

## FREQUENTLY ASKED QUESTIONS

### **REPORT TO CONGRESS- PUBLIC LAW 114-158**

#### **Q. What is Public Law 114-158?**

A: On May 20<sup>th</sup>, 2016 President Obama signed Public Law (PL) 114-158. This law consisted of two parts. The first part of the law expanded eligibility for Arlington National Cemetery (ANC) to 30+ groups of active duty designees (and increasing the eligible population for ANC by approximately 200,000). The second part of the law required the Secretary of the Army to report NLT 180 days after the enactment of the law – on the interment and inurnment capacity of ANC. “This report should include the estimated date that ANC will reach maximum capacity and recommendations for legislative actions and non-legislative options necessary to ensure that capacity of the cemetery is not reached until well into the future (including actions and options with respect to redefining eligibility criteria and expansion opportunities).”

#### **Q. What is the Report to Congress - Public Law 114-158?**

A. The report to Congress titled *The Future of Arlington National Cemetery: Report on the Cemetery's Interment and Inurnment Capacity* was prepared by the Secretary of the Army to respond to part two of PL 114-158. The text of that law is:

“Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Veterans' Affairs and the Committees on Armed Services of the House of Representatives and the Senate a report on the interment and inurnment capacity of Arlington National Cemetery, including—

(1) the estimated date that the Secretary determines the cemetery will reach maximum interment and inurnment capacity; and

(2) in light of the unique and iconic meaning of the cemetery to the United States, recommendations for legislative actions and non-legislative options that the Secretary determines necessary to ensure that the maximum interment and inurnment capacity of the cemetery is not reached until well into the future, including such actions and options with respect to—

(A) redefining eligibility criteria for interment and inurnment in the cemetery; and

(B) considerations for additional expansion opportunities beyond the current boundaries of the cemetery.”

#### **Q. Why was PL 114-158 passed?**

A. On April 13, 2016, during testimony regarding the proposed Medal of Honor Legacy Act legislation by former Executive Director of Arlington National Cemetery, Mr. Patrick Hallinan, Congress became acutely aware that ANC will close for first internments within the lifetime of most reading this report. Subsequently, the bill that eventually

became PL 114-158 included language requiring this report – in addition to expanding eligibility at ANC to 30+ groups of active duty designees.

**Q. Why is the Army considering changing eligibility?**

A. The Army was told to provide analysis on the estimated date when the cemetery would close; options to extend its capacity, and which options or actions would achieve this objective. The Army is now facilitating a national dialogue in order to help weigh these considerations.

**Q. Who do I call?**

A. ANC welcomes anyone to join the national dialogue. You may express your concerns or comments by calling our toll free number at 1.877.907.8585. Alternatively, any citizen may contact their local congressmen and ask to voice their opinion regarding the future of ANC. The Army is also planning a survey to help further understand the desires of interested citizens and will announce its availability in the near future.

**Q. What is the likely first option the Army will choose?**

A. The Secretary of the Army is considering the impact of any change to the cemetery and the veteran's it serves. Please note that any changes to the two national cemetery's the Army is responsible for - Arlington National Cemetery and the Soldiers and Airmen's Home National Cemetery - will not affect the other 135 beautiful national cemeteries operated throughout the U.S. by the Department of Veterans Affairs.

**Q. When will changes to eligibility criteria happen?**

A. Given current policies, rates of interments and inurnments, and space available to the cemetery, ANC will close within approximately 25 years. If it is the desire of the Nation the cemetery remain open well into the future, a change must occur prior to this time.

**Q. What happens when the cemetery is full?**

A. The Army believes this hallowed ground will always be a special place to honor our war dead, remember the sacrifices of our veterans and their families, and explore the rich tapestry of our Nation's history. The Army will continue to maintain the grounds and honor its sacred mission after ANC is full.

**Q. Why are we expanding? Why not just let it fill up?**

A. This is one of the most complex questions the Army may face as decisions are made for the future of the cemetery. The roots of this complexity will be in the form of feedback we receive from visitors, families, and veterans, and the special place ANC has in our culture as a Nation.

