

**Army Regulation 290-5**

**Cemeteries**

# **Army National Cemeteries**

**Headquarters  
Department of the Army  
Washington, DC  
1 September 80**

**UNCLASSIFIED**

# ***SUMMARY of CHANGE***

AR 290-5

Army National Cemeteries

Changes 3 through 1 have been issued since the revision dated 19 March 1976.

- o Change 3 makes changes throughout chapter 2.
- o Change 2 made changes throughout chapter 3.
- o Pages from Change 1 are no longer in this current issue, as Changes 2 & 3 have replaced those pages.

- o This revision dated 19 March 1976--

--Provides for the transfer of functions of the US Army Memorial Affairs Agency to The Adjutant General Center.

--Pertains only to Arlington and Soldiers' Home National Cemeteries since 82 of 84 national cemeteries were transferred from the Secretary of the Army to the Administrator of Veteran Affairs in accordance with Public Law 93--43 (National Cemeteries Act of 1973).

## Cemeteries

### Army National Cemeteries

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By Order of the Secretary of the Army:

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**History.** This publication was originally printed on 19 March 1976. It was authenticated by Fred C. Weyand, General, US Army Chief of Staff, and Paul T. Smith, Major General, US Army The Adjutant General. Change 1 was followed by Changes 2 and 3. Change 2 was printed on 1 Aug 1978 and Change 3 was printed on 1 Sept 1980. This electronic edition

publishes the basic 1976 edition, incorporates Changes 1 through 3, and remains in effect.

**Summary.** This regulation states the authority and assigns the responsibilities for the development, operation, maintenance, and administration of the Arlington and Soldiers' Home National Cemeteries, a civil works activity of the Department of the Army.

**Applicability.** The provisions of this regulation are applicable to active and retired members of the Armed Forces. Chapter 2 of this regulation is applicable to the National Guard and Reserve insofar as the eligibility criteria for guardsmen and reservists on active duty and those retired who are receiving compensation are concerned.

**Proponent and exception authority.** The proponent agency of this regulation is the US Army Adjutant General Center.

**Army management control process.** Not applicable.

**Supplementation.** Local supplementation of this regulation is prohibited, except upon approval of The Adjutant General.

**Suggested Improvements.** Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) direct to HQDA (DAAG-PEM) WASH DC 20314.

**Distribution.** To be distributed in accordance with DA Form 12–9A requirements for National Cemeteries.

*Active Army:* C (Qty Rqr Block No. 198)

*ARNG:* D (Qty Rqr Block No. 199)

*USAR:* D (Qty Rqr Block No. 199)

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\*This regulation supersedes AR 290–5, 28 November 1972.

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## **Chapter 1**

### **General**

#### **1–1. Purpose**

This regulation states the authority and assigns the responsibilities for the development, operation, maintenance, and administration of the Arlington and Soldiers' Home National Cemeteries, a civil works activity of the Department of the Army.

#### **1–2. Army national cemeteries.**

The Army national cemeteries, consisting of the Arlington National Cemetery, Arlington, Virginia, and Soldiers' Home National Cemetery, Washington, DC, are under the jurisdiction of the Department of the Army. The Assistant Secretary of the Army for Civil Works is directly responsible to the Secretary of the Army for policy formulation in the administration of these cemeteries. The Personal Affairs Directorate, an element of The Adjutant General Center, is responsible for their day-to-day administration, operation, and maintenance.

#### **1–3. Statutory authority.**

Basic statutory authority pertaining to the Army national cemeteries is in Title 24, Chapter 7, United States Code, entitled "National Cemeteries." Many of the provisions of this chapter were repealed by Section 7(a) of the National Cemeteries Act of 1973 (Public Law 93–43, 18 June 1973, 38 USC 1000 et seq.); but Section 7(b) provides that nothing in this section shall be deemed to affect in any manner the functions, powers, and duties of the Secretary of the Army with respect to Army national cemeteries.

#### **1–4. Scope and applicability.**

*a. Scope.* Except as specifically provided otherwise in this regulation (or by directive of the Director, Personal Affairs, TAGCEN), this regulation and TM 10–287 will govern the development, operation, maintenance, and administration of Arlington National Cemetery and the Soldiers' Home National Cemetery. AR 210–190 assigns responsibilities for the operation, maintenance, and administration of Army post cemeteries.

*b. Applicability.* The provisions of this regulation are applicable to active and retired members of the Armed Forces. Chapter 2 of this regulation is applicable to the National Guard and Reserve insofar as the eligibility criteria for guardsmen and reservists on active duty and those retired who are receiving compensation are concerned.

#### **1–5. Resources.**

Resources for Army national cemeteries are authorized in the annual HUD–SPACE–SCIENCE–VETERANS Appropriation Act under "Salaries and Expenses, Cemeterial Expenses, Army." These resources will not be used for any other purpose.

*a. Funding and accounting.* The Comptroller of the Army allocates the funds to TAG Comptroller, Operating Agency 11. Funds are allotted at the request of the Director, Personal Affairs, and are controlled and accounted for separately from any other funds in accordance with applicable regulations, governing use, accounting, and reporting of Department of the Army Civil Funds.

*b. Manpower.* Manpower authorizations will be made by Headquarters, Department of the Army, to the Director, Personal Affairs, TAGCEN, for suballocation to the Arlington National Cemetery and to the Chief of Engineers to support ongoing construction projects.

