Rabbi Samuel Hurwitz  
8 died in service of his faith and his country on De-  
9 cember 9, 1943.

10          (16) Air Force Chaplain Rabbi Samuel Rosen  
11 died in service of his faith and his country on May  
12 13, 1955.

13          (17) Air Force Chaplain Rabbi David Sobel  
14 died in service of his faith and his country on March  
15 7, 1974.

16          (18) Chaplains Hill in Arlington National Cem-  
17 etery memorializes the names of 242 chaplains who  
18 perished while serving on active duty in the Armed  
19 Forces of the United States.

20          (19) None of the 13 Jewish chaplains who have  
21 died while serving on active duty are memorialized  
22 on Chaplains Hill.

23          (b) SENSE OF CONGRESS.—It is the sense of Con-  
24 gress that an appropriate site on Chaplains Hill in Arling-  
25 ton National Cemetery should be provided for a memorial

1 marker, to be paid for with private funds, to honor the  
2 memory of the Jewish chaplains who died while on active  
3 duty in the Armed Forces of the United States, so long  
4 as the Secretary of the Army has exclusive authority to  
5 approve the design and site of the memorial marker.

6 **SEC. 5. SENSE OF CONGRESS REGARDING THE SERVICE**  
7 **AND SACRIFICE OF MEMBERS OF THE**  
8 **UNITED STATES ARMED FORCES WHO ARE**  
9 **SERVING IN, OR HAVE SERVED IN, OPER-**  
10 **ATION ENDURING FREEDOM, OPERATION**  
11 **IRAQI FREEDOM, AND OPERATION NEW**  
12 **DAWN.**

13 (a) FINDINGS.—Congress makes the following find-  
14 ings:

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

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

1           (3) More than 5,500 members of the Armed  
2 Forces have made the ultimate sacrifice for the  
3 United 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  
6 the line of duty while serving in these theaters of  
7 war.

8           (5) These members of the Armed Forces have  
9 answered the Nation's call to duty, serving bravely  
10 and nobly and, in most cases, without fanfare or ac-  
11 claim.

12           (6) These members of the Armed Forces have  
13 personified the virtues of patriotism, service, duty,  
14 courage, and sacrifice.

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

18           (b) SENSE OF CONGRESS.—Congress—

19           (1) honors the members of the Armed Forces  
20 who are serving in Operation Enduring Freedom,  
21 Operation Iraqi Freedom, and Operation New Dawn  
22 and the members and veterans who have previously  
23 served in Operation Enduring Freedom, Operation  
24 Iraqi Freedom, and Operation New Dawn; and

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

Passed the House of Representatives May 23, 2011.

Attest:

KAREN L. HAAS,

*Clerk.*