In fact, the text of the law that has required this report tells part of that story. When laws are created in our form of government, they are created by Congress, on behalf of those citizens who elected them to their important office of our legislative branch.

PL 114-158, written on behalf of the people, demands to know what can be done to prevent the cemetery from filling up. Specifically, the law asks the Army to determine options or actions that could be taken to cause the cemetery to last “well into the future.” For planning purposes, “well into the future” was taken to mean between 100-150 years into the future – and how this could be achieved.

Additionally, the history of Arlington National Cemetery is unique in our Nation. ANC was born of the conflict that arguably placed our Nation more at risk than any other – the War of the Rebellion. Since being created during the U.S. Civil War, we – the citizens of this great Nation – have laid to rest veterans and their family members who have served in every conflict. During this time, the significance and iconic meaning of the cemetery has evolved. It has evolved to become a place where our veterans are honored in a special way, further recognized by nearly 4 million visitors each year to these hallowed grounds. Preserving this cemetery as a burial ground for future generations continues this long service to the Nation.

It is with these factors in mind the Army and Arlington National Cemetery is inviting the public to join in the national dialogue.

**Q. How many spaces are currently available?**

A. Arlington National Cemetery conducts an average of 30 burials per week day, and up to 10 burials each Saturday. Currently, less than 106,000 burial spaces remain, even when including the ongoing Millennium expansion, which will provide over 27,000 new interment / inurnment locations by late 2017. With this sustained demand, without future expansions and/or change in eligibility, the Cemetery will run out of space for first interments by the year 2041.

**Q. How is burial space determined?**

A. Burial space is governed by land available to the cemetery. Generally, each acre acquired by the cemetery is capable of providing a final resting place for 1,000 Veterans. Each acre of land added to the cemetery results in only a few additional months of burial services.

**Q. If nothing changes, when will burial space run out?**

A. At the current rate of burials, Arlington National Cemetery will close for first interments by about 2041.

**Q. When will eligibility policies change at Arlington?**

A. Any change will take time. By law, the Secretary of the Army – with the approval of the Secretary of Defense – effects change to most aspects of eligibility policy through

the federal rule-making process. This process allows for public comment and response periods.

**Q. Are current veterans not going to have any burial space?**

A. Our nation is always going to have burial space for our Veterans. Even when ANC is filled to capacity, the Department of Veterans Affairs' National Cemetery Administration operates 135 national cemeteries throughout the United States in which our veterans could be laid to rest. Given the current status of ANC and without changes to eligibility and/or expansion, veterans that served in the Gulf War and any subsequent conflict will not have the option of ANC as their final resting place, regardless of valor.

**Q. How long will it take Congress or the Secretary of the Army to decide if there will be changes?**

A. If the cemetery is to remain available to honor our Nation's war dead well into the future, the decision should be made well in advance of running out of space. Each year that our nation delays a decision only serves to shorten the potential life of the cemetery as well as decreasing the time afforded to our veterans and their families to make alternative plans for their time of need.

## **ELIGIBILITY**

**Q. What are the steps the Army is taking now to determine new eligibility regulations?**

A. The Army is considering the feasibility, acceptability, and suitability of all options outlined in the report. As always, input from the citizens of our great nation is important in developing new policies.

**Q. What does the Army or ANC want to do/recommend?**

A. ANC will facilitate the decision-making process and arm stakeholders with adequate and accurate information to make a decision about the cemetery's future in an inclusive manner. We understand it is an emotional issue for many stakeholders and requires thoughtful engagement.

**Q. When was the last time eligibility changed?**

A. The last time eligibility was changed was through legislation in PL 114-158 in May 2016, which expanded eligibility for above-ground inurnment to an approximate population of 200,000 active duty designees. Another recent change by the Secretary of the Army was to correct an oversight in federal rule-making, to ensure adult dependent children remained eligible for placement with their eligible parent(s).