#### **1–6. Responsibilities.**

Pursuant to AR 10–33; GO 20 (12 May 1972); the provisions of the National Cemeteries Act of 1973; GO 10, Section XXVI (8 May 1974); and GO 14, paragraph 10*b* (27 May 1974), the Director, Personal Affairs, under the direction of the Secretary of the Army, is responsible for the development, operation, maintenance, and administration of the two Army national cemeteries and for formulating plans, policies, procedures, and regulations, pertaining to them (24 USC 278). Specific responsibilities for Arlington and Soldiers' Home National Cemeteries will be delegated by the Director, Personal Affairs, to the Commanding General, US Army, Military District of Washington, in accordance with a Memorandum of Understanding between those two officials.

#### **1–7. Names for Army national cemeteries.**

The Director, Personal Affairs, is responsible for naming Army cemeteries and all features within them (e.g., drives, walks, or special structures). Newly constructed interior thoroughfares for vehicular traffic in Arlington National Cemetery will be known as *drives*. They will be named for important persons who have made unusual contributions to better the United States.

#### **1–8. Cemetery enclosures.**

Army national cemeteries will be enclosed by substantial stone or iron fences (24 USC 279).

### **1–9. Federal jurisdiction.**

Where the State legislature has given the consent of that State to purchase the land which now comprises a national cemetery, the jurisdiction and power of legislation of the United States over Army national cemeteries will, in all courts and places, be held to be the same as is granted by Section 8, Article 1, Constitution of the United States (24 USC 287).

### **1–10. Donations.**

*a. Policy.* Under Department of the Army policy, proffered donations or gifts for beautifying Army national cemeteries may be accepted from legitimate societies and organizations or from reputable individuals, subject to the following provisions:

(1) The society, organization, or individual does not associate the name of the Department of the Army in any way with soliciting for the donation or gift.

(2) Delivery is made to the cemetery or to another point designated by the Department of the Army without expense to the Government.

(3) Installing, constructing, placing, or planting is in keeping with the planned development of the cemetery and the donor agrees to the use of the gift at any designated place within the cemetery.

(4) The donor is not permitted to affix any commemorative tablet or plaque to the items donated or to place one in the cemetery or elsewhere on Department of the Army property.

*b. Processing.* All proffers of donations to Army national cemeteries will be referred to HQDA (DAAG–PEM), WASH DC 20314, with the recommendation of the cemetery superintendent as to the action to be taken.

*c. Conditional gifts.* The Secretary of the Army is authorized, at his discretion, to accept, receive, hold, administer, and expend any gift, devise, or bequest of real or personal property on condition that the item be used for the benefit of, or in connection with, the operation, maintenance, or administration of the two national cemeteries under the jurisdiction of the Department of the Army. The Adjutant General will take appropriate action on conditional gifts as prescribed in AR 1–100.

*d. Unconditional gifts.* All proffers or donations of gifts which are unconditional will be accompanied by a report stating all material facts in connection with the source, nature, and purpose of the gift.

### **1–11. Design and layout of Army national cemeteries.**

The Personal Affairs Directorate is responsible for the general design requirements of Army national cemeteries and for the layout of specific sections within these cemeteries.

*a. Burial sections and memorial plots.* Official detailed plans will be prepared by officials of the Arlington National Cemetery in coordination with the Personal Affairs Directorate. The sizes of all gravesites and/or plots will conform to those shown in the official plans. The standard size for all gravesites in sections established since 1 January 1947 is 5 feet by 10 feet. The size of plots for memorial markers is 5 feet by 5 feet.

*b. Opening of new sections.* New sections will be opened and prepared for burials or for installing memorial markers only with the approval of the Director, Personal Affairs, and after types and sizes of monuments on permanent sites have been established.

*c. Establishment and/or expansion of military post sections.* No new post sections will be established nor will existing post sections be expanded.

### **1–12. Communications.**

*a.* Army national cemetery superintendents will be expected to reply to specific inquiries from the general public concerning the cemeteries under their immediate jurisdiction, if their replies can be based on established policies, procedures, or known facts. When a reply is made to a Member of Congress or to an individual who indicates that the matter has been or will be taken up with a Member of Congress, a copy of the communication and the reply will be furnished as promptly as possible to HQDA (DAAG–PEM), WASH DC 20314.

*b.* The authority outlined in *a* above does not apply to future plans concerning the Army national cemeteries; unusual circumstances surrounding interments; matters concerning change of the laws, policies, and the governing regulations; or matters requiring a decision by higher authority. Such cases will be acknowledged with the statement that the communication has been referred to the Director, Personal Affairs, TAGCEN, for direct reply. The communication and a copy of the acknowledgment will then be forwarded to HQDA (DAAG–PEM), WASH DC 20314, with comments and recommendations.

*c.* Written communication with the White House or Members of Congress will be in coordination with, or a copy of the correspondence provided to, the Office of the Assistant Secretary of the Army (Civil Works).

### **1–13. Records Maintenance.**

Records at Army national cemeteries will be maintained and disposed of as prescribed in AR 340–2, AR 340–18–1, and in other pertinent regulations in the AR 340–18 series.

#### **1-14. Arlington Memorial Amphitheater.**

a. The Act of 2 September 1960 (74 Stat; 24 USC 295a) provides that the Secretary of Defense or his designee may send to Congress in January of each year recommendations on the memorials to be erected and the remains of deceased members of the Armed Forces to be entombed in the Arlington Memorial Amphitheater in Arlington National Cemetery. The Act further provides that—

(1) No memorial may be erected and no remains may be entombed in the Arlington Memorial Amphitheater unless specifically authorized by Congress;

(2) The character, design, or location of any memorial authorized by Congress is subject to the approval of the Secretary of Defense or of his designee.

b. Under the provisions of the Act of 2 September 1960, the Secretary of the Army has been designated to act in behalf of the Secretary of Defense.

c. Any requests relative to inscriptions or memorials within the Arlington Memorial Amphitheater will be referred to HQDA (DAAG-PEM), WASH DC 20314, for appropriate disposition. The Department of the Army will seek the advice of the Commission of Fine Arts concerning such matters.

