

MINUTES
ADVISORY COMMITTEE ON ARLINGTON NATIONAL CEMETERY (ACANC)
FULL COMMITTEE MEETING

July 29, 2020

1. DESIGNATED FEDERAL OFFICER'S REMARKS: Ms. Renea Yates, Designated Federal Officer (DFO) for the Advisory Committee on Arlington National Cemetery (ACANC), initiated the meeting, noting that present in person were MAJ Michael Shepard, of ANC G5, and Mr. Matthew Davis, Advisory Committee Analyst and Alternate Designated Federal Officer for the Advisory Committee on Arlington National Cemetery.

The DFO stated for the record that this virtual open Committee meeting is pursuant to the National Defense Authorization Act (NDAA) of 2012, codified in 10 U.S.C. § 7723. The Committee operates under the authority and provisions of the Federal Advisory Committee Act of 1972, 5 U.S.C. Appendix 2, and 41 Code of Federal Regulation 102-3.50(d). Arlington National Cemetery is the agency that receives the benefit of the Committee's advice and recommendations, and ANC provides the Designated Federal Officer, nominated by the ANC Executive Director and appointed by the Administrative Assistant to the Secretary of the Army. ANC also provides administrative support to the Committee.

The DFO stated that the meeting was open to the public and being digitally recorded, and that attending members of the public were not allowed to present questions from the floor or speak to any issue under discussion by the Committee without approval of the Committee Chair. Any member of the public was eligible to file a written statement or request to make a verbal presentation in accordance with the published Federal Register notice, which can be found on the ANC website at www.arlingtoncemetery.mil. The DFO asked all guests to ensure that their cameras were inactive and their microphones muted. The DFO also stated that the proceedings were being digitally recorded, and that a written summary will be prepared and made available to the public on the ANC website.

The meeting was called to order at 1404.

2. ROLL CALL: Ms. Yates noted a quorum for the record, with the following members in attendance:

Secretary of the Army nominees: Mr. James Peake (Committee Co-Chair), Mr. Gene Castagnetti, Mr. Mark Farley, Ms. Ann Harrell, Mr. Thomas Kelley, Ms. Ann Rondeau.

Secretary of the American Battle Monuments Commission nominee: Mr. Chet Edwards (Committee Co-Chair).

Secretary of Veterans Affairs nominee: Mr. Jack Kelly.

3. PRIOR MEETING MINUTES: The DFO announced that the approved minutes from the 11 December 2019 meeting can be found [on the ANC website](#).

4. CHAIRMAN'S OPENING REMARKS: Mr. James Peake, Committee Co-Chair, opened the meeting and thanked the audience for accommodating the virtual format of the meeting. He complimented ANC staff for getting the technology up and working. Mr. Peake stated that the Committee is looking forward to hearing from the Executive Director and being introduced to the new Superintendent. A hallmark of this Committee has been its focus on the iconic nature of Arlington, he noted, and today the Committee will hear a 65% design update on Southern Expansion—the last single land parcel adjacent to the cemetery, and therefore very important to the cemetery's future. There will also be an update from Mr. Farley on the Subcommittee meeting held in the morning.

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5. EXECUTIVE DIRECTOR REMARKS: Ms. Karen Durham-Aguilera, Executive Director, Office of Army Cemeteries and Arlington National Cemetery, thanked Ms. Yates and the Committee members for their willingness to participate in the video conference, so that the important business of the Advisory Committee could be continued. ANC depends on the Committee to provide deliberate recommendations, she stated, and the Secretary of the Army also greatly values its input. On her agenda today are two things: 1) an update on the federal rulemaking process for the proposed criteria for revised eligibility for burial at Arlington National Cemetery, and 2) an introduction of the new Superintendent, Mr. Ray Alexander, who will provide an update on several topics as well.

5A. Federal Rulemaking Process: Ms. Durham-Aguilera began by noting that this Committee has been instrumental in considering different possibilities and options to help form the new eligibility criteria. The proposed criteria was announced by the Secretary of the Army in September 2019, in accordance with the requirements of the FY2019 National Defense Authorization Act (NDAA). Since then, she reported, the Army has been in process of writing the draft rule, which is a legal process in accordance with the Administrative Procedures Act. That draft rule has now been cleared by the Administration. As soon as the rule is packaged up, and the Under Secretary of the Army releases it for the agency, it will be sent to the Federal Register and they will publish it. That is expected to happen later this summer. When the draft rule is published in the Federal Register, the 60-day public comment period begins. There will be notifications in the Federal Register about how the public cannot just see the draft rule, but can also provide comments. Ms. Durham-Aguilera emphasized that “we want any comment we can get from the public on their thoughts on these proposed criteria.” After the 60-day public comment period, the Army will adjudicate all of the comments received, take them into consideration and eventually write the final rule. Then, after Department of Defense and administrative clearance of that rule, the final rule will be published. Ms. Durham-Aguilera expects that to take another calendar year. Until that final rule is published, she emphasized, nothing changes—and when it is published, there will be 30 more days after that before it is in effect. Even when the final rule is rendered, families who are already in the process of scheduling burial for their loved one at Arlington National Cemetery will continue with that process under the current criteria. Ms. Durham-Aguilera then paused for questions from the Committee.

Committee Questions and Discussion

- Mr. Peake noted that the Committee has obviously opined on this and has had a lot of discussions. Since the draft rule will probably be published in late summer, he suggested that the Committee should plan to meet again, virtually, in September, so that there will be adequate time to offer comments within the 60-day period. Potential September dates will be discussed at the end of this meeting.

- Mr. Edwards asked for confirmation that the Committee has the right to express its views, if it votes to do so, within the 60-day public comment period. He also asked if there are any administrative restrictions on the Committee being part of the public comments. Ms. Yates replied that there are no restrictions. The only restriction is that any discussion would need to be held in a meeting open to the public. Ms. Durham-Aguilera affirmed that the Committee may decide to provide comments on the proposed rule, and those would be considered as part of the public process.