**Q. At the time of my death, how will I know I'm eligible at ANC?**

A. ANC provides the public information as to what items will be needed to determine eligibility at the time of need. At that time, family members submit proof of their loved one's honorable discharge and active service. Once these documents are received, ANC will make an eligibility determination.

It is important to remember, eligibility at a VA National Cemetery is different from Arlington, and both options should be considered when laying your loved one to rest.

**Q. Does this law (PL 114-158) change eligibility at the Department of VA cemeteries?**

A. No, this law only expanded eligibility to include active duty designees for above-ground inurnment at Arlington National Cemetery. This law does not have any direct impact on eligibility for the other 135 national military cemeteries managed by the Veteran's Administration.

**Q. Can I reserve a space now?**

A. By law, ANC is prohibited from reserving burial locations. Space at the cemetery is allocated at the time of need.

**Q. We are now waiting for a funeral; will this affect us?**

A. Anyone who is currently waiting for a funeral at ANC and has had eligibility already determined for burial will not be affected.

**Q. Will this increase or decrease wait times?**

A. Wait times for funeral services at ANC are based on the high demand for funeral honors at ANC, the family's ability to provide proof of eligibility (along with other traditional legal requirements applicable to any burial) in a timely manner, and the Department of Defense's availability of funeral honors details. Any change in burial policy that alters the demand for funeral services at ANC may affect wait times.

**Q. Will this change in-ground or columbarium eligibility or both?**

A. Depending on the decisions ultimately made to prolong the life of the ANC, eligibility for above or below ground burial may change.

**Q. Individual eligibility questions.**

A. We invited anyone who would like to learn if they or a loved one is currently eligible for burial to view the Arlington National Cemetery eligibility webpage at:  
<http://www.arlingtoncemetery.mil/Funerals/Scheduling-a-Funeral/Establishing-Eligibility>

**Q. Will I still be able to be buried with my spouse?**

A. There is no intent right now to alter the spouse burial benefit. The spouse burial benefit will continue to provide burial space for the eligible spouses and dependents.

**Q. Will spouses be allowed first interments?**

A. Yes. However, as the qualifying veteran, you will be required to sign a statement that certifies that you will be interred/inurned in the same gravesite/niche upon your demise/death.

**Q. Can we just bury military and not family members?**

A. Burying a family member, when a qualified veteran agrees to be buried at ANC, does not take up additional grave space. The veteran and family member(s) are typically buried in the same grave, rather than side by side.

## **EXPANSION PLANS**

**Q. Isn't ANC building new cemetery space?**

A. Yes, the Millennium Project anticipated to open in Fall of 2017 will provide an estimated 27,282 additional burial opportunities, resulting in between six and seven years of additional cemetery capacity if historic burial requests remain consistent. This capacity will allow ANC to remain open until the early 2040's.

**Q. Are there plans for an Arlington Annex?**

A. There are no current plans for an Arlington Annex. What sets ANC apart from the other national cemeteries is iconic location of the cemetery, its historic importance, and the military honors provided by each military service branch – which are more robust than what is typically provided by the other 135 VA cemeteries or at other local cemeteries. Any annex would not likely have ANC's iconic location, history, or military honors resources.

**Q. Isn't the Air Force Memorial area under consideration for additional burial space?**

A. ANC's development of the Southern Expansion will only enhance the USAF Memorial experience and will not affect its location or existence. The expansion area

includes the area once known as the Navy Annex and is pending interagency land transfer and use negotiations, major road realignment, and funding.

**Q. Can't you take all wooded area out of the cemetery?**

A. The wooded area next to the Custis-Lee home is National Park Service property. This land is historically preserved as it is original to the Custis-Lee property. Further complicating this is the terrain and a water source located within that section would make it challenging to develop for burials.

**Q. Will there be room for memorial markers?**

A. Honoring our service members who are lost or missing is a solemn duty that our nation's military is very proud of, and ANC will continue to support as directed by law.

**Q. Can't you take out all the memorial markers to make space?**

A. By law, land not suitable for burial must be preserved to honor and remember our service members whose remains are not present.

**####**