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## Defense Primer: Arlington National Cemetery

Arlington National Cemetery (ANC) is a military cemetery administered by the Office of Army Cemeteries. 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 1<sup>st</sup> 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, a Union soldier from Pennsylvania. Two

unknown Union soldiers were later interred on May 15, 1864, the first of nearly 5,000 unknown soldiers now resting in ANC. On June 15, 1864, the War Department officially designated the burial site as a military cemetery. 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* (C.F.R.), Title 32, Part 553, Sections 12 and 13. See **Table 1**.

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

<b>Servicemember with Honorable Discharge</b>	<b>Inurnment in Columbarium Court or Niche Wall</b>	<b>In-ground Burial (Casket or Urn)</b>
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 (POW) 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/Funerals/Scheduling-a-Funeral/Establishing-Eligibility> and in accordance with 32 C.F.R. Part 553, Sections 12 and 13.

### Proposed Changes to Eligibility

Due to capacity concerns, in 2020, the Army proposed changes to the eligibility for in-ground burial and above-ground inurnment at Arlington Cemetery. The proposed rule, published in the *Federal Register*, would limit eligibility to certain groups, and was issued in response to requirements in Section 598 of P.L. 115-232, the John S. McCain National Defense Authorization Act (NDAA) for FY2019. The Army indicated that the changes would 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 projects it would reach capacity for new interment by 2041, or by the mid-2060s with the eventual completion of its Southern Expansion project. As of 2022, fewer than 75,000 burial spaces remained within the current cemetery.

Public comments on the proposed rule closed November 16, 2020. After considering public comments, the Army plans to publish a 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 Cemetery Administration (NCA) or state veterans' cemeteries.

### Proposed Eligibility for In-Ground Interment:

- Servicemembers killed in action, to include repatriated remains;
- Current and future MoH recipients (ANC to reserve 1,000 gravesites);
- Recipients of the Distinguished Service Cross, Navy Cross, Air Force Cross, and Silver Star;
- Recipients of the Purple Heart;
- Those who died in combat-related service 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.

### Tomb of the Unknown Soldier (TUS)

On November 11, 2021, Arlington marked the centennial commemoration of the TUS, which was dedicated on November 11, 1921, to mark the grave of an American unknown soldier from World War I (WWI). In August 1956, President Eisenhower approved the selection and interment of unknown soldiers from both WWII and Korea, and in May 1984, President Reagan interred a Vietnam War Unknown Soldier. 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, the Vietnam tomb was rededicated to honor all missing U.S. servicemembers from the Vietnam War.

### Expansion Plans

ANC occupies almost 639 acres of land in Arlington County, Virginia. Since its inception, ANC has expanded to meet the demand for more burial space. The latest expansions are the Millennium Project and the Southern Expansion project.

### Millennium Project

Conceived in the 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 as well as recreation land from nearby Fort Myer and National Park Service woodland. The U.S. Army Corps of Engineers (USACE) and several contractors started construction in 2014, 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 USACE plans to expand ANC southward started in 2021 to envelop the site of the old Navy Annex building that was demolished in 2013, adding approximately 50 acres of burial space. Section 2105 of the NDAA for FY2019 set the authorization 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*. According to the ANC, the Defense Access Roads project is anticipated to be completed in November 2025. Phase III of the Expansion is projected to begin in late 2025 or early 2026. The new Operations Complex is scheduled for completion in November 2026.

### Relevant Statutes and Regulations

32 C.F.R. §553.11. General rules governing eligibility for interment, inurnment, and memorialization at Arlington National Cemetery.

85 *Federal Register* 57640 (Sept. 15, 2020). Proposed Rule on Army Cemeteries.

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 NCA or ANC 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*.

### Selected Sources

Arlington National Cemetery. "Proposed Revised Eligibility Criteria."

USACE Southern Expansion Project website, and USACE's Arlington National Cemetery Project News and Information.

U.S. Department of Transportation, Federal Highway Administration, "Arlington National Cemetery Defense Access Roads (DAR) Project."

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