- Mr. Peake asked if the Committee can “go both routes” of submitting comments directly to the Secretary of the Army as the Committee, as well as through the public process. Ms. Yates clarified that as individuals, Committee members can provide their own individual comments to the Federal Register. As

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a group, collectively, if they decide to render any comments to the Secretary of the Army, those are from the Committee itself. The individual comments have to go through the Federal Register process.

- The Committee had no additional comments, and thanked Ms. Durham-Aguilera for her remarks.

5B. Introduction of Mr. Ray Alexander, Superintendent, Arlington National Cemetery: Ms. Durham-Aguilera next had the pleasure and honor of introducing Mr. Ray Alexander, Jr., the new Superintendent at Arlington National Cemetery (who succeeded Ms. Kate Kelley after she accepted a position at Army Futures Command). Mr. Alexander has been at ANC since the end of February—unfortunately, almost as soon as he got here, the cemetery entered a COVID-19 restricted operations environment, which he will discuss in his presentation. Ms. Durham-Aguilera said that she has known Mr. Alexander for several years; he has worked both for her and with her at other jobs. She stated that she is pleased that he was selected, went through the competitive process and was able to join the team at Arlington National Cemetery.

6. SUPERINTENDENT REMARKS: Mr. Charles “Ray” Alexander, Superintendent, Arlington National Cemetery, stated that he was honored to virtually meet the Committee members and looks forward to meeting with them in person and working with them in the future.

6A. Operational Update: Mr. Alexander assumed his position on 17 February 2020, and within 3 to 3 ½ weeks, ANC had to make the painful decision to close the cemetery to the public amidst what was clearly a pandemic. But, he emphasized, “Our mission has continued, from the day we closed the cemetery to today.” ANC has always remained open to family pass holders, and has continued services.

- Services have looked a little different from how they have been done in the past, he noted. In order to ensure the safety of the ANC workforce, and those they serve, ANC mitigated risk by reducing the number of funeral attendees, initially limited to a maximum of 10 persons. The number of service members participating in services has also been reduced, again to reduce and mitigate risk. Military full honors with escort was modified; services still had casket bearers, firing party, bugler, chaplain and an officer/non-commissioned officer in charge, but with approximately 16 service members versus up to over 100 (for a military full honors funeral with escort).
- ANC has had no honor flights during this time period, and no public or private wreath laying ceremonies at the Tomb of the Unknown Soldier.
- ANC has maximized technology to leverage telework for all those on staff who are able to do so, and reduced the footprint of Interment and Facilities Maintenance personnel on the ground. Cemetery personnel have also been practicing social distancing. In April, Mr. Alexander signed a policy that all personnel on the grounds must have a face covering. To this day, ANC continues to practice that.
- At one time, ANC had only 12 to 15 services per day—far less than usual—roughly 60 to 75 per week; over 1,000 services were cancelled by family members, who had the option to reschedule either immediately or later. To date, roughly 1,100 services were cancelled and over 700 have been rescheduled. Mr. Alexander noted, however, that ANC is not experiencing any significant cancellation numbers today, as the number of persons who can attend a funeral service has increased [to 50 or fewer], as well as the number of military personnel to render honors.

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In concert with Headquarters, Department of the Army, Military District of Washington (MDW), ANC has developed a “Resilience Plan” on how to safely and effectively continue to work toward reopening Arlington National Cemetery, based on Health Protection Conditions (HPCON) and possible 14-day trajectories on various metrics from public health officials in the national capital region. ANC continues to refine its plans, working with MDW, Joint Base Myer-Henderson Hall (JBMHH), the National Park Service (NPS) and the staff at the Women in Military Service for America (WIMSA) Memorial at ANC. Throughout, ANC’s primary mission has been and will remain safety. Three lines of effort have been developed, focused on workforce, visitors, and funerals.

Mr. Alexander concluded his presentation by assuring the Committee that “we continue the mission, we continue to serve those in need; we have served our family passholders; we have served our employees and everybody here on these hallowed grounds to ensure their safety, and we will continue to do this in conjunction with our many partners and stakeholders”. Mr. Alexander said that he would appreciate any assistance the Committee can provide to that endeavor.

Committee Questions and Discussion

- Mr. Peake asked how COVID has impacted ANC’s workforce. Mr. Alexander replied that it has had minimal impact. ANC takes great consideration for those who may be more vulnerable and accommodates them as best possible with telework or resetting conditions of the job they do, Mr. Alexander emphasized.

- Ms. Rondeau asked how the number of funerals is affecting the workforce’s schedule—their pace and workload—and the demands upon Mr. Alexander and his team. Is it more than normal, or manageable? Mr. Alexander stated that the team tells him this is manageable. They have taken advantage of the time [that the cemetery has been closed to the public] to put a lot of work toward ANC facilities—the grounds have probably never looked better, he said, and staff has done significant preservation work on Memorial Amphitheater and the Tomb of the Unknown Soldier.

- Mr. Kelly inquired about the queue for services, noting that deferrals pose an obvious challenge. When a family seeks to reschedule a service, do they go to the back of the queue? And how does that impact people coming into the system? Do people have wait exponentially longer than they normally would? Mr. Alexander asked Ms. Yates to field that question. She explained that it depends on the family. If the family chose to reschedule immediately, some of them have just a couple of months’ longer wait. If they chose to push out until 2021—which many people did—the most impacted group are those with military funeral honors with the escort requirements. Ms. Yates reported that most of those families are continuing to choose to take the modified escort with the caisson. For about three months [in the spring], families had to make some decisions. Noting that ANC queues based on casketed or cremated remains, she reported that many families in the cremated remains queue chose to wait until next year, choosing the honors over coming in the nearer term. However, some families chose to continue on with their service, at the date and time they had scheduled. As Mr. Alexander mentioned, ANC averaged between 12 and 15 services a day through most of the COVID period; there were some days that dropped down to eight or less, but families still continued to come. The real answer to this question probably won’t be seen until families start asking for services at the same rate they did prior to COVID. Some families just are not calling to start a service because they know that they’re not ready to come when a limited number of people can attend a service, or because they are not interested in traveling. So the dynamic involves the

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individual decisions that families are making. Right now, Ms. Yates noted, the wait times for military funeral honors with escort are about where they were before COVID. However, the team has gotten down to a much lower wait time for families with military funerals without escort.

