

MINUTES
ADVISORY COMMITTEE ON ARLINGTON NATIONAL CEMETERY (ACANC)
HONOR SUBCOMMITTEE MEETING
21 September 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 at 1400, noting that attendees of this virtual meeting included MAJ Michael Shepard, of the Office of Army Cemeteries (OAC) G5, and Mr. Matthew Davis, Advisory Committee Analyst and Alternate Designated Federal Officer for the Advisory Committee on Arlington National Cemetery.

Ms. Yates stated for the record that the Subcommittee meeting is pursuant to the National Defense Authorization Act (NDAA) of 2012, codified in 10 U.S.C. § 7723. The Subcommittee 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 (ANC) is the agency that receives the benefit of the Committee's advice and recommendations, and ANC provides administrative support to the Committee. The Designated Federal Officer, nominated by the ANC Executive Director and appointed by the Administrative Assistant to the Secretary of the Army, is provided by ANC.

Ms. Yates reminded Subcommittee members not to conduct formal business by deliberating on any substantive matters which are already before the Committee as a whole for vote. Additionally, the Subcommittee will report to the Committee any recommendations or information relevant as a result of the day's work. Once again, Ms. Yates stated that this virtual meeting was open to the public, but that attending members of the public were not allowed to present questions or speak to any issue under discussion by the Subcommittee without prior approval of the chairperson, Mr. Gene Castagnetti. 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, a copy of which can be found on the ANC website at www.arlingtoncemetery.mil. Ms. Yates also announced that the proceedings were being digitally recorded, and that a written summary of the meeting will be prepared and made available to the public on the ANC website.

Subcommittee members were asked to ensure that their cameras were active and their microphones muted when they were not speaking. Guests were asked to ensure that their cameras remained inactive and their microphones muted for the duration of the meeting. External agency presenters were asked to activate their cameras and microphones at the direction of the Subcommittee Chair (Mr. Gene Castagnetti) and/or the Designated Federal Officer (Ms. Renea Yates). All participants were asked to follow radio transmission protocol by saying "over" when they were finished speaking. Finally, it was noted that any disruption or disturbance to the Subcommittee may result in removal.

Ms. Yates noted that a member of the public, Ms. Angela Deeton Hoover, had submitted a letter to the Honor Subcommittee, which will be included in the minutes for this meeting.

The meeting was called to order at 1410.

MINUTES
ADVISORY COMMITTEE ON ARLINGTON NATIONAL CEMETERY (ACANC)
HONOR SUBCOMMITTEE MEETING
21 September 2020

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

Secretary of the Army nominees: Mr. Gene Castagnetti (Honor Subcommittee Chair), Ms. Rose Duval, Mr. Mark Farley, Mr. Robert Hess, Mr. James Peake, Mr. Thomas Kelley, Ms. Ann Rondeau.

Secretary of the American Battle Monuments Commission nominee: Mr. Chet Edwards.

3. PRIOR MEETING MINUTES: Ms. Yates announced that the approved minutes from the previous Honor Subcommittee meeting, held on 10 December 2019, are available for review [on the ANC website](#).

4. CHAIRMAN'S OPENING REMARKS: Mr. Castagnetti welcomed everyone to the Subcommittee's virtual meeting. It is an honor to keep going with our mission, he stated, as the cemetery continues to address eligibility and capacity issues. He noted that the Secretary of the Army has put forth proposed revised eligibility criteria which will be discussed today. He then opened the meeting to any pending questions about the eligibility criteria.

- Ms. Yates initiated the discussion by explaining a few procedural matters. The Department of the Army announced last Tuesday, 15 September that the proposed revised eligibility rule is available on the Federal Register for public comment. She reminded members of the Subcommittee, as well as the public in attendance, that the discussions and any notes from this Subcommittee meeting are not the means for the public to provide formal comments to the proposed rule. The only topic of today's Subcommittee meeting is the capacity challenge at ANC. The first and only briefing, provided by Ms. Yates, would be an overview of the capacity challenge and the process to formally comment on the changes put forth by the Department of Defense and the Department of the Army.

