



**STATEMENT OF  
GERARDO AVILA, DEPUTY DIRECTOR  
VETERANS AFFAIRS AND REHABILITATION DIVISION  
THE AMERICAN LEGION**

**BEFORE THE**

**SUBCOMMITTEE ON MILITARY PERSONNEL  
ARMED SERVICES COMMITTEE  
UNITED STATES HOUSE OF REPRESENTATIVES**

**ON**

**“ARLINGTON NATIONAL CEMETERY”**

**MARCH 8, 2018**

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*“It is for us, the living, rather, to be dedicated here to the unfinished work which they who fought here, have, thus far, so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us that from these honored dead we take increased devotion to that cause for which they here gave the last full measure of devotion - that we here highly resolve that these dead shall not have died in vain - that this nation, under God, shall have a new birth of freedom - and that government of the people, by the people, for the people, shall not perish from the earth.” - Abraham Lincoln’s Gettysburg Address*

Chairman Coffman, Ranking Member Speier and distinguished members of the Subcommittee on Military Personnel; on behalf of National Commander Denise H. Rohan and the 2 million members of The American Legion, the largest patriotic service organization for veterans serving every man and woman who has worn the uniform for this country, thank you for the opportunity to testify regarding the future of Arlington National Cemetery.

President Lincoln’s epochal words dedicating the cemetery at Gettysburg in the wake of that battle should be remembered by all as we turn our attention to preserving Arlington National Cemetery (ANC). Today, ANC has become the national symbol most reflective and embodying of the intent President Lincoln expressed on the field at Gettysburg that day.

ANC did not start out as the iconic symbol that it is today; rather, the cemetery has evolved over its 150-year history. ANC began as one of over 60 cemeteries created for those who died in the Civil War. A practical necessity to manage the unprecedented number of casualties during the war, the cemeteries were created to ensure proper burial for servicemembers whose families could not afford to bring the remains of their fallen loved ones home. Since that time, ANC has grown to become unique among our national cemeteries and landmarks. Its iconic landscape of neatly lined white markers stretching across the rolling hillsides serves as a tribute to the service and sacrifice of every individual laid to rest within the hallowed grounds.

The American Legion’s members recognized this at our Ninety-Eighth National Convention in Cincinnati, Ohio. The American Legion approved Resolution No. 93: *Codify Burial Eligibility for Arlington National Cemetery*, “urges Congress to codify eligibility criteria for burial at Arlington National Cemetery and that such burial be restricted to service members who die on active-duty;

to our most decorated veterans to include recipients of the Purple Heart; former members of the armed forces separated from the military with a physical disability of 30 percent or more before October 1, 1949; and to veterans who spent full careers in uniform, and to their spouses and eligible children; to former prisoners of war; and for the President or former Presidents as Commanders in Chief of the Armed Forces.”

In adopting Resolution 93, The American Legion recognized the reality that ANC is running out of space. In its annual report to Congress, *The Future of Arlington National Cemetery: Report on the Cemetery's Interment and Inurnment Capacity 2017*; ANC is projected to reach capacity in the early 2040s. This projection is based on the average ceremonies conducted annually, maintaining the current eligibility criteria, and the cemetery's current footprint. At the current rate, if no action is taken, most veterans from the recent wars in Iraq and Afghanistan, to include 11 living Medal of Honor recipients, will more than likely not have the option to be buried at ANC. If we do nothing, the reality is ANC will cease to operate as it has throughout its 150-year history as a final resting place for servicemembers and veterans.

To extend the life of ANC as a cemetery capable of memorializing our nation's heroes into the future, it will require difficult decisions to be made and a conscious effort toward compromise from all concerned stakeholders. The American Legion has recognized this sobering reality and continues to evolve its stance to ensure ANC will be preserved for generations of not only veterans having served their country, but for all Americans. The American Legion understands the eligibility criteria for ANC, as our nation's most sacred shrine, needs to be codified in order to assure compliance and fairness to guarantee remaining spaces are used prudently and distributed judiciously. In addition to changes to eligibility criteria for interment and inurnment, we must also look to other avenues including: pursuing expansion opportunities where available, and alternative options for maximizing the current space.