- Mr. Peake asked if the National Cemetery Administration (NCA) has picked up. Mr. Kelly said that their numbers weren't as depleted as ANC's, because of the honors situation.

6B. Confederate Memorial—Information. The other topic that Mr. Alexander wished to discuss with the Committee is the Confederate Memorial at Arlington. He provided some context: In light of the civil strife and unrest that the nation has been undergoing, ANC has taken an increased security posture, as protests and some rioting took place here in Washington, D.C. This has been with the aim of protecting the cemetery's infrastructure, personnel, family members and of course these hallowed grounds. There have been no incidents of any damage or any protest on the grounds. ANC has also continued to field numerous inquiries from the media: requests for interviews, requests to film at the Confederate Memorial and the section it is within [Section 16]. There have also been numerous Congressional inquiries from both members and professional staff, along the lines of how many streets, buildings, memorials are tied in with the Confederacy at ANC. The other question that has been answered multiple times: Does ANC have any plans to remove the Memorial or disinter the graves in that section? The answer has been that ANC does not have the authority to remove the Confederate Memorial or to disinter Confederate Soldier remains.

Mr. Alexander also spoke about the recent Secretary of Defense policy letter issued on 16 July (Subject: Public Display or Depiction of Flags in the Department of Defense). ANC is continuing to operate consistent with Department of the Army and Department of Defense guidance. Mr. Alexander said that ANC acknowledges the fact that efforts behind the early 20th-century conception to construct a Confederate Memorial, and the sculptural elements on that memorial, may be viewed as divisive. As such, individuals visiting ANC, either in person or virtually, would benefit from having appropriately placed signage or an interpretative program that explains and contextualizes the memorial's place in our nation's history.

Committee Questions and Discussion

- Mr. Edwards expressed enthusiasm toward the educational initiatives that Mr. Alexander and his team have been undertaking. He asked about the mission of the United Daughters of the Confederacy (UDC) at the time of the Confederate Memorial's creation—if it was to elevate respect for the Confederacy—and if there are any records about that organization, if they were indeed the original requestor of this memorial. Mr. Alexander affirmed that the UDC requested the memorial, and that there are records. Over the years, ANC has had communication with the UDC; however, that organization is not currently involved in any effort that's ongoing at this time. Mr. Edwards stated that his interest was in the UDC's mission at the time of the Confederate Memorial's creation: was their mission to relive the greatness of the Confederacy, or not? He also asked if there is a plaque or anything written at the Confederate Memorial, and asked for the memorial to be described. Mr. Alexander stated that the memorial has a plaque and depictions. The DFO took the action for the ANC's History Office to provide a better answer on this question.

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- Ms. Harrell asked about the nature of the inquiries coming from the Hill and the press: are they asking if ANC is going to take action or to commit to something? Mr. Alexander said that these have been requests for information, history, education (how did the memorial get there, how did the Confederate dead come to be buried at ANC, what's the history and context of this?), and about the authority—if anything were to change, does ANC have that authority. The historical context is what ANC has tried to provide.

- Mr. Edwards offered another thought, that in the past, he said, his assumption was this memorial was symbolic of trying to bring our country together. But, he stated, we are living in a new world today, than we did even six months ago, in regard to Americans' feelings about such memorials. One could make an argument that anything on Arlington's grounds is historic and meaningful. But, he said, he doesn't think we should assume that just because this was done, it ought to always be there. The presumption should be that it stay. He hopes that ANC staff will help the Committee look into this, if other Committee members have any interest. He would personally like to see as much information as they can get on the historic context of this. Ms. Yates noted this as a due-out for the next meeting.

7. SOUTHERN EXPANSION PROJECT: 65% DESIGN UPDATE

7A. Presentation by COL Austin, ANC Director of Engineering

COL Tom Austin, ANC Director of Engineering, and Mr. Gregg Schwieterman, the lead designer from HNTB, presented the Committee with an update on the Southern Expansion Project. The 65% design update was completed last month.

Noting that it has been several months since the Committee was last briefed on Southern Expansion, COL Austin reported that there have been some significant developments during that time. The most important updates have to do with land acquisition. Multiple parcels are being put together to make a contiguous plot of land that will constitute Southern Expansion and the portion of the Defense Access Road (DAR) Project.

- The first part of that land already belongs to the Army under the jurisdiction of ANC; there are obviously no issues associated with that.
- The second parcel belongs to WHS, which is being transferred to the Army under a federal land slot; that's just a paperwork issue that is being worked out.
- The third parcel of land belongs to the Virginia Department of Transportation (VDOT) ANC is in active discussions with VDOT on a relocation agreement, and at this time, they do not anticipate any significant issues. The next scheduled meeting with VDOT is next week: they will be going over the text of that relocation agreement.
- The final parcel of land belongs to Arlington County. This is primarily the land around Southgate Road and portions of South Joyce Street. Although ANC has had a very active and positive collaboration with Arlington County, COL Austin stated, and Arlington County is in general support of the project, they did not agree with ANC's position as it pertains to the compensation for this land. It is the Army's assessment that adequate and just compensation for this land was the improvements that will be made to Columbia Pike and the newly constructed South Nash Street. Although Arlington County is in favor of this land swap, they also insisted on additional cash compensation, and was not something that the Army could do—its position was that the adequate compensation was the improvements. Negotiations reached an impasse with Arlington

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County, and the Army was forced to move on to the next step, which was using eminent domain and condemnation to take the land through legal action. That notice was coordinated with SECARMY, USACE, and the Department of Justice (DOJ), and formal notice was given to Arlington County on 6 May 2020. The Department of Justice then filed a Declaration of Taking with the U.S. Court in the Eastern Virginia District on 15 June 2020. They are currently working on a formal order of possession, anticipated to be completed in the coming weeks.