5. BRIEFING: ANC ELIGIBILITY AND CAPACITY (MS. RENEY YATES)

- *Slide 1: Capacity Numbers.* This is a slide that is very familiar to the Subcommittee, Ms. Yates noted. ANC's capacity challenge was identified in the green box in the center of the slide. Historically, ANC serves 1% of those eligible at any given time. The entire eligible population today exceeds 22 million; 1% of that is 220,000. The current available grave space, as of today, is under 90,000. With no change to eligibility criteria, current capacity will expire in the year 2041. With Southern Expansion, 2055 looks to be about when ANC will no longer provide a first burial for anyone, based on current eligibility. Ms. Yates pointed out that meanwhile, the number of National Cemetery Administration cemeteries has increased to 148, thanks to the divestiture of some Army cemeteries (most recently, Fort Devens).

MINUTES
ADVISORY COMMITTEE ON ARLINGTON NATIONAL CEMETERY (ACANC)
HONOR SUBCOMMITTEE MEETING
21 September 2020

- *Slide 2: Current Eligibility for ANC.* This slide offered an overview of who is currently eligible for burial at Arlington National Cemetery. Ms. Yates noted the difference between the eligibility criteria for in-ground burial and above-ground inurnment. The slide indicated the general categories of who is entitled to which level of burial today.
- *Slide 3: Navigating the Federal Register.* Much of the briefing focused on the public comment period in the Federal Register, which is now open. The proposed rule is now available. At this URL, <https://www.federalregister.gov/documents/2020/09/15/2020-17801/army-cemeteries>, members of the public can read the rule in its entirety, and submit formal comments. (Click the green “Submit a Formal Comment” button on the top right of that page.) As of this morning, over 200 comments have been submitted. As comments come in, they will be bucketed into categories based on the nature of the comment. As the Army adjudicates comments and then finalizes the rule, those categories and comments will be published in the final rule that is anticipated around this time next year. No changes to eligibility between now and that time will occur. Once the new rule is published, no one who is currently scheduled will be impacted by any of the new changes. Ms. Yates then paused for questions about the formal process to submit comments on the rule.
- *Slide 4: Proposed Interment Eligibility (In-Ground).* Ms. Yates called attention to the preservation of 1,000 graves for current and future Medal of Honor recipients, as well as in-ground eligibility for the following categories of persons:
 - Killed in action;
 - Award recipients of the Silver Star and above with what the proposed rule defines as armed conflict service (to be defined in a few moments);
 - Recipients of the Purple Heart;
 - Combat-related service deaths while conducting uniquely military activities (the rule language defines that as preparations for combat or operations);
 - Former prisoners of war;
 - Presidents and vice presidents of the United States;
 - Veterans of armed service conflict who have served out of uniform as a government official and made significant contributions. (Ms. Yates noted that the rule proposes a specific list of individuals who made significant contributions to national security at the highest levels of public service, and this will be explained in detail.)
- *Slide 5: Proposed Inurnment Eligibility.* The proposed criteria also specifies that the following categories of persons would be eligible for above-ground inurnment:
 - World War II-era veterans, to include legislated active duty designees. The time period specified in the actual rule is 27 July 1953 (the end of hostilities in Korea).
 - Retirees from the armed forces who are eligible to receive retired pay but not otherwise eligible for interment;

MINUTES
ADVISORY COMMITTEE ON ARLINGTON NATIONAL CEMETERY (ACANC)
HONOR SUBCOMMITTEE MEETING
21 September 2020

- Veterans who have served a minimum of two years of active duty service and who have served in armed conflict;
 - Veterans without armed conflict service who also served out of uniform as a government official. (Ms. Yates again noted that there is a list of positions, to be explained momentarily, that are considered significant contributions to the nation's security at the highest levels of public service.)
- *Slide 6: Eligibility and Proposed Revised Criteria.* This slide depicted the proposed revised criteria visually. The eligibility populations were listed on the left-hand column of the chart; the number of possible eligible persons were listed under "Number Eligible." (Regarding the number of living Medal of Honor recipients number, Mr. Kelley noted that the current number is 69.) The five-year average number of burials at ANC was in the middle of the chart—that is, the number of first burials and above-ground inurnments that the cemetery conducted on average for those five years. The next column was the Advisory Committee's recommendation for revised eligibility criteria. Ms. Yates noted that the Committee recommended that retirees, and also traditional veterans, would cease to have eligibility for above-ground burial after the Korea era. The Secretary of the Army's final recommendation [as published in the Federal Register] was on the right-hand column of the slide.
- Ms. Yates then highlighted for the group some specific definitions used in the rule:
 - *Armed conflict service* is "service in a hostile fire area during a period of armed conflict. Such service must be evidenced by receipt of: Combat pay, imminent danger or hostile fire pay, or the receipt of a qualifying medal. Examples of qualifying medals include, but are not limited to, the Korean Service Medal, Vietnam Service Medal, Southwest Asia Service Medal, Armed Forces Expeditionary Medal, Navy and Marine Corps Expeditionary Medal, Kosovo Campaign Medal, Afghanistan Campaign Medal, Iraq Campaign Medal, Global War on Terrorism Expeditionary Medal, and Inherent Resolve Campaign Medal."
 - *Combat-related service deaths* are activities that are described as preparations for operations for combat: "military operations, individual or collective training for battle-related tasks, or transportation to and from such operations or training in a vehicle, vessel or aircraft whose primary purpose is combat or direct support of combat. Examples include but are not limited to: military parachuting, convoy operations, live-fire operations, at-sea operations or flight operations. Activities excluded from this category include, but are not limited to, personally conducted physical training (*i.e.* not organized unit physical training), disease or illness, or operator or passenger in a private vehicle not under contract to the United States government, and suicide on or off duty." That last portion is those who are not eligible, as defined by preparations or operations related to combat. That is this category of "combat-related service deaths."