First, restricting the eligibility criteria will have the greatest impact and immediate results in ensuring the cemetery is capable of accomplishing its mission well in the future. This option is the most controversial and potentially impacts millions of veterans who have wished to make ANC their final resting place. ANC already has narrowed criteria for eligibility when compared to other cemeteries operated by the National Cemetery Administration (NCA). In addition to narrowed eligibility, ANC differentiates criteria for in-ground and aboveground eligibility. Only those killed in action, died on active duty, retirees, and those with qualifying valor awards may be placed in-ground.

Historical data shows approximately one percent of all retirees final resting place is ANC; with the current veteran population estimated around twenty million, we can easily anticipate capacity is not there to meet the future demand. The removal of retirees from the current eligibility criteria is a sensitive subject for members of The American Legion and one ANC is well aware of. While The American Legion recognizes the necessity of restricting eligibility criteria in accordance with our resolution, we must emphasize retirees and veterans will need to be educated on ANC's challenges and options for their final resting place in other veteran cemeteries operated by NCA across the nation.

Secondarily, the option of expanding comes with its own set of challenges, namely: available real estate, time, and money. Due to its geographical location, there is very little room for ANC to expand its current footprint. The Millennium Project expansion, which will provide an additional 27 acres with an estimated 27,282 spaces, is the cemetery's first expansion since 1976 with a budget of \$81.7 million. Currently, another expansion project is under consideration with a proposed budget of \$274 million. We support these expansion projects to increase the overall capacity of ANC.

Finally, in addition to tailoring eligibility in accordance with our resolution and increasing capacity, we support the proposal for exploring alternative ideas for maximizing the current space with the use of new burial techniques and increase use of aboveground inurnments. The American Legion shares with the U.S. Army, its expressed concern in using new and aboveground burial techniques fearing it will alter the architectural design of the cemetery and make it less aesthetically pleasing. However, we remain open to changes that do not detract from ANC and would add beneficial use to veterans and the nation.

All of these options present tough and unique challenges, but we must all now come to the realization that something must be done. We must now take action. We must also understand that failure to take action is making a decision, the decision to allow Arlington National Cemetery to reach capacity and cease operating as it has since its inception.

The American Legion supports immediate action to ensure the future legacy of Arlington National Cemetery is protected for future generations. We believe in order to make a significant impact all three proposed options should be considered. Changing the eligibility criteria will require extensive outreach in order to educate those veterans, servicemembers and their eligible dependents that may be impacted on the tough challenges with regards to capacity. Expansion projects should be explored and pursued, even considerations that would exist independent of the current footprint at another location within close proximity to our nation's capital.

The American Legion's own 100 year history is integrally intertwined with endeavors to preserve the legacy of this nation's servicemembers. With the creation of the Graves Registration and Memorial Affairs Committee in 1962 to the current National Cemetery Committee, The American Legion has maintained professional staff dedicated to formulate and recommend to The American Legion's National Executive Committee, through the Veterans Affairs & Rehabilitation Commission, policies, plans and programs as they relate to Department of Veterans Affairs' national cemeteries, and the interment of veterans, military and their dependents. This includes Arlington National Cemetery administered by the Department of the Army.

We would like to take this opportunity to acknowledge and say thank you to Arlington National Cemetery and the Advisory Committee for including The American Legion and the Veteran Service Organization (VSO) community in this delicate and extremely important discussion.

As always, The American Legion thanks this subcommittee for the opportunity to elucidate the position of the 2 million veteran members of this organization. For additional information regarding this testimony, please contact Mr. Larry Lohmann, Assistant Director of The American Legion's Legislative Division at (202) 861-2700 or llohmann@legion.org.