

105TH CONGRESS
2D SESSION

H. R. 3145

To amend title 38, United States Code, to enact into law eligibility requirements for interment in Arlington National Cemetery.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 1998

Mr. KLECZKA introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to enact into law eligibility requirements for interment in Arlington National Cemetery.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Arlington National
5 Cemetery Integrity Act of 1998”.

6 **SEC. 2. PERSONS ELIGIBLE FOR INTERMENT IN ARLING-**
7 **TON NATIONAL CEMETERY.**

8 (a) IN GENERAL.—Chapter 24 of title 38, United
9 States Code, is amended by adding at the end the follow-
10 ing new section:

1 **“§ 2412. Arlington National Cemetery: person eligible**
2 **for interment; authorized headstones and**
3 **markers**

4 “(a) ELIGIBILITY.—The remains of the following in-
5 dividuals may be interred in Arlington National Cemetery:

6 “(1) Any member of the Armed Forces who
7 dies while on active duty (other than active duty for
8 training).

9 “(2) Any retired member of the Armed Forces
10 who—

11 “(A) served on active duty (other than for
12 training);

13 “(B) is carried on a retired list; and

14 “(C) is entitled to receive retired pay.

15 “(3) Any former member of the Armed Forces
16 separated for physical disability before October 1,
17 1949, who—

18 “(A) served on active duty (other than for
19 training); and

20 “(B) would have been eligible for retire-
21 ment under the provisions of section 1201 of
22 title 10 (relating to retirement for disability)
23 had that section been in effect on the date of
24 separation of the member.

25 “(4) Any former member of the Armed Forces
26 whose last active duty military service (other than

1 for training) terminated honorably and who has been
2 awarded one of the following decorations:

3 “(A) Medal of Honor.

4 “(B) Distinguished Service Cross (Air
5 Force Cross or Navy Cross).

6 “(C) Distinguished Service Medal.

7 “(D) Silver Star.

8 “(E) Purple Heart.

9 “(5) Any former prisoner of war—

10 “(A) who, while a prisoner of war, served
11 honorably in the active military, naval, or air
12 service;

13 “(B) whose last period of active military,
14 naval, or air service terminated honorably; and

15 “(C) who died on or after November 30,
16 1993.

17 “(6) Any former member of the Armed Forces
18 whose last active duty military service (other than
19 for training) terminated honorably and who has held
20 any of the following positions:

21 “(A) An elective office of the United States
22 Government.

23 “(B) The office of the Chief Justice of the
24 United States or of an Associate Justice of the
25 Supreme Court of the United States.

1 “(C) An office listed in section 5312 or
2 5313 of title 5 (relating to Executive Schedule
3 I and Executive Schedule II).

4 “(D) A qualifying chief of mission position
5 in the Department of State.

6 “(7) The President or any former President.

7 “(8) Subject to subsection (b) and (c), the
8 spouse, surviving spouse, minor child and, at the dis-
9 cretion of the Superintendent of Arlington National
10 Cemetery, unmarried adult child of a person listed
11 in paragraphs (1) through (6).

12 “(9) Subject to subsection (b), the spouse, sur-
13 viving spouse, minor child, and, at the discretion of
14 the Superintendent of Arlington National Cemetery,
15 unmarried adult child of a member of the Armed
16 Forces who is buried in Arlington National Ceme-
17 tery as part of a group burial, but the spouse, sur-
18 viving spouse, minor child, or unmarried adult child
19 may not be buried in the group gravesite.

20 “(10) Subject to subsection (b), the spouse,
21 surviving spouse, minor child, and, at the discretion
22 of the Superintendent of Arlington National Ceme-
23 tery, unmarried adult child of any person already
24 buried in Arlington National Cemetery.

1 “(11) The parents of a minor child or unmar-
2 ried adult child whose remains, based on the eligi-
3 bility of a parent, are already buried in Arlington
4 National Cemetery.

5 “(b) SPOUSES.—(1) For purposes of paragraph (9)
6 of subsection (a), the term ‘spouse’ includes the widow or
7 widower of a member of the Armed Forces who was lost
8 or buried at sea or who was officially determined to be
9 permanently absent in a status of missing or missing in
10 action.