MINUTES
ADVISORY COMMITTEE ON ARLINGTON NATIONAL CEMETERY (ACANC)
HONOR SUBCOMMITTEE MEETING
21 September 2020

- *Positions of significant governmental responsibility:* As you will notice, POTUS or VPOTUS, for in-ground burial, one of the criteria is that they did not have to have honorable military service. “Positions of significant governmental responsibility” includes “persons permanently (*i.e.* not acting in the position, or performing the duties of the position) holding or who formally permanently held the following positions in the government of the United States of America: Elected Members of Congress, Chief Justice and Associate Justices of the Supreme Court, Secretary of State, Secretary of the Treasury, Secretary of Defense, Attorney General, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Labor, Secretary of Health and Human Services, Secretary of Housing and Urban Development, Secretary of Transportation, Secretary of Energy, Secretary of Education, Secretary of Veterans Affairs, Secretary of Homeland Security, Director of Office of Management and Budget, Director of National Intelligence, Director of the Central Intelligence Agency, Assistant to the President for National Security Affairs, Administrator of the Environmental Protection Agency, Secretary of the Army, Secretary of the Navy, Secretary of the Air Force, Chairman of the Joint Chiefs of Staff and Senior Enlisted Advisor, Chief of Staff of the Army and Senior Enlisted Advisor, Chief of Naval Operations and Senior Enlisted Advisor, Commandant of the Marine Corps and Senior Enlisted Advisor, Chief of Staff of the Air Force and Senior Enlisted Advisor, Chief of Staff of Space Operations and Senior Enlisted Advisor, Chief of the National Guard Bureau and Senior Enlisted Advisor, Commandant of the Coast Guard and Senior Enlisted Advisor, and Combatant Commanders and their Senior Enlisted Advisors.” Ms. Yates summarized that the list essentially comprises members of Congress, Supreme Court justices, Cabinet members and significant leadership in the Department of Defense.

- The Committee engaged in a robust and lengthy discussion about the list of “Positions of Significant Governmental Responsibility” and how military service, both with and without armed conflict service played a role in determining eligibility either for in-ground or above-ground burial.

- Mr. Edwards requested that the Subcommittee again see the responses to ANC’s [2017 and 2018] questionnaires about eligibility. As he recalled, the 250,000 people who responded to those questionnaires ranked special consideration for politicians as either last or second to last.

- Mr. Kelley asked a question about combat-related service deaths: Would a person who died from an Agent Orange-related malady from Vietnam be considered a combat-related service death? No, Ms. Yates replied; a combat-related service death involves dying in the act of one of those combat-related activities. It would not include someone who lives beyond their service.

- Ms. Yates concluded explaining the list and the public comment period.