#### **1-15. Power of arrest.**

The superintendents of Army national cemeteries are authorized to arrest any person who willfully destroys, mutilates, defaces, damages, or removes any monument, gravestone, or other structure or who willfully destroys, cuts, breaks, injures, or removes any tree, shrub, or plant within the limits of the cemetery and to bring that person before any United States magistrate or judge of any district court of the United States within any State or district where the cemeteries are situated, to hold that person to answer for the misdemeanor, and then and there to make a complaint in due form (Act of 2 March 1911 (36 Stat. 1167; 24 USC 286)).

#### **1-16. Solicitations.**

Solicitations to the public of any type of business including the sale of souvenirs and refreshments within the cemetery are prohibited. Violators who do not leave when so ordered or who unlawfully reenter the cemetery after being evicted will be subject to prosecution under 18 USC 1382. (See TM 10-287.)

#### **1-17. Procurement.**

Cemetery supplies and services will be procured in accordance with the provisions of the Armed Services Procurement Regulation (ASPR), the Army Procurement Procedure (APP), and any special procedures that are issued by the Director, Personal Affairs.

#### **1-18. Accountability for property and supplies.**

Army national cemetery property, supplies and equipment will be procured and accounted for in accordance with chapter 6, TM 10-287.

a. Army national cemetery property is procured from the civil works appropriations “Salaries and Expenses, Cemeterial Expenses Army”; therefore, separate records will be maintained for this property. Conditions peculiar to these cemeteries may require deviation from certain property accounting procedures and techniques. In establishing these procedures and techniques, the superintendent may be authorized exceptions by the Director, Personal Affairs, to meet varying conditions. These exceptions must necessarily conform fundamentally to basic Army policy and regulations governing property accountability.

b. Individuals who have Government property and/or supplies in their possession or under their supervision are responsible for the proper custody, care, and safekeeping of the property and/or supplies and may be held financially liable for failure to exercise these responsibilities.

#### **1-19. Encroachments and revocable licenses.**

a. *Encroachments.* No railroads will be permitted upon the right-of-way acquired by the United States leading to Arlington or Soldiers’ Home National Cemetery or to encroach upon any roads or walks thereon and maintained by the United States (24 USC 290).

b. *Revocable licenses.* The construction or erection of poles and lines (including underground lines) for transmitting and distributing electric power or for telephone and telegraph purposes, as well as water and sewer pipes, will not be permitted without the authority of the Department of the Army. Requests for revocable licenses to construct water, gas, or sewer lines or other appurtenances on or across the cemetery or an approach road in which the Government has a right-of-way or fee simple title or other interest will be submitted for final action to the cemetery superintendent with a complete description of the privilege desired and a map showing the location of the project on the roadway in question. The superintendent will forward the application and enclosures with his comments and recommendations to HQDA (DAAG-PEM), WASH DC 20314.

#### **1-20. Standards of construction, maintenance, and operations.**

The following standards of the Department of the Army will be observed in the development, operation, maintenance,

administration, and support of Army national cemeteries and will be considered in relation to budgetary reviews within the Department of the Army:

*a.* As permanent national shrines provided by a grateful nation to the honored dead of the Armed Forces of the United States, the standards for construction, maintenance, and operation of Army national cemeteries will be commensurate with the high purpose to which they are dedicated.

*b.* Structures and facilities provided for national cemeteries will be permanent in nature and of a scope, dignity, and aesthetic design suitable to the purpose for which they are intended.

*c.* National cemeteries will be beautified by landscaping and by means of special features based on the historical aspects, location, or other factors of major significance.

*d.* Accommodations and services provided to the next of kin of the honored dead and to the general public will be of high order.

## **Chapter 2**

### **INTERMENTS AND DISINTERMENTS**

#### **2-1. Explanation of terms.**

For purposes of this regulation, the following apply:

*a. Interment.* Either ground burial or the inurnment of cremated remains, except where the context of this chapter makes clear that only ground burial is referred to.

*b. Armed Forces.* The Army, Navy, Air Force, Marine Corps, Coast Guard, and their Reserve Components. Reserve Components of the Armed Forces are—

- (1) Army National Guard of the United States
- (2) Army Reserve
- (3) Naval Reserve
- (4) Marine Corps Reserve
- (5) Air National Guard of the United States
- (6) Air Force Reserve
- (7) Coast Guard Reserve

*c. Active duty.* Full time duty in the active military service of the United States. This includes duty on the active list; full-time training duty; annual training duty; attendance (while in the active military service) at a school designated as a Service school by law or by the Secretary of the military department concerned; and service as a cadet at the United States Military, Air Force or Coast Guard Academy, or as a midshipman at the United States Naval Academy.

*d. Unmarried adult dependent child.* A natural, step, or adopted son or daughter of the eligible service-connected parent who is (1) unmarried; (2) permanently incapable of self-support because of physical or mental disability incurred before age 21; and (3) up to the time of death, dependent for support upon the service-connected parent or surviving parent (or on others if both parents are deceased) because of physical or mental condition.

*e. Minor child.* A natural, step, or adopted son or daughter of the eligible service-connected parent who is unmarried and less than 21 or who, after attaining age 21 and until completion of his or her education or training (but not after age 23), is pursuing a course of instruction at an approved institution.

*f. Close relative.* Close relatives include the spouse, parents, adult brothers and sisters and adult natural, step or adopted children of a decedent. So far as requests for disinterment are concerned, the term also refers to the person who requested the original interment, if living.

*g. President or former President of the United States.* The President or former President of the United States who, in his capacity as Commander in Chief of the Armed Forces, is a “member or former member of the Armed Forces who served...” (within the meaning of 24 USC 281).

