

**Received(Date):** 11 DEC 2001 15:20:06  
**From:** Allison L. Riepenhoff ( CN=Allison L. Riepenhoff/OU=WHO/O=EOP [ WHO ] )  
**To:** Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
**Subject:** : redraft  
[P\\_MXJZ4004\\_WHO.TXT\\_1.doc](#)

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Allison L. Riepenhoff ( CN=Allison L. Riepenhoff/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:11-DEC-2001 15:20:06.00  
SUBJECT:: redraft  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

----- Forwarded by Allison L. Riepenhoff/WHO/EOP on  
12/11/2001 03:20 PM -----

William J. McQuaid  
12/11/2001 03:01:10 PM  
Record Type: Record  
To: Michael Garcia/OMB/EOP@EOP  
cc: See the distribution list at the bottom of this message  
Subject: redraft

Because of their discussions with Senate staff, the Arlington Superintendent would like to add the preferred regulatory option to the end of the letter that we have in clearance. The Army's Office of General Counsel modified the Superintendent's insert and said that this is as strong as they can currently make the option language without going back to the Army Secretary (they're not sure what he agreed to with the Senate side). Would you see if the following letter (as revised by Army GC) is OK with everyone? Thanks

December 10, 2001

The Honorable Christopher Smith  
Chairman, Committee on Veterans Affairs  
Washington, DC 20515

Dear Mr. Chairman:

Thank you for requesting my views on proposed H.R. 3423, regarding the extension of burial privileges in Arlington National Cemetery to certain current and former reserve component members of the Armed Forces and their dependents. For the reasons stated below, I believe the legislation expands eligibility for burial in Arlington National Cemetery beyond that which can be supported by current space constraints and will likely cause the denial of this privilege to other eligible persons.

Under current projections, the group of newly eligible reservists

under the legislation would exceed 188,000, not to mention their dependents, whose number I do not know. Additionally, the legislation is applicable to interments effective on or after the date of enactment, leaving open the possibility that remains of previously ineligible reservists interred at other cemeteries will now be eligible for reinterment at Arlington National Cemetery. While the long-term effect of such an expansion is not now known, clearly the number of eligible veterans will be greatly expanded at a time when we are already projecting that the Cemetery will exhaust its current space by 2025.

I am aware that Senators Warner and Stevens have introduced legislation (Section 3135 of H.R. 3338) that narrowly tailors expansion of the eligibility criteria to authorize individual interment in Arlington for those retired members of the Armed Forces reserves, not otherwise eligible, who died in the September 11th terrorist attacks. The Army believes that the intent embodied in this legislation appropriately responds to the tragic events of September 11th and takes in account the space limitations at Arlington National Cemetery. In fact, to honor the intent of this proposed legislation, the Secretary of the Army has granted an exception to allow the burial of one such reservist, retired Naval Reserve Captain Charles F. Burlingame, III, in a separate grave in Arlington National Cemetery. The Army will also modify regulations to implement the intent of the legislation proposed by Senators Warner and Stevens.

I appreciate your continued interest in Arlington National Cemetery and its role in honoring our Nation's veterans.

Sincerely,

John C.

Metzler, Jr.

Superintendent

Cc: Lane Evans, Ranking

----- Forwarded by William J. McQuaid/OMB/EOP on  
12/11/2001 01:39 PM -----

William J. McQuaid  
12/11/2001 12:24:42 PM  
Record Type: Record

To: Michael Garcia/OMB/EOP@EOP  
cc: Danielle M. Simonetta/OMB/EOP@EOP, John D.  
Burnim/OMB/EOP@EOP, Karyn T. Carson/OMB/EOP@EOP, Ingrid M.  
Schroeder/OMB/EOP@EOP,  
Elizabeth L. Rossman/OMB/EOP@EOP, Robert H. Goldberg/OMB/EOP@EOP, H.  
Christopher Bartolomucci/WHO/EOP@EOP, David S. Addington/OVP/EOP@EOP,

Allison L. Riepenhoff/WHO/EOP@EOP,

Subject: Re: WH Counsel Comments on DoD Report on HR3423  
(Interment at ANC)

These comments are completely correct, and include a suggestion (offer to change the Army regulation) that we should try before we offer to support the Senate version, and give Congress any control of this Executive Branch function,

----- Forwarded by William J. McQuaid/OMB/EOP on  
12/11/2001 02:47 PM -----

P3/b(3)

12/11/2001 02:39:39 PM

Record Type: Record

To: William J. McQuaid/OMB/EOP@EOP

cc: P3/b(3)

Subject: redraft

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To:

Danielle M. Simonetta/OMB/EOP@EOP

Ingrid M. Schroeder/OMB/EOP@EOP

Elizabeth L. Rossman/OMB/EOP@EOP

John D. Burnim/OMB/EOP@EOP

Robert H. Goldberg/OMB/EOP@EOP

H. Christopher Bartolomucci/WHO/EOP@EOP

David S. Addington/OVP/EOP@EOP

Allison L. Riepenhoff/WHO/EOP@EOP Karyn T. Carson/OMB/EOP@EOP

Karyn T. Carson/OMB/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_MXJZ4004\_WHO.TXT\_1>



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Washington, DC 20515

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Cc: Lane Evans, Ranking

Superintendent