MINUTES
ADVISORY COMMITTEE ON ARLINGTON NATIONAL CEMETERY (ACANC)
HONOR SUBCOMMITTEE MEETING
21 September 2020

- Categories of persons who remain eligible for in-ground burial include recipients of the Purple Heart, former prisoners of war, World War II traditional veterans and, per the criteria in Section 553.13, “any citizen of the United States who, during any armed conflict prior to July 27, 1953, in which the United States has been or may hereafter may be engaged, served in the armed forces of any government allied with the United States during that armed conflict whose last service ended honorably.” This basically ensures that those who served in World War II and Korea are included in the above-ground category, along with all retirees (both active duty and reservist retirees receiving retired pay).
- “Other active-duty deaths” were described as part of the active duty combat-related service deaths.
- Those who die other than in training events or activities in preparation for combat—in other words, those who die from natural causes, traffic accidents, etc.—will no longer be eligible at all for Arlington National Cemetery under the proposed criteria.
- For other traditional veterans, they are above-ground eligible if they served at least two years on active duty and have performed armed conflict service.
- The slide indicated how Secretary’s proposed criteria would extend the life of the cemetery: to approximately 2158 for ground burial, which complies as close as possible with the law and the mandate under the NDAA. However, above ground does expire in 2045, which is sooner than it does currently, because the vast majority of eligible persons are retirees.
- The public comment period is open until 16 November. Once the Army receives and adjudicates the comments, they will go through the same process of formulating the final rule. In the final rule, all of the comments that the public has made will be bucketed and adjudicated, and those will be published in the final rule.

- Ms. Yates stated that this concluded her briefing, and she turned the floor back to the Chair.

- Mr. Castagnetti thanked Ms. Yates for an outstanding job, and asked for further questions and comments from the Subcommittee.

6. COMMITTEE DISCUSSION.

- Mr. Peake stated: I think it would be valuable for the Subcommittee to consider what to bring to the larger Committee tomorrow. What are the key issues as to impact? Our recommendation was not followed in the last iteration as it came to the final rule, so this gives us a chance to be more specific and offer more clarity. I think there are a couple of things, he continued. One, if you look at the number of veterans who might be interred above ground that are not retirees, that

MINUTES
ADVISORY COMMITTEE ON ARLINGTON NATIONAL CEMETERY (ACANC)
HONOR SUBCOMMITTEE MEETING
21 September 2020

was one group that, early on in the deliberations, the Committee believed had full access to the other veterans' cemeteries. Ms. Yates estimated that if that category was removed, it would extend above-ground burial about ten years. Mr. Peake stated that if we accept the fact that the wisdom is to go ahead and eventually just run out of above-ground burials, there is a way to extend it somewhat. He also noted that if you look at Section 553.1 [Definitions], which talks about government service, neither the president nor the vice president are listed in there. One of the things that the Committee considered previously in its discussions, but did not put it in their report, is that the vice president is not in the chain of command in any way, shape or form. The Committee had had some discussion of whether the president's status in commander-in-chief exempts him from [the] armed service [requirement]. The Committee's final statement was that armed service should be the minimum for anyone.

- Ms. Rondeau observed that this began as a consideration of space issues with regard to Arlington itself, notwithstanding all the other opportunities for veterans to be interred or inurned at other places. But it has gone from limiting and constraining to allowing and widening, she said—not just considerations of veterans, but of others. The Committee has responsibility to Arlington National Cemetery; otherwise, it would be the committee of many cemeteries.

- Ms. Duval recalled that from early on, the Committee wanted to make sure that it represented the population—the veterans. Hence the Committee pushed for veterans organizations to be “pulsed” as to how they would help support the decision of changing the rules of eligibility to ensure the longevity of Arlington. They were loud and clear, she stated, adding that she thinks the Subcommittee represented what the group wanted as a whole, to include where to put the “politicians” [in order of ranking for eligibility]. (Ms. Yates confirmed that “politicians” was the term used in the poll, referring to a slide with the poll results.) Ms. Duval continued that the Committee did a good job of identifying and articulating the preferences of service organizations, current active duty service members and other people they talked to.

- Mr. Castagnetti returned to Mr. Peake's question about topics for tomorrow's full Committee meeting. Regarding the killed in action category, he asked if the Committee had decided anything about what if there is another war in 150 years [the timetable, mandated by the NDAA, to extend the life of the cemetery]. Has there been space designated for KIAs, as well as remains repatriated by the NDAA (including, most recently, the USS Oklahoma)? That may be something that needs to be discussed by the full Committee.

- Ms. Yates replied that from the cemetery's standpoint, none of these proposed criteria—even the rule in its written form, as the Federal Register reminds the public—take into account a major conflict that could occur, which could close the cemetery sooner. While she could not speak for DPAA, she noted that DPAA is coming to the end of the Oklahoma project, but still does recoveries and identifications. As the data is refreshed after 2020, she thinks that that the cemetery's active duty numbers will have almost doubled for 2019 and 2020. They are almost 100, essentially averaging two a week.