#### **2-2. Authority for interments.**

The Act of 14 May 1948 (62 Stat. 234), as amended by the Act of 14 September 1959 (73 Stat. 547; 24 USC 281), and other laws specifically cited in this regulation authorize interment in Arlington and Soldiers’ Home National Cemeteries under such regulations as the Secretary of the Army may, with the approval of the Secretary of Defense, prescribe.

#### **2-3. Special provisions.**

*a.* All eligible persons will be assigned graves, without discrimination as to military rank, race, color, sex, religion, age or national origin.

*b. Proof of eligibility.* Although the Army will make every reasonable effort to verify eligibility from Government records, the burden of proving eligibility lies with the party who requests interment. The Director, Casualty and Memorial Affairs or the Superintendent, Arlington National Cemetery, acting for the Director, will determine whether the submitted proof, documentary or otherwise, is sufficient to support a finding of eligibility.

c. No one will be buried in a memorial section. These sections are designated for the erection of memorial markers in memory of those individuals specified in paragraph 3–4.

#### **2–4. Persons eligible for ground burial in Arlington National Cemetery.**

a. Any active duty member of the Armed Forces.

b. Any retired member of the Armed Forces. A retired member of the Armed Forces, in the context of this paragraph, is any retired member of the Army, Navy, Air Force, Marine Corps or Coast Guard, or any present or former member of a Reserve component, who has been retired for disability or performed at least 20 years of active duty or active reserve service which qualifies him or her for retired pay either upon departure from active service, or at age 60.

c. Any former member of the Armed Forces separated for physical disability before 1 October 1949 who has served on active duty (other than for training) and who would have been eligible for retirement under the provisions of 10 USC 1201 had that statute been in effect on the date of the separation.

d. Any former member of the Armed Forces whose last active duty (other than for training) terminated honorably and who has been awarded one of the following decorations:

- (1) Medal of Honor
- (2) Distinguished Service Cross (Air Force Cross or Navy Cross)
- (3) Distinguished Service Medal
- (4) Silver Star
- (5) Purple Heart

e. Persons who have held any of the following positions, provided their last period of active duty (other than for training) as a member of the Armed Forces terminated honorably—

- (1) An elective office of the United States Government
- (2) Office of the Chief Justice of the United States or of an Associate Justice of the Supreme Court of the United States

(3) An office listed, at the time the person held the position, in 5 USC 5312 or 5 USC 5313

(4) The chief of a mission who was at any time during his tenure classified in class I under the provisions of 411 of the Act of 13 August 1946, 60 Stat. 1002 as amended (22 USC 866).

f. The spouse, widow, or widower, minor child, and at the discretion of the Secretary of the Army, unmarried adult dependent child of any of the persons listed in a through e above.

(1) The term “spouse” refers to a widow or widower of an eligible member, including the widow or widower of a member of the Armed Forces who was lost or buried at sea or officially determined to be permanently absent in a status of missing or missing in action. A surviving spouse who has remarried and whose remarriage is void, terminated by death, or dissolved by annulment or divorce by a court with basic authority to render such decrees regains eligibility for burial in Arlington National Cemetery unless it is determined that the decree of annulment or divorce was secured through fraud or collusion.

(2) An unmarried adult dependent child may be interred in the same grave in which the parent has been or will be interred, provided that the child was incapable of self-support up to the time of death because of physical or mental condition. At the time of death of an adult dependent child, a request of interment will be submitted to the Superintendent of Arlington National Cemetery. The request must be accompanied by a notarized statement from an individual who has direct knowledge of the marital status and degree of dependency of the deceased child; the name of that child’s primarily eligible parent; and the military service upon which the burial is requested. A certificate from a physician who has attended the decedent as to the nature and duration of the physical and/or mental disability must also be submitted for approval to HQDA (DAAG–PED), WASH, DC 20314, before interment.

g. Widows or widowers of service members who are interred in Arlington National Cemetery as part of a group burial may be interred in the same cemetery but not in the same grave.

h. The surviving spouse, minor child and, at the discretion of the Secretary of the Army, unmarried adult dependent child of any person already buried in Arlington.

i. The parents of a minor child or unmarried adult dependent child whose remains, based on the eligibility of the parent, are already buried in Arlington.

j. An honorably discharged former member of the Armed Forces may be interred in the same grave as a close relative who is the primary eligible for interment in the gravesite, provided (a) the close relative is already interred; (b) the former member is without minor or unmarried adult dependent children; (c) the former member will not occupy space reserved for the spouse or minor or unmarried adult dependent child of the primary eligible; (d) the burial is sanctioned by all close relatives of the primary eligible; (e) the former member’s spouse waives his or her entitlement, on the basis of the former member’s service, to interment in Arlington; and (f) the cost of moving or recasketing/revaulting remains as a result of the burial will be borne by the party requesting the interment.

#### **2–5. Assignment of gravesites.**

a. Under present policy of the Department of the Army, only one gravesite is authorized for burial of a service

member and eligible family members. This policy applies to Arlington National Cemetery except when the Director, Casualty and Memorial Affairs, specifically determines this is not feasible.

*b.* Gravesites will not be reserved.

*c.* Reservations made in writing, before the one-gravesite-per-family policy was established, for gravesites adjoining those of next of kin previously interred, will remain in effect as long as the reservee remains eligible for burial in Arlington.

## **2-6. Persons eligible for inurnment of cremated remains in the Columbarium in Arlington National Cemetery.**

*a.* Any member of the Armed Forces who dies on active duty.

*b.* Any former member of the Armed Forces who served on active duty (other than for training) and whose last service terminated honorably.