COL Austin then pointed out some other areas of update. First, the Defense Access Road design, under the lead of Eastern Federal Highways, was approved by the Virginia Commonwealth Transportation Board on 20 May 2020. The lead designer of the DAR Project provided their 75% design to Eastern Federal Highways on 22 May 2020. They are currently moving quickly toward 100% design, anticipated to come in or around October of this year. ANC continues its close coordination with Federal Highways to ensure there is no gap between their design and Southern Expansion.

Finally, the most important update, from ANC's perspective, is that at the end of June, the lead designer [HNTB] provided their 65% design for Southern Expansion, and ANC is currently resolving comments from various stakeholders. Before moving on to a full update on 65% design, COL Austin paused for questions and comments from the Committee.

Committee Questions and Discussion

- Mr. Peake asked where the money comes from, if the court decides to compensate Arlington County for the land swap. COL Austin explained that there are two different "pots" of money for this project: 1) a straight appropriation for the DAR Project; 2) a second piece, which is the larger one, for Southern Expansion, which is multiple appropriations put together. If DOJ works a settlement in federal court, that would have to go through RM and SECARMY, and will likely come from one of those two pots of money. COL Austin stated that he does not anticipate having to go back to Congress for more money.

- Ms. Harrell asked for clarification about the process that COL Austin outlined, regarding the land swap, eminent domain, and Arlington County's request for financial compensation in addition to the improvements. Specifically, she asked for clarification on how Arlington County would receive compensation under the eminent domain process. COL Austin explained that because the Army made their assessment (their appraisal for the land) that adequate compensation was the improvements that will come in the future (giving back Columbia Pike and the new South Nash Street), they were bound by that assessment. If Arlington County wanted to beyond that, the Army couldn't do that. By going through the federal court, a federal judge will make that arbitration. The court will hear both sides of the argument, and Arlington County will have to make their proposal for what they think is just compensation.

7B. Presentation by Mr. Gregg Schwieterman, Lead Designer, HNTB: Mr. Schwieterman thanked the Committee for the opportunity to provide an update on Southern Expansion. There has been a tremendous amount of progress through COL Austin's leadership with ANC and the Corps of Engineers, he said, and he is excited to share updates on scheduling, the overall program and some specific areas of change.

- **Schedule:** The project is currently in 65% review. It will probably take another month to resolve all of the comments and start the 100% design. Concurrent with that, they are preparing to present this fall to the Commission of Fine Arts and the National Capital Planning Commission to get

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final approval on the project. Based on how supportive these agencies have been toward the project, they do not anticipate any challenges moving forward.

- **Program Overview:** Referring to a map of the area, Mr. Schwieterman explained that Southern Expansion is made up of several sub-projects. Its major components:
 1. Roadway realignment and utility improvements (Eastern Federal Highways): realignment of Columbia Pike and utilities associated with it. This will maximize the contiguous space available to ANC.
 2. Future 9/11 Visitor Education Center: a separate and independent project, but one that they are closely coordinating with. As Mr. Edwards has said on multiple occasions, he noted, we need to look beyond the cemetery and make sure that the overall area is commensurate with the level of honor at Arlington National Cemetery. ANC has really taken a leadership role in the community—with the neighbors, the armed forces, the county and the state—to ensure that all work collectively for the good of the entire project. That includes a boundary wall trail that the Eastern Federal Lands Project will build to connect Columbia Pike to Memorial Avenue. These synergies are a tribute to ANC's leadership, he stated.
 3. ANC South Parcel: land that's not contiguous to the cemetery, but is part of the DAR project. A tunnel will be built under Columbia Pike to provide a connection to the cemetery, but will be used for operations only. It will not be used for deliveries or visitors; it is purely to serve the Ops Complex and Interment Services, operations and maintenance going in and out of the cemetery. With the Ops Complex, other components include a proposed new parking garage with 260 spaces, to serve staff for the Ops Complex, visitors to ANC and visitors to the Air Force Memorial. There will also be an access control point to give ANC the ability to screen every vehicle that comes in.
 4. Air Force Memorial: ANC and the Army have worked closely with the Air Force District of Washington to integrate the Air Force Memorial with the cemetery. That has been the focus of a lot of the efforts between the 35% and 65% design phases. The focus and ceremonial entry for Arlington National Cemetery is Memorial Avenue.
- Mr. Schwieterman also discussed the historic Sheridan Gate, and reported that his team has been working closely with ANC Cultural Resources specialists to make sure that they get that design right. The gate is a tip to the past, which will punctuate that end of South Joyce Street: as vehicular passengers come over the overpass and arrive at South Joyce Street, the gate will really announce Arlington National Cemetery. For security reasons, the gate will likely be operational only on special occasions; it is more of a decorative piece than a functional gate. The actual functional gate will be a one-way-in, one-way-out secure access point on Columbia Pike. This screening area and the new parking garage are actually built into the site, so that when you are in the cemetery, you will look out over the entire Ops Complex and garage. Mr. Schwieterman also noted that his team has worked closely with FHWA on the multimodal path, which has been so important to the community. It includes a 10-foot bike path; an 8-foot sidewalk; a line of trees buffering the road from the shared-use path; a line of trees between the sidewalk and the shared use path; and the boundary wall. Horticulturalists and landscape architects are integrating that

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landscape design with the cemetery design, and with the design of the South Parcel, so that it reads as a green frame around the cemetery that screens it from the exterior.

- Mr. Schwieterman took questions from the Committee.