MINUTES
ADVISORY COMMITTEE ON ARLINGTON NATIONAL CEMETERY (ACANC)
HONOR SUBCOMMITTEE MEETING
21 September 2020

- Ms. Yates stated that the deliberative process of the Department of Defense made every effort to ensure that service and sacrifice were paramount criteria. As Mr. Peake already mentioned, the current list of positions of significant government responsibility is much, much longer than the proposed list, and they are in-ground eligible with just one day of active duty service. There are individuals who currently serve in Congress, or in positions of high responsibility, who would not be eligible at all in the future, and who are currently eligible today. She repeated the point: There are individuals in positions of high responsibility who are currently eligible today, that under this criteria would not be eligible in the future. Ms. Yates stated that it was not her position to defend the rule; she could only explain what is in the rule. But the Secretary of Defense and Secretary of the Army spent a lot of time deliberating over the exact criteria in an attempt to ensure that Arlington honored service and sacrifice as well as impact to the nation.

- Mr. Edwards asked a clarification on process: Whatever the full Committee decides tomorrow, on any position on any of these proposals, what are the options by which we can express those views? He realized that each member could individually make their own statement and submit it to the record electronically. But if the full Advisory Committee took a position on any of these issues tomorrow, would it send that directly to the Secretary of the Army, or would sending a note to the Secretary of the Army be in violation of the public comment process? Ms. Yates responded that this Committee is allowed to send a report to the Secretary. The adjudication of the comments would not be seen in the public, and she would probably be asked by the General Counsel to add those comments to the Federal Register. Mr. Edwards said, So at least the public process does not prohibit the full Committee from expressing its agreement with or disagreement with any of the proposed changes—is that correct? Ms. Yates stated that this is correct. This is an open public meeting, and the minutes and results of this meeting will be posted on the ANC website. So it is in the open forum for the public to see.

- Mr. Edwards asked Ms. Yates to say, for the minutes and the public record, what the poll results were and what the question was about special consideration for elected officials—how many people responded and what those results were by category. Ms. Yates asked Mr. Davis to show the slide with the poll that ANC conducted regarding potential changes to eligibility criteria. The question asked individual respondents to rank, in order of their opinion, who Arlington should be preserved for. It was an opportunity for the public to express, in rank order, these categories. The question was, “If you believe the rules should change, is there a group or groups of veterans you feel strongly should remain eligible?” Overall, out of 14,991, 308 said that politicians should be included in that group. That is 2%. Mr. Edwards asked if among veterans and service members, that number was 2% as well. Ms. Yates stated yes, that is correct.

- Mr. Edwards shared strong concerns about elected officials who did not serve in the military earning the right to be buried in Arlington National Cemetery.

- Mr. Castagnetti thanked Mr. Edwards, saying that he had articulated a position that all members were grateful to hear. It was very important to hear his in-depth experience, time and effort.

MINUTES
ADVISORY COMMITTEE ON ARLINGTON NATIONAL CEMETERY (ACANC)
HONOR SUBCOMMITTEE MEETING
21 September 2020

- Ms. Duval asked if there is a “grandfather clause” which would apply to people buried at Arlington now and their spouses. Ms. Yates replied that in the rule, the bottom line is: for someone who’s already buried here, who already has a grave, their spouse, or the veteran whose spouse is already interred here, is still eligible to come because of that first burial that’s already occurred. They remain eligible because the grave has already been occupied. There is no technical grandfather clause for eligibility. It is the era of service, July 27, 1953—if they served prior to that, they remain eligible above-ground; they do not have to fulfill the two years plus armed combat service.

- Ms. Duval followed up with a question she has heard from people: “My wife is buried there, am I going to still be with her, or are we not going to be together?” Ms. Yates referred to the clause [in the proposed rule] specifying that someone who is already here is allowed to follow their spouse; they have essentially secured the grave that they will be buried in.

- Mr. Farley asked if it would be appropriate to make a motion to include Mr. Edwards’ comments in the Subcommittee report. He asked if he could make a motion to reject the list as stated, and include it in the Subcommittee report to the full Committee tomorrow.

- As a follow-up question, Mr. Edwards asked if there could be a resolution coming out of the Subcommittee to the full Committee. Ms. Yates replied that yes, if the Subcommittee chooses to vote on something, the chairperson would then take that forward to the full Committee. That is within the Subcommittee rules.