11 “(2) For purposes of paragraph (8), (9), and (10)
12 of subsection (a), a surviving spouse who has remarried
13 and whose remarriage is void, terminated by death, or dis-
14 solved by annulment or divorce by a court with basic au-
15 thority to render such decrees regains eligibility for burial
16 in Arlington National Cemetery unless it is determined by
17 the Secretary of the Army that the decree of annulment
18 or divorce was secured through fraud or collusion.

19 “(c) SAME GRAVESITE LIMITATION INAPPLICABLE IN
20 CERTAIN CASES.—(1)(A) In the case of a gravesite of a
21 spouse (whose remains have been buried in Arlington Na-
22 tional Cemetery under paragraph (8) of subsection (a))
23 that cannot accommodate the subsequent burial of re-
24 mains of a person listed in paragraphs (1) through (6)
25 of subsection (a) due to encroachment of roots of trees,

1 shrubs, plants, or to a similar event, the Superintendent
2 of Arlington National Cemetery may provide for the burial
3 of remains of the person in another gravesite in Arlington
4 National Cemetery.

5 “(B) The burial of remains of the person in another
6 gravesite in Arlington National Cemetery by reason of
7 subparagraph (A) shall not give rise to eligibility for burial
8 of remains of any other individual in that gravesite.

9 “(2) In the case of a gravesite of a person listed in
10 paragraphs (1) through (6) of subsection (a) (whose re-
11 mains have been buried in Arlington National Cemetery)
12 that cannot accommodate the subsequent burial of re-
13 mains of an otherwise eligible person described in para-
14 graph (8) of subsection (a) due to such encroachment or
15 similar event, the Superintendent of Arlington National
16 Cemetery may not provide for the burial of remains of that
17 otherwise eligible person in another gravesite in Arlington
18 National Cemetery.

19 “(d) DISABLED ADULT UNMARRIED CHILDREN.—In
20 the case of an unmarried adult child who is incapable of
21 self-support up to the time of death because of a physical
22 or mental condition, the child may be buried under para-
23 graph (7) of subsection (a) without requirement for ap-
24 proval by the Superintendent of Arlington National Ceme-
25 tery under that paragraph if the burial is in the same

1 gravesite as the gravesite in which the parent has been
2 or will be buried.

3 “(e) DEFINITION.—For purposes of this section:

4 “(1) The term ‘qualifying chief of mission posi-
5 tion’ means—

6 “(A) with respect to service before January
7 5, 1986, a chief of mission position in the De-
8 partment of State that was classified by the
9 Secretary of State as a Class I Chief of Mission
10 position under the laws and regulations in ef-
11 fect before January 5, 1986; and

12 “(B) with respect to service on or after
13 January 5, 1986, a chief of mission position in
14 the Department of State specified in the enclo-
15 sure entitled ‘List of Chief of Mission Positions’
16 in a letter dated March 21, 1988, from the
17 Deputy Assistant Secretary of State for Person-
18 nel to the Superintendent of the Arlington Na-
19 tional Cemetery (or the corresponding successor
20 chief of mission position, in the case of Bonn
21 and Moscow).”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of such chapter is amended by adding
24 at the end the following new item:

“2412. Persons eligible for interment in Arlington National Cemetery.”.

1 **SEC. 3. PERSONS ELIGIBLE FOR INTERMENT IN THE COL-**
 2 **UMBARIUM IN ARLINGTON NATIONAL CEME-**
 3 **TERY.**

4 (a) IN GENERAL.—Chapter 24 of title 38, United
 5 States Code, as amended by section 2 of this Act, is fur-
 6 ther amended by adding at the end the following new sec-
 7 tion:

8 **“§ 2413. Persons eligible for interment in the col-**
 9 **umbarium in Arlington National Ceme-**
 10 **tery**

11 “The cremated remains of the following individuals
 12 may be placed in the columbarium in Arlington National
 13 Cemetery:

14 “(1) A veteran whose last period of active duty
 15 service (other than for training) ended honorably

16 “(2) The spouse, surviving spouse, minor child,
 17 and, at the discretion of the Superintendent of Ar-
 18 lington National Cemetery, unmarried adult child of
 19 a veteran described in paragraph (1).”.

20 (b) CONFORMING AMENDMENT.—The table of sec-
 21 tions at the beginning of chapter 24 of title 38, United
 22 States Code, as amended by section 2 of this Act, is fur-
 23 ther amended by adding at the end the following new item:

“2413. Persons eligible for interment in the columbarium in Arlington National
 Cemetery.”.

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