Committee Questions and Discussion

- Mr. Peake asked if the oculus on the Columbarium Shelter area will create a heat sink in the summer. Mr. Schwieterman replied that the design faces south, so it will not be all glass, as in the Welcome Center. They will create an inset cap, with glazing around the perimeter, so that in the summer the sun will not get through very much because it is so high in the sky. In the winter, as the sun becomes lower, the south orientation will allow for more sunlight. There will not be a tremendous amount of heat gain.

- Ms. Harrell congratulated Mr. Schwieterman on a superb presentation. She asked to be reminded what will happen to the Welcome Center—will it still be a port of entry, or not? Mr. Schwieterman emphasized that the new entrance building will just be a screening facility. The Welcome Center will always be the Welcome Center; the Memorial Avenue entrance will continue to be the main entrance to the cemetery. The designers wanted to provide a safe pedestrian entry, but the intent is not to replace the Welcome Center or to provide an interpretive space. It will simply allow the security personnel to be safe, comfortable and to do their job.

- Ms. Harrell asked what ANC had to do to obtain the approval of the Foxcroft Heights Civic Association. COL Austin said that ANC has been dealing with the Foxcroft Heights Civic Association on a regular basis, and had a briefing earlier this month. They have been very much in favor of the project, he reported.

- Mr. Kelly asked if the new Ops Complex and pedestrian access building will be below the ground, so that it will create an impression of an even flow. Mr. Schwieterman explained that there is about 100 feet of grade drop in the South Parcel area. From I-395, you would look over the Ops Complex to the Air Force Memorial; from Columbia Pike, you will be looking at and over a green frame. Conceptually, it is depressed down into the land, so you would be looking over it, either from I-395 and Columbia Pike or from within the cemetery.

- Mr. Kelly asked how many niches will be in the columbaria, and how the number and size of niches compare to other columbaria at ANC. COL Austin estimated that there will be at least 19,000 niches, a significant increase over current numbers. Mr. Schweiterman added that the new columbaria will have double-loaded corridors, and the layout will provide a scale commensurate with the Millennium Project. Ms. Yates added, as a point of reference, that ANC currently has 79,500 total niches across the property; approximately 20,000 are at Millennium. There are 52,000 in Columbarium 1-8. That total includes the niche walls at Columbarium 1-9 and at Millennium.

- Mr. Peake asked the team to discuss plans for infrastructure. COL Austin said that there have been a lot of active discussions in this area, most recently around water supply (whether it will be coming from the Aqueduct or from Arlington County). The DAR Project, will have a lot of utility realignment. That will be the bulk of the initial work—about 19 different entities have equities that will have to be realigned.

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Once those have been realigned, Columbia Pike will be rerouted away from the cemetery grounds, because there cannot be interments on top of utilities.

- Mr. Edwards thanked COL Austin and his team for all of their work. Trying to honor the iconic nature of Arlington next to an enormously busy highway is not an easy thing to do, he noted. To follow up on Mr. Kelly's question, he asked what percentage of acreage dedicated to burials in this area will be columbaria. COL Austin said that generally speaking, Southern Expansion will add about 50 acres to the cemetery, increasing it from 639 to around 690 acres. Of that, 36 acres will go to interments. Five acres, or about 15 percent, will be for the columbaria.

- Mr. Edwards asked if there will be a niche wall around the perimeter of this new area. COL Austin replied there will not be a niche wall around the perimeter. It will have a traditional columbarium; some are facing only one direction, but there is no traditional wall.

- Mr. Edwards asked about the committal shelters. He appreciated the team's sensitivity in not making the shelters look like massive concrete structures, but noted that they still looked rather thick: what are their dimensions? COL Austin noted that some degree of thickness is inevitable when building with stone. Mr. Schwieterman added that they looked at some very modern, very thin designs, but they just did not seem to fit in the cemetery. So they tried to go with more classical proportions. (By "classical proportions," he explained, he meant proportions consistent with Greek orders and the theory of the golden section.) Mr. Edwards expressed a desire to look at this further before 100% design approval, noting that he had never found many people who were overwhelmingly impressed by committal shelter shapes and proportions.

- Ms. Rondeau asked if there are any plans to soften the area with plantings, such that there is continuity or flow from the older sections of the cemetery to the Southern Expansion area. Ms. Yates said that they have had conversations about plantings and changing some of the exterior floral designs; but it takes more than a year to get it in the contract and make those changes. The focus of work this year on Columbarium Courts 1-8 has been cleaning and repointing. But she has made note of Ms. Rondeau's point. COL Austin added that there was recently a project to clean and repoint Columbarium Court 1-6; in fiscal year 2021, ANC is hoping to clean Columbarium Courts 7-9. A horticulture spec will go into that. As for "softening" with plantings, that is something that ANC's Horticulture team can look at.

- Mr. Peake commented that it has been awhile since the Committee has had a Horticulture update. Ms. Yates made note of that.

- Mr. Peake thanked the team again for its impressive work, and introduced the next item of business.

8. REMEMBER AND EXPLORE SUBCOMMITTEE REPORT: Mr. Mark Farley, chair of the Remember and Explore Subcommittee, reported on that Subcommittee's meeting this morning. There were three presentations from organizations that are proposing to erect a monument at Arlington National Cemetery: the Challenger Center (monument to commemorate the Apollo 1 disaster), the OSS Society (Office of Strategic Services commemorative monument) and the chaplaincies (a proposal to change the current Protestant Chaplains monument). Mr. Farley characterized it as "a very lively discussion."

8A. Apollo 1 (Challenger Center): This proposal, Mr. Farley said, appeared to the Subcommittee as pretty "cut and dried." The proposed monument would commemorate active-duty astronauts killed on a NASA mission, which never got off the launch pad; two of these astronauts are buried at Arlington, the

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third at West Point. There is a very good link between the proposed monument and Arlington National Cemetery from the perspective of honoring military members. The submission met most of the criteria. The Subcommittee is going to make a recommendation to the full Committee that we approve this proposal. The Subcommittee accepted and passed a motion to make this recommendation.