*c.* Any member of a Reserve Component of the Armed Forces whose death occurs under honorable conditions while he is—

(1) On active duty for training or performing full-time service under Title 32, USC;

(2) Performing authorized travel to or from that duty or service;

(3) On authorized inactive duty training including training performed as a member of the Army National Guard or the Air National Guard (Section 502 of Title 32, USC); or

(4) Hospitalized or undergoing treatment at the expense of the United States for injury or disease incurred or contracted under honorable conditions while he is on that duty or service, performing that travel or inactive duty training, or undergoing that hospitalization or treatment at the expense of the United States.

*d.* Any member of the Reserve Officers' Training Corps of the Army, Navy, or Air Force whose death occurs under honorable conditions while he is attending an authorized training camp or on an authorized practice cruise, performing authorized travel to or from that camp or cruise, or hospitalized or undergoing treatment at the expense of the United States for injury or disease incurred under honorable conditions while attending that camp or cruise, performing that travel, or undergoing that hospitalization or treatment at the expense of the United States.

*e.* Any citizen of the United States who, during any war in which the United States has been or may hereafter be engaged, served in the Armed Forces of any government allied with the United States during that war, whose last service terminated honorably by death or otherwise, and who was a citizen of the United States at the time of entry on such service and at the time of death.

*f.* Commissioned officers, United States Coast and Geodetic Survey (now National Oceanic and Atmospheric Administration), who die during and subsequent to the service specified in the following categories and whose last service terminated honorably are eligible for inurnment of their cremated remains in the Columbarium regardless of time of death—

(1) Commissioned officers assigned to areas of immediate military hazard described in the Act of 3 December 1942 (56 Stat. 1038; 33 USC 855a) as amended.

(2) Commissioned officers serving in the Philippine Islands on 7 December 1941.

(3) Commissioned officers actually transferred to the Department of the Army or the Department of the Navy under the provisions of the Act of 22 May 1917 (40 Stat. 87; 33 USC 855).

*g.* Any commissioned officer of the United States Public Health Service who served on full-time duty after 29 July 1945. If the service falls within the meaning of active duty for training as defined in 38 USC 101(22), or inactive duty training as defined in 38 USC 101(23), death must have resulted from a disease or injury incurred or aggravated in line of duty. Also, any commissioned officer of the Regular or Reserve Corps of the Public Health Service who performed active service prior to 29 July 1945 in time of war; while on detail for duty with the Armed Forces; or while the service was part of the military forces of the United States pursuant to executive order of the President.

*h.* Spouses, minor children and adult dependent children as described in paragraph 2-3*f*; and the same categories of spouses and children of the persons listed in *a* through *g* above.

## **2-7. Selection of the Columbarium for inurnment.**

*a.* Those persons eligible for ground interment in Arlington National Cemetery under paragraph 2-4 above are also eligible for inurnment in the Columbarium. However, once the initial interment is made in a gravesite, each additional interment in Arlington of eligible members of the family unit must be made in that gravesite.

*b.* In the event the Columbarium is selected for inurnment of a family member, the cremated remains of all eligible surviving members must be inurned in that facility if disposition of remains is in Arlington.

## **2-8. Persons eligible for burial in Soldiers' Home National Cemetery.**

The Board of Commissioners of the US Soldiers' and Airmen's Home will prescribe rules governing burial in the Soldiers' Home National Cemetery.

## **2-9. Persons ineligible for interment in an Army national cemetery.**

*a.* Except as indicated in paragraph 2-4j above, a father, mother, brother, sister or in-law is not eligible for interment by reason of relationship to an eligible service person even though he or she is dependent upon the service member for support and/or is a member of the service member's household.

*b.* A person whose last separation from one of the Armed Forces was under other-than-honorable conditions is not eligible for interment even though he/she may have received veterans benefits, was treated at a Veterans' Administration hospital, or died in such a hospital.

*c.* A person who has volunteered for service with the Armed Forces but has not actually entered on active duty.

*d.* A spouse who is divorced from a service-connected person or who, if widowed, is remarried at the time of his or her own death.

*e.* Dependents are not eligible for interment in Arlington National Cemetery unless the service-connected family member has been or will be interred in that cemetery. This does not apply to widows or widowers or members of the Armed Forces lost or buried at sea or officially determined to be permanently absent in a status of missing or missing in action.

## **2-10. Disinterments.**

*a.* Interments in Army national cemeteries are considered permanent. Disinterment and removal of remains are permitted only for cogent reasons, and only with the prior approval of the Director, Casualty and Memorial Affairs, TAGCEN, Department of the Army, Washington, D.C. 20314. All close relatives of the decedent must consent to the disinterment in writing, or there must be a court order directing the disinterment.

*b.* Requests for disinterment must be submitted to the Director, Casualty and Memorial Affairs, and must include the following:

(1) A full statement of reasons for the proposed disinterment;

(2) Notarized statements by all close relatives of the decedent stating that they do not object to the proposed disinterment;

(3) A sworn statement by a person who knows that the persons giving statements comprise all of the decedent's close relatives.

*c.* In lieu of the documents required in *b* above, an order of a court of competent jurisdiction will be recognized. As this is a matter between family members, the Army or cemetery officials should not be made parties to any court action.

*d.* Any disinterment authorized under this paragraph must be accomplished without expense to the Government.

## **Chapter 3 DESIGN, CONSTRUCTION, AND MAINTENANCE**

### **3-1. General.**

This chapter assigns responsibilities for planning, design, construction, repair and maintenance in connection with the development, expansion, and maintenance of Arlington National Cemetery and Soldiers' Home National Cemetery under the jurisdiction of the Department of the Army and financed from civil works appropriations for "Salaries and Expenses, Cemeterial Expenses, Army." Regulations which are inconsistent with the provisions of this chapter are inoperative as far as the design, construction, and maintenance of these cemeteries are concerned.

