



November 14, 2019

## 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.

### 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. In FY2018, ANC buried approximately 6,500 servicemembers, veterans and eligible family members. 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, 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 Eligibility Fact Sheet, as of July 1, 2017, at: <https://www.arlingtoncemetery.mil/Portals/0/Docs/Eligibility-Fact-Sheet-20170701.pdf> and <http://www.arlingtoncemetery.mil/FuneralInformation/EstablishServices.aspx>.

### 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. Acting Secretary of the Army, Ryan McCarthy, made the announcement indicating 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.

The Acting Army Secretary suggested the following revised eligibility criteria:

#### Proposed Eligibility for In-Ground Interment:

- Service members killed in action, to include repatriated remains;
- ANC to preserve 1,000 gravesites for current and future MoH recipients;
- Award recipients of the Silver Star and above who also served in combat;

- Recipients of the Purple Heart;
- 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 Department of the Army must publish a draft rule in the Federal Register for public comment, review 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.

**Expansion Plans**

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, recreation land for 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*. See section “Military Funeral Honors at Arlington National Cemetery.”

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>.

Lopez, C. Todd. “Early Work on Arlington Cemetery Expansion Starts Next Year,” DOD News, March 13, 2019.

U.S. Army Corps of Engineers. “Arlington National Cemetery Moves Forward with Cemetery Expansion Plan,” August 20, 2018, at <https://www.nao.usace.army.mil/>; and “Arlington National Cemetery Southern Expansion Project and Associated Roadway Realignment,” August 15, 2018, at <https://www.nao.usace.army.mil/>.

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