8B. OSS: Mr. Farley reported that the Subcommittee had a very good discussion concerning the nature of the OSS: was it a military organization, an intelligence organization, a paramilitary organization? The OSS Society provided the numbers of 116 members killed in action and approximately 50 missing in action, but they could not provide definite numbers on the number of those who were truly active duty service members. Their submission included a number of 95%, which on face value a majority of the Subcommittee members accepted. But their proposed inscription for the monument did not articulate that they were trying to honor those military members that were killed or missing in action. It was more about what the agency did from an overall strategic perspective and what it led to. Similar to how Apollo 1 had a lasting impact on space exploration, because they changed the cockpit and command module, or with the impact of the Thresher on the submarine force in subsequent years, the OSS led to the development of the current CIA, USSOCOM, Special Operations Command and similar agencies. So the inscription did not match the submission. That caused some consternation and discussion amongst the Subcommittee, because of the law and Arlington's rules about establishing monuments. There was a very lengthy, lively discussion. As Chairman, Mr. Farley allowed the OSS Society representatives to engage in the discussion after they made their presentation. They had a lot of questions and concerns, so the Chair allowed them to continue in the discussion, as per Ms. Yates' guidance. But the Subcommittee recommended that they change the language within the inscription and come back in September. If the language is corrected and clarified, the Subcommittee would consider making a recommendation for the full Committee to consider the proposal, Mr. Farley said.

8C. Protestant Chaplains Memorial: This proposal is to replace one of the four monuments on Chaplains Hill [the memorial to Protestant Chaplains]. The existing monument is concrete and is degrading; Arlington has maintained it over the years, but the chaplains want to replace it with a granite monument. They also want to update the list of names of those who served in the chaplaincy who have died since the additional monuments were erected in 1926, 1981, 1989 and 2011. The current monument has 134 names, and they would like to add additional names of those who have died in service to their country that are not on the monuments now. This aspect of the proposal created a bit of a problem, Mr. Farley explained, because some of these names are those who died more recently than 25 years ago; adding names from post-9/11 conflicts puts them inside the 25-year time criteria of the law. The proposal appears to be a living monument. The Subcommittee therefore asked the presenters to make some changes, and they volunteered to go back to their groups and have some internal discussions, and then re-engage with the Subcommittee at their tentative September meeting.

8D. Other Briefings. Subsequent to the commemorative works presentations and discussions, the Subcommittee was supposed to receive updates on the Tomb of the Unknown Soldier preservation and commemoration, as well as ANC's Education and Outreach initiatives. Because the three commemorative works presentations and discussion consumed all of the time, the Subcommittee did not get to any of those briefings, which they agreed to push to the September meeting. Mr. Farley noted that ANC has made some great strides on Education and Outreach, and the Subcommittee looked forward to their briefings at the next meeting.

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- Ms. Harrell said that she thinks Mr. Farley did a superb job as Chair. The meeting was lively and a little bit contentious; the challenge, she said, was that there was so much emotion. The OSS Society feels very strongly about their proposal, and the Subcommittee understands why they do. Ms. Harrell said that she believes the OSS story is an important one to be told, and that they are on the right road of getting to “yes” so they can tell the story the right way with regard to the military portion of OSS. She was not sure that they will get there with the chaplains’ proposal, however, due to the issues of listing more names as time goes on, and continuing to separate the monuments by denomination versus representing something for all faiths or beliefs. The Apollo 1 proposal, she said, was supportable.

- Mr. Kelly commended Mr. Farley on doing “a yeoman’s job” with a task that was not easy today. The OSS representatives were very committed. Referring to his own military background, Mr. Kelly stated that it was very hard for him to take the positions that he took on the OSS Society’s proposal. But the plaque that they proposed is more a tribute to OSS. Ms. Yates and counsel [Mr. Justin Buller, Office of Army General Counsel] walked the Subcommittee through ANC’s statutory authority, which is to memorialize the fallen. Mr. Kelly had posed the question, how many of the OSS missing in action were members of the armed forces? They said that they really didn’t know, but said that 95% of the OSS was military. The truth of the matter is that the OSS was a paramilitary organization: it was staffed by the military, and the people who died, in most cases, were military. But at Arlington, Mr. Kelly emphasized, we need to be honoring these military members, and not OSS. There is a route for the OSS Society to get there, he said. The Chaplains’ Corps is a different story; the Chaplains’ Corps is trying to push the envelope. They can fix and repair and build a new monument, which they need to do, but to get what they want [adding names from more recent conflicts] would entail “building wings on this condominium.”

- Ms. Rondeau observed that empathy seems to be what anyone associated with Arlington has done very well. There is always some sensitivity, she said. On the OSS proposal, she appreciated the fine distinctions that Mr. Kelly has made. She noted that the Subcommittee has dealt with this issue before, when people want places in the cemetery for those who have not been in the military, and we need to stay strong on the principle; this can be a pretty slippery slope. On the chaplains’ proposal, she said that the Subcommittee needs to discuss it and understand it in the next go-around. She emphasized the significance of the Chaplains’ Corps, noting that the Navy has two ships named after chaplains who died in action. So there is a lot of emotion from them also about this. Whether or not their concepts and ideas are right, listening to their cause is important, she said. As Mr. Kelly did with the OSS group, the Subcommittee can guide them toward what is possible and consistent with ANC’s principles and standards.

- Mr. Peake thanked Mr. Farley for his work as Subcommittee chair, and stated that his takeaway is that there is one recommendation to the full Committee, on the Apollo 1 proposal; the Challenger Center will brief the full Committee at the September meeting. The two others, OSS and Chaplains, will go back to the Subcommittee for a satisfactory resolution of the issues described. The Subcommittee may or may not then recommend them to the full committee.