### **3-2. Explanation of terms.**

For purposes of this regulation, the following apply:

*a. Project design criteria.* Include—

(1) The scope and functional, quantitative, and qualitative requirements listed in *b* through *g* below.

(2) General type of construction and architectural characteristics.

(3) Cost limitations.

*b. Engineering and/or architectural investigations.* Include the making of on-the-site topographic and subsurface surveys, tests, architectural measurements, engineering or architectural studies, cost estimates covering existing or proposed major construction (*e*(1) below).

*c. Design.* Includes preparation of general development plans and working drawings, specifications, and cost estimates covering existing or proposed major construction (*e*(1) below).

*d. Contract documents.* Include, but are not limited to—

(1) Working drawings and specifications.

(2) Abstracts of bids and recommendations for awards.

(3) Contracts, performance bonds, and related papers.

*e. Construction.* Includes—

(1) Major construction covers: area development, including initial erection or installation of basic cemetery buildings, structures, roads and other paved areas, and utility systems; terrain modifications for the original development; alteration of any of the foregoing that requires detailed engineering investigation or other field engineering work; and the execution of engineering or architectural designs by the Corps of Engineers.

(2) Minor construction covers: landscaping; minor alterations, additions, or extensions to, or modifications of, any of the basic items listed in (1) above for which engineering investigations or other field engineering work and engineering or architectural designs by the Corps of Engineers are not required.

*f. Other documents.* Include those used in connection with the acceptance and transfer of completed work to the using agency.

*g. Repairs and utilities.* Include any maintenance or repairs to the cemetery grounds and those structures described as major construction for which engineering investigations or other field engineering work or engineering or architectural designs by the Corps of Engineers are not required.

### **3-3. Responsibilities.**

*a.* The Director, Personal Affairs, TAGC EN, is responsible for—

(1) Long-range planning for the Arlington and Soldiers' Home National Cemetery program which includes—

(a) Establishing the scope and determining the functional, quantitative, and qualitative requirements of all essential facilities.

(b) Initiating and/or reporting upon enabling legislation.

(2) Establishing design criteria, type of construction, and/or architectural characteristics of all minor construction items.

(3) Reviewing and approving preliminary plans, designs, specifications, cost estimates, the scope of work to be accomplished, and concurring in whether or not contracts will be awarded on items specified in 3-2e(1) and (2).

(4) Participating in final acceptance inspections of completed work and concurring in action to be taken as a result of such inspections and in the use of funds appropriated for the work.

(5) Providing specialized consultative service during the progress of the work, when requested, to the agency or agencies responsible for accomplishing construction.

*b.* The Chief of Engineers is responsible for—

(1) Conducting engineering field investigations of conditions at the site, based on the criteria established by the Personal Affairs Directorate.

(2) Preparing budgetary, preliminary, and final plans for major construction, including engineering and architectural designs, working drawings, specifications, and cost estimates. These documents will adequately delineate the scope of each item. Cost estimates will be justified when requested.

(3) Preparing and executing contracts that are necessary for constructing or procuring the facilities to be provided and for effecting the construction or procurement of the facilities, including supervising and inspecting them during the progress of the work.

(4) Coordinating with the Personal Affairs Directorate arrangements for joint, final acceptance inspection of completed work.

(5) Furnishing the Personal Affairs Director with a complete set of reproducible "as-built" drawings for each completed major project and operating and maintaining instructions and guarantees for equipment.

*c.* The Commanding General, US Army Military District of Washington, is responsible for supporting administrative and logistical requirements in accordance with the provisions of a Memorandum of Understanding between himself and the Director, Personal Affairs.

### **3-4. Memorial sections.**

The Act of 27 August 1954 (68 Stat. 880), as amended, provides that the Secretary of the Army will set aside, when available, suitable areas in Arlington National Cemetery to honor the memory of members of the Armed Forces who have been buried at sea or those who died or were killed in service and whose remains have been determined to be non-recoverable.

## **Chapter 4 INSPECTIONS**

### **4-1. General.**

Arlington and Soldiers' Home National Cemeteries will be inspected as prescribed in this chapter or by special instructions from the Director, Personal Affairs, TAGCEN.

#### **4-2. Inspections.**

Except as otherwise provided in paragraph 4-1, inspections of Arlington and Soldiers' Home National Cemeteries will be conducted as follows:

*a.* Combined technical, operating, administrative, and inspector general inspections—biennially by representatives of the US Army Military District of Washington.

*b.* Technical and operating inspections—on alternate years by representatives of the Personal Affairs Directorate.

*c.* Special inspections—

(1) By representatives of the Personal Affairs Directorate—as required.

(2) By the cemetery superintendent—as frequently as necessary.

*d.* Construction and landscape planting—

(1) By a technical representative of the Director, Personal Affairs, for the acceptance of completed construction or landscape planting projects.

(2) By representatives of the Corps of Engineers and the Personal Affairs Directorate for construction performed or procured by the Corps of Engineers.

*e.* Inspector General inspections—

(1) By the Commanding General, US Army Military District of Washington—biennially (para 2-4f, AR 20-1).

(2) All inspector general inspection reports will be routed as follows:

(a) FROM: Inspecting Office.

(b) THRU: Superintendent.

(c) TO: HQDA (DAAG-PEM), WASH DC 20314.

(3) Information copies of unsatisfactory reports and reports containing matters that may cause unfavorable impact upon the Department of the Army will be forwarded to the Inspector General, US Army Military District of Washington, WASH DC 20319, and the Assistant Secretary of the Army (Civil Works) from the Personal Affairs Directorate.

