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Defense Primer: Arlington National Cemetery

Arlington National Cemetery (ANC) is a military cemetery administered by the Department of the Army. On June 15, 1864, the War Department appropriated the burial site as a military cemetery. Located in Arlington County, Virginia, the cemetery was created in 1864 during the Civil War from 200 acres of plantation land that once belonged to George Washington Parke Custis, step-grandson of the first U.S. President. Custis bequeathed his estate to his daughter who had married U.S. Army 2nd Lt. Robert E. Lee in 1831. At the start of the Civil War in 1861, the Custis Lee family fled the property. The Union Army then occupied and fortified the estate to help defend the nation’s capital. In 1863, the Freedman’s Village was established on the southern portion of the property to assist former slaves transitioning to freedom by providing shelter, medical care, education and training. The first military burial took place

on May 13, 1864, for Private William Henry Christman, 20, a Union soldier from Pocono Lake, Pennsylvania. Two Unknown Union Soldiers were later interred on May 15, 1864, the first of nearly 5,000 Unknowns now resting in ANC. By the end of the Civil War, the grounds contained the graves of 6,000 Union soldiers. On March 3, 1883, the U.S. government purchased the property for \$150,000 after years of legal wrangling with the Custis Lee family. Currently, there are approximately 400,000 veterans and their eligible dependents buried at Arlington Cemetery.

Current Eligibility

Eligibility criteria for burial at Arlington is in accordance with the Code of Federal Regulations (CFR), Title 32, Part 553, Sections 12 and 13. See **Table 1**.

Table 1. Current Eligibility Requirements for Burial and Inurnment at Arlington National Cemetery

Servicemember with Honorable Discharge	Inurnment in Columbarium Court or Niche Wall	In-ground burial (Casket or Urn)
Dies on Title 10 Federal Active Duty (other than for training)	Yes	Yes
Dies on Active Duty for training only under Title 10	Yes	No
Veteran – Retired from active duty; reserve retirees receiving retirement pay	Yes	Yes
Veteran – At least one day active duty other than for training	Yes	No
Veteran – Received Medal of Honor (MoH), Distinguished Service Cross (Air Force Cross, or Navy Cross), Distinguished Service Medal, Silver Star, or Purple Heart.	Yes	Yes
Any member of a Reserve component of the Armed Forces, and any member of the Army National Guard or the Air National Guard, whose death occurs under honorable conditions while on active duty for training or performing full-time service.	Yes	No
Any former prisoner of war who, while a prisoner of war, served honorably in the active military, naval, or air service; whose last period of service terminated honorably; and who died on or after November 30, 1993.	Yes	Yes

Source: Arlington National Cemetery Establishing Eligibility at <https://www.arlingtoncemetery.mil/Portals/0/Docs/Eligibility-Fact-Sheet-20170701.pdf> and in accordance with 32 CFR Part 553, Sections 12 and 13.

Proposed Changes to Eligibility

On September 25, 2019, the Army recommended changes to the eligibility for in-ground burial and above-ground inurnment at Arlington Cemetery, limiting it to certain groups as required in Section 598 of P.L. 115-232, the John S. McCain National Defense Authorization Act (NDAA) for FY2019. The announcement indicated that the changes will allow the cemetery to continue to function as an active burial ground “well into the future,” defined as 150 years. Without the new eligibility restrictions, Arlington would

reach capacity for new interment by 2050. Fewer than 95,000 burial spaces remain within the current cemetery.

Proposed Eligibility for In-Ground Interment:

- Servicemembers killed in action, to include repatriated remains;
- Current and future MoH recipients (ANC to preserve 1,000 gravesites);
- Recipients of the Silver Star;
- Recipients of the Purple Heart;

- Those who died in combat-related service deaths while conducting uniquely military activities;
- Former POWs;
- Presidents and Vice Presidents of the United States; and
- Veterans with combat service who also served out of uniform as government officials and made significant contributions to the nation's security at the highest levels of public service.