- Mr. Edwards asked a question about the proposed Apollo 1 memorial. Of all the burials at Arlington, how many of them have something that looks like a photograph of the individuals? When he looked at that in the preparatory materials, he said, it occurred to him that while he has seen such images of

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individuals at civilian cemeteries, it seems like we don't have that on headstones at Arlington. There is not a picture of Audie Murphy, for example, on his headstone. He asked Ms. Yates to offer some perspective. Ms. Yates explained that, as shown on the ANC website, the Challenger and Columbia monuments (one of which was a NASA-constructed monument by law) have images of the astronauts lost in those disasters. For the cemetery as a whole, it is very rare. With private markers—actual grave locations that have family-constructed monuments on them—there are a couple on which the cemetery, prior to 2010, allowed a facial replica or family rendering of the individual whose grave it was. However, it is against ANC's current policy for markers. For headstones for remains, ANC's policy does prevent any image to be etched onto the marker. However, that policy is solely directed toward markers. Ms. Yates reminded the Committee that policy for markers is separate from policy for commemorative monuments. The Apollo 1 proposal is for a commemorative monument, so the policy for markers does not necessarily apply. The Committee could think about it in spirit, but the application isn't the same.

– Mr. Edwards asked if any monuments of the last 50-60 years that are not NASA monuments have pictures of individuals. Ms. Yates said that ANC staff can do some research on that and get back to the Committee at the next meeting. For the Committee's reference, she displayed the ANC website page with a photograph of the Challenger Memorial (<http://arlingtoncemetery.mil/Explore/Monuments-and-Memorials/Space-Shuttle-Challenger>). Mr. Edwards then said that the question for the full Committee would be: Do we continue the exception that's been provided in effect for NASA, or do we not follow that exception? He will appreciate the chance for the Committee to consider that at the next meeting.

– Ms. Harrell noted that the Challenger Center's presentation this morning included a discussion of the fact that they were requesting to have a photograph. They had worked this through the surviving family members, and they wanted the monument to stress that it was a team operation for the three astronauts. They had a motto [Ad Astra per Aspera] saying that it is a tough road to the stars, and the families got together and said that they really wanted to have a likeness, and this photograph if possible. That was its genesis. Mr. Edwards thanked Ms. Harrell for this perspective, and stated that the Committee will have to talk about if the family members should be allowed to make that decision. Mr. Farley, noting the read-ahead, stated that this proposal had a lot of help because it was in the NDAA. But the Subcommittee did have the discussion about the photo. Again, however, it was unanimous that the Apollo 1 proposal should move forward, because it commemorates three active-duty military astronauts who died in an operation.

- Mr. Edwards stated that despite his reservations about members of Congress making decisions for Arlington, he absolutely supports the idea of honoring these three astronauts and their role in American history. The only thing that he would question is the likenesses of faces and individuals, and he will defer to the full Committee when it comes to decision time on that.

- Ms. Yates reminded the Committee of the flowchart outlining the commemorative works process. The Commission of Fine Arts will have a vote; they have to look at the rendering of the monument, so they may have comments related to that as well. But it does not go to the Commission of Fine Arts until after the placement of the monument is approved by the Secretary of the Army. Mr. Peake noted that the Committee may make its own independent recommendation.

- Mr. Castagnetti asked if the Chaplains Monument pertains only to those who died in combat service, or those who served and passed on naturally at a later date. The presenters gave several instances of individuals who died in service, but not necessarily on duty, and certainly not in combat. During the

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Subcommittee's discussion, RDML Robinson indicated that in the initial batch of 134 names, a couple of those included were not killed in combat or a hostile environment. Mr. Castagnetti appreciated the clarification, and stated that this issue would have impact on his decision about that memorial. Mr. Peake clarified that this was not one of the proposals that the Subcommittee recommended brought to the full Committee at this point.

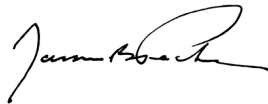
9. OTHER BUSINESS: Ms. Yates stated that ANC received a request, a written submission, to speak before the Advisory Committee. It was from an independent member of the public, a Mr. John A. Kelley (Note: This is not John A. Kelly, a Member of the Advisory Committee on Arlington National Cemetery), who describes himself as a "U.S. Army veteran and private American citizen." This individual asked to speak to the Committee. Because his submission is related specifically to the rule, and the proposed eligibility standards, his presentation will be appended to the minutes of the meeting and provided to all Committee members. ANC has offered him the opportunity, if and when the Committee addresses the topic in an open forum once it's open for public comment, to make his request at that time. His letter will be appended to the minutes of the meeting, and it will be available for members of the public to see when the minutes are posted to ANC's website.

- The Committee then discussed potential dates for its next meeting, namely September 22 or 29. It will plan on a virtual meeting again, with a significant focus on the draft rule (expected to be out by then). The consensus was to hold the meeting on September 22, pending confirmation of members' availability.

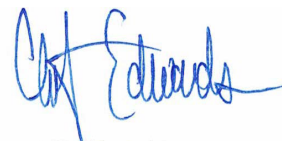
10. MEETING ADJOURNED: The Co-Chair then called for any other business. Hearing none, he called for a motion to adjourn. The motion was made and seconded. All members voted in favor. Mr. Peake and the Committee thanked Ms. Yates and the ANC staff for handling all of the logistics necessary for this virtual meeting to take place.

Meeting adjourned at 1418.

APPENDIX 1 – Private Citizen Statement from John A. Kelley (Note: This is not John A. Kelly, a member of the Advisory Committee on Arlington National Cemetery)



James Peake
Co-Chairman



Thomas C. Edwards
Co-Chairman

REMARKS OF JOHN A. KELLEY BEFORE THE ADVISORY COMMITTEE ON ARLINGTON NATIONAL CEMETERY 29 JULY 2020; NO ORGANIZATION – I AM A U.S. ARMY VETERAN AND PRIVATE AMERICAN CITIZEN; ADDRESS IS P. O. BOX 245, KILMARNOCK, VA 22482-0245; DAYTIME TELEPHONE: (804) 436-0190.