- Mr. Farley continued by referring to the letters in the read-ahead packet that members received last week. He wondered if the Subcommittee would like to discuss any of the recommendations in those letters, as some of them offered intriguing proposals on how to preserve space and extend the life of the cemetery. Ms. Yates clarified that the only letter the Subcommittee can consider is the Angela Deeton Hoover letter, which was addressed to the Subcommittee specifically. All of the other letters were to the full Committee.

- Ms. Yates then returned to Mr. Farley’s original question, which was: Would the Subcommittee consider essentially using Mr. Edwards’ comment regarding the minimal requirements for the cemetery to be added as a resolution for the Subcommittee to discuss, and for the Subcommittee chairman to present to the full Committee tomorrow? Mr. Castagnetti stated that he would be agreeable to having that as part of the subject for the full Committee tomorrow.

- Mr. Edwards noted that all members of the full Committee, except for Mr. Jack Kelly and Ms. Ann Harrell, are on the Honors Subcommittee, but there are some on the Honors Subcommittee, such as Mr. Hess, who are not on the full Committee. He stated that he would not want to inadvertently put anybody in an uncomfortable position if voting on a resolution for the full Committee makes them uncomfortable. The full Committee could always vote on a resolution tomorrow dealing with the minimal requirement of military service to be buried at Arlington. At the same time, Mr. Edwards said, he would not want to cut off discussion—if anyone is on the Honors Subcommittee and not on the Full Committee, and wants their voice to be heard on the

MINUTES
ADVISORY COMMITTEE ON ARLINGTON NATIONAL CEMETERY (ACANC)
HONOR SUBCOMMITTEE MEETING
21 September 2020

record, then today is the last day to do that in this process. He asked Ms. Yates if that is correct. Ms. Yates that yes, if a member of the Honors Subcommittee is not on the full Committee, the time for them to speak on the record is during this discussion.

- Mr. Hess stated that he supports Mr. Edwards' comments. He then asked about the section in the rule for "other active duty deaths." On the slide, he noted, the Secretary of the Army's recommendation has "N/A" for that category. He asked to be reminded how the Committee addressed that category in its recommendations—did it include all deaths, such as traffic accidents, or just those that occurred during training? Ms. Yates said that the Advisory Committee did not "splice" or subcategorize active duty deaths. The Subcommittee left it open to anyone who died on active duty; a subset of that is killed in action, obviously.

- Mr. Hess offered the following comment: If a soldier was killed in training, or killed on active duty (and I know that there are different circumstances around that), then certainly I would think those individuals would deserve a space at Arlington over some of the other political leaders that we are discussing. We've got youngsters out there training hard, and who get killed in training. I would think, and I would think that the Secretary would think, that they would deserve a spot at Arlington above that of any of the politicians that are eligible because of their position as being an elected official.

- Mr. Edwards stated that he assumes what Mr. Hess just said will go in the minutes for the Subcommittee. He said that he wants to be sure that any member of the Honor Subcommittee who has feelings about these eligibility issues, and is not on the full Committee, has an opportunity to speak—whether that's saying something like Mr. Hess just did, and getting it on the record, or whether that's offering a resolution to vote on today.

- Mr. Peake stated that he appreciates the sentiment that Mr. Edwards has expressed. If as Mr. Farley has suggested, the Subcommittee incorporates his comments in its briefing to the full Committee, that would be fine—but the question is, is there a recommendation? And is the recommendation that the Committee's position should be to eliminate that entire section? That doesn't address the issue of POTUS and VPOTUS. Is there a recommendation around that? Are there any other particular pieces of the proposed rule that the Subcommittee would recommend the Committee consider for modification?

- Ms. Rondeau stated that she concurs with Mr. Hess. The Subcommittee should come out of this with a recommendation that is strong. This is a voice that we have, she said; if not us, then who? We should come out of this Subcommittee with a recommendation to the full Committee. Her concern, she added, is to be sure that we are not putting people in any difficult or untenable positions. But she said she would vote with the idea of having something come out of this.

- Mr. Castagnetti asked about the Title V that Ms. Yates had mentioned during her briefing. Does that mean there are additional potential persons of high government responsibility that aren't on the list that she went over? No, Ms. Yates clarified. Currently, today, individuals listed in Title V

MINUTES
ADVISORY COMMITTEE ON ARLINGTON NATIONAL CEMETERY (ACANC)
HONOR SUBCOMMITTEE MEETING
21 September 2020

in Parts I and II are currently eligible. The current eligibility is one day of active duty service *and* one of those positions, and they are in-ground eligible.