Proposed Eligibility for Above-Ground Inurnment:

- World War II-era veterans, to include legislated active duty designees;
- Retirees from the armed forces who are eligible to receive retired pay but are not otherwise eligible for interment;
- Veterans who have served a minimum of two years on active duty and who have served in combat; and
- Veterans without combat service who also served out of uniform as government officials and made significant contributions to the nation's security at the highest levels of public service.

The Army Department published a proposed rule on September 15, 2020, in the *Federal Register* for public comment that closed on November 16, 2020. The Army plans to consider the public comments and publish the final rule. According to the Army, revised eligibility at ANC will not affect previously scheduled burial services. In addition, the proposed revisions will not affect veterans' burial benefits or veteran eligibility at Department of Veterans Affairs (VA) national cemeteries or state veterans cemeteries.

Tomb of the Unknown Soldier (TUS)

On November 11, 2021, Arlington will mark the centennial commemoration of the TUS which was dedicated on November 11, 1921, to mark the grave of an American unknown soldier from WWI. In August 1956, President Eisenhower approved the selection and interment of Unknowns from both World War II and Korea, and in May 1984 President Reagan interred a Vietnam War Unknown. In 1998, DNA testing confirmed that the Unknown Soldier from the Vietnam War was Air Force 1st Lt. Michael Joseph Blassie, who was later reinterred at the National Cemetery in St. Louis, Missouri. On September 17, 1999, National POW/MIA Recognition Day, the Vietnam tomb was rededicated to honor all missing U.S. service members from the Vietnam War. See the Centennial Commemoration Program at <https://arlingtoncemetery.mil/TUS-100.ExpansionPlans>

ANC occupies almost 625 acres of land in Arlington County, Virginia, and is the final resting place of more than 400,000 servicemembers and their eligible family members. Since its inception, ANC has expanded to meet the demand for more burial space. The latest expansions are the recently completed Millennium Project and the planned Southern Expansion project.

Millennium Project

The latest expansion has been termed the Millennium Project. Conceived in 1990s, the \$81.7 million undertaking was the first geographic expansion of the cemetery in four decades. The 27 additional acres in the northwestern part of the cemetery were allocated from a construction staging area for the cemetery, and recreation land from nearby Fort Myer and National Park Service woodland. The U.S. Army Corps of Engineers and several contractors started construction in 2013, and the completed project was dedicated on September 7, 2018. Two unknown soldiers from the Civil War were buried to mark the first in-ground burial at the site. According to ANC, Millennium provides 27,282 new interment spaces that are located either above or below ground and the columbarium offers 16,400 above-ground niches for cremated remains.

Southern Expansion

The Army plans to expand ANC southward starting in 2020 to envelop the site of the old Navy Annex building that was demolished in 2013, adding 37 acres of burial space. Section 2105 of the National Defense Authorization Act (NDAA) for FY2019 increased the authorization from \$30 million to \$60 million for Arlington extension projects. For more, see "Arlington National Cemetery" in CRS Report R45343, *FY2019 National Defense Authorization Act: Selected Military Personnel Issues*.

Relevant Statutes

38 U.S.C. §2410. Burial of cremated remains in Arlington National Cemetery.

38 U.S.C. §2411. Prohibition against interment or memorialization in the National Cemetery Administration or Arlington National Cemetery of persons committing Federal or State capital crimes.

Related CRS Reports

CRS Report R44426, *Military Funeral Honors for Veterans*.

CRS Report R41386, *Veterans' Benefits: Burial Benefits and National Cemeteries*.

Sources

Arlington National Cemetery. "Acting Secretary of the Army announces proposed changes to eligibility criteria for burial at Arlington National Cemetery," Arlington News, 9/25/2019.

Arlington National Cemetery. "Proposed Revised Eligibility Criteria," <https://www.arlingtoncemetery.mil/About/Proposed-Revised-Eligibility-Criteria>, and "Scheduling a Funeral Service" at <https://www.arlingtoncemetery.mil/Funerals/Scheduling-a-Funeral>.

U.S. Army Corps of Engineers Southern Expansion site at <https://www.nao.usace.army.mil/Missions/Military-Construction/ANCSouthernExpansion/>.

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