(4) The Personal Affairs Directorate will be responsible for final corrective action. Report of corrective action will be forwarded through channels to the activity which conducted the inspection. Following review, the original copy of the report and all actions pertaining thereto will be returned to Personal Affairs Directorate for file at the office of record.

#### **4-3. Scope of technical, operating, and administrative inspections.**

The inspections will include, but will not necessarily be limited to, evaluations for compliance and effectiveness in each of the following areas:

*a. Administration.* This area covers—

(1) Prompt preparation of reports and records of interments, as well as verification with the next of kin concerning inscription data.

(2) Prompt, accurate, and tactful replies to correspondence.

(3) Records maintenance of correspondence and historical data, as prescribed in pertinent regulations.

(4) Realistic, substantiated estimates of budgetary requirements submitted by the superintendent.

(5) Prompt inspection for damage and proper inscription when headstones are received.

(6) Compliance with prescribed procurement and property accountability regulations and procedures.

(7) Training of personnel in cemetery policies, methods, and procedures and followup by supervisors to insure that optimum efficiency is maintained.

(8) Effectiveness of recruitment of procedures for which the superintendents may be responsible with no undue loss of man-years in filling positions.

(9) The qualifications and effectiveness of the superintendent in performing his duties, with attention to his appearance, personality, and personal ambition.

(10) The number and efficiency of cemetery personnel on duty, number of authorized positions to be filled, and adequacy of the funds provided.

(11) Compliance with regulations on the erection of private monuments.

(12) Satisfactory communication services to and from the cemetery and the costs of these services.

(13) Knowledge of cemetery management by superintendents and other cemetery personnel in relation to their positions.

(14) Estimated number of visitors to the cemetery annually and the basis for these estimates.

(15) Correction of deficiencies reported as a result of official inspections.

(16) Maintaining copies of each report of inspection and copies of correspondence relating to the action taken. Previous inspection data will be made available to the current inspector.

(17) Authority of superintendent for the administration and management of the funding and programing aspects of his position.

*b. Operations.* This area covers—

(1) The nature of working relationships between cemetery personnel and funeral directors, local veterans' and civic organizations, Federal agencies, and others who transact business or have an inherent interest in the cemetery.

(2) Determination that the superintendent and other concerned personnel understand and comply with regulations and procedures relating to—

(a) Eligibility for interment and grave-site reservations.

(b) Scheduling, arranging, and burying individuals and groups.

(c) Methods of laying out, opening, and backfilling graves.

(d) Preparing and erecting temporary markers and locating and setting permanent headstones or markers.

(3) The adequacy and condition of casket-lowering devices, grass greens, and funeral tents; grave excavating, backfilling, and other burial equipment; and the feasibility of prodding additional labor-saving devices and equipment.

(4) Existence of unusual conditions which require special consideration from the standpoint of resources (e.g., difficulty in preparing graves because of rock, hard grounds, a high water table, sand, extreme cold, or other adverse conditions).

(5) Depth of graves for single and multiple burials.

*c. Maintenance.* This area covers—

(1) The condition of buildings and structures, including: large monuments, foundations, structural framing, floors, roofing, sheet metal, and miscellaneous metal work; exterior and interior painting; water, plumbing, heating, electricity, sewers, and storm drainage; and fire and safety precautions.

(2) The adequacy and condition of the cemetery enclosure; roads, walls, curbs, gutters, and drains; and the existence of erosion or soil problems.

(3) The condition of lawns, trees, and shrubs; and the adequacy of measures used to—

(a) Feed, trim, cable, prune, brace, and splice.

(b) Prevent damage and disease.

(c) Control insects and pests.

(d) Insure adequate landscape planting.

(e) Request technical advice or staff assistance from the Personal Affairs Directorate on landscape planting or horticultural problems, as needed.

(4) The appearance of the lodge area to insure adequate lawn space and appropriate screening from public view of such items as clotheslines, play areas, and other features not directly related to cemetery affairs.

(5) The effectiveness of policing the cemetery for removal of trash, dead flowers, and unauthorized flower receptacles.

(6) The adequacy and neatness of storage areas and facilities.

(7) Whether permanent flower containers are installed in accordance with TM 10-287.

(8) The alinement and cleanliness of headstones, markers, and private monuments and the legibility of inscriptions on them; and the necessity for repairs or replacement.

(9) The condition of undeveloped areas and of any area outside the cemetery enclosure for which the cemetery has maintenance responsibility, and the need for action by the superintendent with officials for maintaining adjacent areas outside the cemetery for which the Government is responsible.

(10) The adequacy and condition of approach roads.

(11) Proper utilization of cemetery lands.

(12) Appropriate marking of group burial lots with prescribed corner markers.

#### **4-4. Results of inspections.**

*a.* The results of inspections will be submitted in writing to HQDA (DAAG-PEZ-A), WASH DC 20314, within 30 workdays after the inspection itinerary has been completed. A rating of "Satisfactory" or "Unsatisfactory" will be assigned to indicate the evaluation of the overall condition of the cemetery.

*b.* Information concerning the correction of any deficiencies which require action will be submitted in writing to HQDA (DAAG-PEM), WASH DC 20314, through channels, within 22 workdays after the prescribed data have been received. If action has not been completed by the time this information is due, the reasons will be stated and an estimated date of completion will be furnished.

## **Chapter 5 HEADSTONES AND MARKERS**

### **5-1. General.**

*a. Authority.* All graves in Army national cemeteries will be appropriately marked in accordance with 24 USC 279.

Government headstones and markers are provided by the Veterans Administration in accordance with the provisions of the National Cemeteries Act of 1973. When requested by the next of kin, an appropriate memorial headstone or marker will be furnished and placed in the appropriate memorial section of the cemetery. Headstones will be of white marble, upright slab design.