- Mr. Castagnetti then asked if the previous eligibility includes any of those members who had no active duty service. Ms. Yates explained that currently, today's eligibility for burial at Arlington National Cemetery begins with at least one day on active duty service, other than for training, with an honorable discharge. That is the minimum requirement. After that, there are lists of above- and below-ground eligibility. For below-ground, members of Congress, the entire Cabinet and many other federal officials are eligible for ground burial as long as they had active duty service—at least one day other than for training—and an honorable discharge. Today, they do not need to have combat service for in-ground burial.

- Mr. Peake then summarized his understanding of differences between the current and proposed eligibility standards. What they seem to have done, he said, is 1) narrowed down the list, and 2) restricted the criteria for that group. If a person has not had combat service, they are restricted to above-ground burial—which will run out in 2045, meaning that they would not be eligible at all after that time, unless they've had combat service and are eligible for in-ground burial. It is worth thinking about the specific consequences of the proposals, he said.

- Mr. Edwards then stated that, regarding the proposal allowing for the vice president and president to be buried at Arlington, he would be willing to offer a resolution right now saying that the Subcommittee goes on record opposing that section, and proposing deleting that section. The simple way to do it is to not get into the explanation; to just say that we propose deleting the section that allows presidents and vice presidents to be buried at Arlington whether or not they have ever served in the military. Otherwise, the Subcommittee could defer the debate about special consideration for members of Congress and Cabinet members until tomorrow, but could at least go on record, with there being some on the Honors Subcommittee who won't get to go on record tomorrow with the full Committee. He asked again if anyone on the Honors Subcommittee would feel uncomfortable voting on that resolution today.

- Mr. Castagnetti asked if that proposed resolution is something that the Subcommittee could accept today for discussion in the full Committee. Ms. Yates asked that the group make it clear what they are voting on, and that the group then vote. Whatever they voted on, they could take forward tomorrow to the full Committee as a resolution from this Subcommittee.

- Ms. Yates stated, for the record, that there is a chat [in the Teams meeting "Chat" box] from a member of the public mentioning that there are exceptions to the active duty requirement, and that Justice Ginsburg will be buried at Arlington this weekend. To the first point, Ms. Yates stated that Justice Ginsburg is a derivatively eligible spouse of a veteran already interred at Arlington National Cemetery. That is her eligibility to be buried here. And she will not be buried this weekend. There are exceptions to burial at Arlington National Cemetery, Ms. Yates explained; per any federal government policy, there are exceptions to any rule. The Secretary of the Army, by law, has the authority to derive eligibility and to create exceptions. It is a rarely approved exception to policy for burial at Arlington National Cemetery, and it is a very rigorous

MINUTES
ADVISORY COMMITTEE ON ARLINGTON NATIONAL CEMETERY (ACANC)
HONOR SUBCOMMITTEE MEETING
21 September 2020

process that any application is taken through. Ms. Yates added that she can have the cemetery provide this Subcommittee, or the full Committee, a full background on how exceptions to policy are processed. To date, the only ones that have been approved in the recent past (the last five years) are for individuals who have died in combat, in theater, as former military members in civilian roles alongside service members.

Motion for a Vote

- Mr. Edwards then moved that the Honors Subcommittee recommend to the full Advisory Committee that the Secretary of the Army delete the section that would qualify presidents and vice presidents for burial at Arlington even if they have not served in uniform. He noted that the motion would require a second, and he asked again if any members of the Subcommittee would be, for any reason, uncomfortable voting yay or nay on this today. If so, he stated that he would respect that and would withdraw the resolution in order to take it up tomorrow.

- No members of the Subcommittee expressed discomfort with voting on the resolution.

- Mr. Kelley seconded the motion.

- Mr. Castagnetti stated that the resolution by Mr. Chet Edwards is to delete POTUS and VPOTUS from eligibility if they have not served on active duty. He would like to have this proposal from the Subcommittee put to the full Committee tomorrow. Mr. Castagnetti stated that the motion had been seconded, and asked if there was any opposition. He stated that he heard none.

- Ms. Yates requested that Mr. Castagnetti take a vote for all in favor.

- Mr. Castagnetti asked all in favor to state their name and say “aye.” Mr. Peake clarified that members were voting on whether to bring the resolution forward for the full Committee to consider; Mr. Edwards and Ms. Rondeau expressed concurrence with the clarification.