29 JULY 2020

Remarks Before The Advisory Committee On Arlington National Cemetery

By John A. Kelley

U. S. Army Veteran And

Private American Citizen

P. O. Box 245 Kilmarnock, VA

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Good afternoon to all. Thank you for allowing me to speak before the committee. I represent only myself and do not speak for any organizations. I speak against the proposed eligibility standards for the following reasons.

A. The fiscal year 2019 National Defense Authorization Act directed the Secretary of the Army to establish revised eligibility criteria to keep Arlington National Cemetery functioning as an active burial ground well into the future. I do not believe that congressional or your intent is to take away an obligation the nation made to our existing veterans and members of the armed forces which is what the proposed rules will accomplish. The draft standards (a) 2-year active duty, and (b) war zone requirements apply to all. It should only apply for personnel entering the service after any rule change is final in the Federal Register.

B. There are many veterans besides me; however, some of them probably do not realize the Federal Register is the official “mouthpiece” for issuing changes to the code of federal regulations. Therefore, they never read it; many of them have never heard of it! And, as a result, they do not realize what is being done to them by this proposal.

You are the people who should speak for them and lookout for their rights. Please do so in this instance because, under the proposed criteria mentioned above, many proud Veterans will not be eligible to rest in Arlington National Cemetery either by burial or inurnment. The new rule should not apply to the many Veterans like me that served or are serving honorably and earned the right, prior to the rule change, to burial or inurnment in Arlington National Cemetery.

C. I point out that in the early 1970's, congress directed a significantly large armed services drawdown. All first time enlistees and all draftees were part of this action, and the military provided all with honorable discharges. Many of them served honorably for less than 2 years and many did not serve in a war zone. However, they served as ordered by their military superiors.

As an old story goes which i am sure you have heard before in some fashion, you obey the orders of your military superior – if the superior says “jump”, you do not ask why or

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how high or which way; you just jump! The point is that service in whatever capacity the Veterans or current members of the armed forces were ordered by their military superiors is just as important as the service of those in a war zone because (1) the support they provide is critical to success in the war zone, and (2) the military is the first line of defense for America against enemies that would attempt to destroy this great country. Without this non-war zone support, they and America would fail.

D. I oppose the change because it removes existing Veterans who have at least 1 day of honorable service, to replace them with future Veterans, many of whom are not even born yet, by changing the eligibility requirement to 2 full years on active duty. Capacity at Arlington National Cemetery must extend well into the future; however, not at the expense of existing Veterans and current members of the armed forces. These brave individuals served or are serving honorably in the positions the military ordered.

My father, a career army officer with almost 20 years of active duty service, died on active duty in Germany when I was 9 years old. My mother and he are resting in Section 1 of Arlington National Cemetery. Since that time I have been eligible to have my remains rest in Arlington National Cemetery because when that eligibility expired due to my age, I was eligible from my own active duty in the army. Now, at almost age 74, I would be told “no” under the new criteria. I do not know how many people like me exist that will be dropped to make room for others – some not even born yet. I suspect your group may not know either but do you truly and genuinely want to make that type of change?

The Secretary of the Army and this Committee must develop another solution to comply with the directions in the National Defense Authorization Act. Additionally, Congress should consider changing and making clearer their directions. When Arlington National Cemetery fills to capacity with past, current or future Veterans, authorized relatives, and civilians; it will only be open for people visiting the eternal resting place of relatives and friends as well as tourists because of the many memorials, famous graves, and monuments for them to see. Whether Arlington National Cemetery fills in 50 or 100 years is not as important as keeping the nation's obligations to Veterans because they are the first line of defense for America.

E. America has an ethical and moral obligation to stand by the conditions under which these brave women and men served this great nation. It should not annul or withdraw that obligation to these valiant, courageous veterans in favor of future Veterans, again, many of whom have not been born. Basic training and advanced individual training instructors on many occasions, in fact almost daily, told us by completing our tour of duty honorably – either alive or dead – we could be buried in Arlington National Cemetery. They told this to everyone as part of our training to help build esprit de corps.

F. Accordingly, it is totally and unequivocally paramount to maintain the present policy for women and men that are now serving or have an honorable discharge; a grandfather provision or whatever it is to be termed. The Secretary of the Army should establish another policy that applies only to people that enlist or are drafted, if the draft is reinstituted, after the new eligibility requirements become final in 32 C.F.R. § 553.12 and 13.

I hope you will support this position by revising the current proposal as mentioned earlier so it complies with the intent of the National Defense Authorization Act mentioned in paragraph 3 of this statement.

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G. I do not have a viable solution at this time, but in this regard, Mr. Charles Alexander, Jr, Superintendent of Arlington National Cemetery, informed me of the large number of veterans affairs and state cemeteries. An annex concept could be a possible means of expanding Arlington National Cemetery to other areas of the country because, for example, the Commonwealth of Virginia has 15 federal Veterans Affairs cemeteries. 13 of the 15 are closed for in-ground burial and 1 is for cremated remains only! An annex or auxiliary for Arlington National Cemetery in different locations might be a viable alternative to the many Veterans Affairs cemeteries. I also believe that all of you with your experience and knowledge have other suggestions that are much better than this one.

But, whatever you do, it is crucial and essential to fulfill this country's promise and commitment to these brave Veterans and current members of the armed forces who unquestionably and valiantly served and are serving to protect America's freedom.

H. I am available to discuss these issues by contacting me on the telephone number in this statement. Additionally, i can volunteer my time to work with the Arlington National Cemetery to help find other solutions because I have several years of experience solving problems and revamping diverse programs at the senior executive service Level in 2 executive agencies of the federal government.

I. Finally, this country is a great republic, and the citizens usually make good decisions. This issue, as drafted, is not one of them because it adversely impacts existing national commitments. Before you ask what is fair for future veterans and arlington national cemetery, you should ask what is fair to our current veterans, their families, and armed forces members. Answering this question should lead you to a better decision.

Again, thank you for affording me your time so i could speak to you. Also, thank you for your service to this great nation and keep up the good work. God bless you and america.

End of presentation