*b. Applications.* Headstones and markers furnished by the Government for graves in Arlington and Soldiers' Home National Cemeteries, as well as Army post cemeteries, will be ordered from the Veterans Administration on DA Form 2122 (Record of Interment). Applications from next of kin are not required. However, VA Forms 20-1330 (Applications for Headstone or Marker) are required for memorial markers and must be submitted to the Veterans Administration.

*c. Inscriptions.* Inscriptions on Government headstones will be in accordance with policies and specifications of the Administrator of Veterans Affairs. The section designation and grave number will be incised on the reverse side, near the top of the upright headstone. The Director, Personal Affairs, has responsibility for policies and specifications for private monuments in Arlington and Soldiers' Home National Cemeteries. Instructions concerning the section designation and grave number on private monuments are in TM 10-287.

*d. Replacement Policy.*

(1) Headstones and markers will be replaced only if they are damaged, weathered, or otherwise unsightly; if they constitute a safety hazard; or if the inscriptions are illegible.

(2) All Government replacement headstones and the inscriptions on them will be identical with the original headstone as far as is practicable and desirable.

(3) If the Director, Personal Affairs, determines that a private monument is not maintained in a safe and serviceable condition, the next of kin will be given an opportunity to have necessary repairs made or to replace the monument. If the next of kin cannot be located or will not accept responsibility for repairing or replacing the monument, the Department of the Army reserves the right to remove it from the cemetery and have it replaced with a standard Government headstone or marker.

## **5-2. Furnished by the Government.**

*a. Multiple interments.* When an additional interment is made in a grave, the stone will be replaced with a multiple-inscribed stone of the same type. Upright replacement stones will be inscribed on the face with the names of all decedents, together with other pertinent inscription data, if space permits. When space is insufficient to accommodate the inscriptions of all decedents, inscriptions for the service-connected decedent and his spouse will be placed on the face of the stone, if possible; and inscriptions for the additional interments will be cut on the reverse side.

*b. Group burials.* The design of headstones or markers erected for group interments will be prepared by the Personal Affairs Directorate.

*c. Memorial markers.* Memorial markers erected in cemetery sections established for this purpose will be of the standard design authorization for the cemetery. In addition to the authorized inscriptions, the words "In Memory of" are mandatory.

## **5-3. Monuments and inscriptions at private expense.**

*a.* The erection of markers and monuments at private expense to mark graves in lieu of Government headstones and markers requires prior approval of the Director, Personal Affairs, and is permitted only in sections of Arlington National Cemetery in which private monuments and markers were authorized as of 1 January 1947. These monuments will be of simple design, dignified, and appropriate to a military cemetery. The name of the person(s) or the name of an organization, fraternity, or society responsible for the purchase and erection of the marker will not be permitted on the marker or anywhere else in the cemetery. Approval for the erection of a private monument will be given with the understanding that the purchaser will make provision for its future maintenance in the event repairs are necessary. The Department of the Army will not be liable for maintenance of or damage to the monument.

*b.* Where a monument has been erected to an individual interred in Arlington National Cemetery and the next of kin desires to have inscribed on it the name and appropriate data pertaining to a deceased spouse, parent, son, daughter, brother, or sister whose remains have not been recovered and who would have been eligible in their own right for burial in Arlington, such inscriptions may be incised on the monument at no expense to the Government, with the prior written approval of the Director, Personal Affairs. The words "In Memoriam" or "In Memory of" are mandatory elements of these inscriptions.

*c.* Except as may be authorized for marking group burials, ledger monuments of freestanding cross design, narrow shafts, mausoleums, or overground vaults are prohibited. Underground vaults may be placed at private expense, if desired, at the time of interment.

*d.* Specific instructions concerning private monuments and markers are in TM 10-287.

## **Chapter 6**

### **PERSONNEL MANAGEMENT**

#### **6-1. General.**

All personnel of the national cemeteries under Army jurisdiction will be employed and administered in accordance with applicable laws, Civil Service and Department of the Army regulations, and policies of the Personal Affairs Directorate. The selection of the Superintendent, Arlington National Cemetery, will be made by the Director, Personal Affairs.

#### **6-2. Evaluation of cemetery superintendent's performance.**

The Deputy Commanding General, US Army Military District of Washington, will prepare the annual performance appraisal for the Superintendent, Arlington National Cemetery, after consultation with the Director, Personal Affairs, TAGCEN. The appraisal will be made in accordance with position-classification standards for the Cemetery Administration Series, GS-1630.

#### **6-3. Requirements for appointment to superintendent positions.**

Persons selected to fill the position of superintendent or assistant superintendent must meet United States Civil Service Commission qualification standards for these positions. Also, they will be selected from among meritorious and trustworthy persons who served in the Armed Forces of the United States and who either were retired for physical disability or were released from the military service under honorable conditions and are entitled to receive compensation for disability under the laws administered by the Veterans Administration (24 USC 275).

#### **6-4. Quarters and utilities.**

*a.* Superintendents are required by law, as implemented by the Department of the Army policy, to reside in the lodges provided in the national cemeteries in order to protect Government property and to furnish information to the public. Superintendents, therefore, will be furnished quarters, including fuel for heating the quarters, heating water, and cooking (24 USC 274 and 276). Charges for quarters and utilities furnished to cemetery personnel will be fixed and administered in accordance with the provisions of applicable laws and regulations.

*b.* Superintendents or other persons to whom housing facilities are assigned will exercise due care to protect the facilities from damage other than reasonable wear and tear. These individuals will be held responsible for the conduct of persons occupying the facilities as guests or bonafide members of their households. They also may be held financially responsible for abnormal damage to the facilities caused by the members of their household or guests.

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