- Mr. Castagnetti stated that he would accept a voice vote for affirmative. The following members of the Subcommittee stated their names and voted verbally in favor of the resolution: Ms. Rondeau, Mr. Edwards, Mr. Peake, Ms. Duval, Mr. Hess, Mr. Farley, Mr. Kelley, Mr. Castagnetti.

- Ms. Yates recorded the Subcommittee’s full votes in agreement for a statement to the full Committee for consideration: to delete the section in the proposed eligibility rule which authorizes the president of the United States and the vice president of the United States to be buried at Arlington National Cemetery without active duty service.

Committee Discussion Resumes

- Mr. Peake stated that he hopes that tomorrow, the full Committee will be able to craft another clear response to the Secretary of the Army in the form of a report that he has to accept (like he

MINUTES
ADVISORY COMMITTEE ON ARLINGTON NATIONAL CEMETERY (ACANC)
HONOR SUBCOMMITTEE MEETING
21 September 2020

did last time), and has a certain amount of time to provide to Congress. What we want is a clear statement tomorrow, he said. This Subcommittee is helpful in thinking through the elements of that.

- Mr. Castagnetti thanked Mr. Peake for his wisdom on keeping the Subcommittee focused on eligibility issues.

Written Statements to the Committee

- Ms. Yates then referred back to the one letter submitted to the Honor Subcommittee (which Mr. Farley had previously mentioned): a letter from Ms. Angela Deeton Hoover, a retired educator and niece of a deceased veteran. In her letter, Ms. Hoover presented a method to address long-term Army National Cemeteries issues and master planning at Arlington National Cemetery. As Ms. Yates summarized it, the proposal was essentially to come up with a manner in which to bury individuals not related to one another in the same grave. In other words, to use the space available when a single service member is placed to potentially place someone else in that grave as well. For the Subcommittee's knowledge and understanding, Ms. Yates explained that the initial challenge with that idea is that ANC is prohibited by law from burying individuals not related to one another in the same grave. There are also religious and family concerns. Additionally, single service members, specifically those killed on active duty or veterans who are divorced at the time of their burial, are not buried in a conducive manner to placing additional remains, because it is not anticipated that there would be an additional set of remains. She invited the Subcommittee to make any comments on the letter, and Mr. Castagnetti opened the floor to discussion.

- Mr. Farley stated that the public letters included some interesting options that the Committee did not really do due diligence on, since the Committee was operating within constraints the public was not aware of. Regarding Ms. Hoover's letter, Mr. Farley wondered if the numbers would be significant enough, if second burials were possible, to extend the life of the cemetery toward 150 years.

- Adding to Ms. Yates' and Mr. Farley's comments, Ms. Rondeau expressed concern that burying unrelated persons in the same grave could create a lot of confusion. She noted that while there is a brotherhood and sisterhood of being alongside one another at Arlington, there must not be any confusion about how graves are marked. Ms. Rondeau said that she was pleased that Ms. Hoover took the initiative to think about this and to write to the Subcommittee. However, she believed that the proposal could be massively confusing overall.

- Mr. Peake echoed Ms. Rondeau's comments. He appreciated the suggestion, but noted that even under current eligibility rules, it can be challenging to bury a dependent or relative who is not a spouse. For somebody who is not related, that would create significant challenges for the execution.

- Mr. Hess noted the novelty of the letter's proposal, but also emphasized the legal aspects that Ms. Yates mentioned, as well as the complications of figuring out its execution. He commented

MINUTES
ADVISORY COMMITTEE ON ARLINGTON NATIONAL CEMETERY (ACANC)
HONOR SUBCOMMITTEE MEETING
21 September 2020

that it is rare for the Subcommittee to hear from someone who is trying to help, and so it was very nice to get Ms. Hoover's letter; he was just not sure how the proposal would be executed.

- Mr. Kelley had no comment on the letter, but stated that he supported the resolution [on which the Subcommittee voted] 100%.

- Mr. Castagnetti stated that the Subcommittee acknowledges Ms. Hoover's letter and proposal, and appreciates the input from the public on this valuable topic.

7. MEETING ADJOURNED

Ms. Yates stated that this concluded the agenda items. Mr. Castagnetti then called for a motion to adjourn. The motion was made and seconded. All members voted verbally in favor.

Mr. Castagnetti thanked the Honors Subcommittee members for their input during a busy session, stating that he appreciates their honest and ethical approach to delivering their message.

The Honors Subcommittee meeting adjourned at 1615.



Gene Castagnetti
Subcommittee Chairman