

Statement for the Record

Reserve Officers Association

before the

**Senate Homeland Security and Governmental Affairs
Ad Hoc Subcommittee on Contracting Oversight**

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Introduction

Arlington is a national treasure, which goes beyond being the largest national cemetery, as it contains heroes and historical figures amid its landscape. Recent reports reflect that behind the orderly headstones, and manicured grounds, lies dysfunction. The Reserve Officers Association would like to thank the office of the Secretary of the Army for undertaking proactive steps to correct the apparent problems, and also thank this Congressional committee for its oversight of the process. The Association feels that the Army needs not only to work closely within the Department of Veterans Affairs (VA) to learn about record keeping and location identification, but also expand its burial criteria to align with the VA's.

Discussion

The Reserve Officers Association (ROA) has long supported the concept of "total force." National Guard and Reserve members deserve parity in benefits as they both backfill for, and serve along side members of the Active component. With the Nation at war in two theaters the Reserve Component has played a major role in the success of the volunteer armed forces, with Reserve Component members who have the misfortune of being killed in the line of duty being honored with burial eligibility at Arlington National Cemetery (ANC). ROA maintains that this eligibility criteria needs to be expanded.

Given that over 750,000 National Guard and Reserve service members have answered their nations call to serve on active duty for both home land defense and overseas contingency operations, it is ironic that by returning to Selective Reserve status, they are no longer eligible for burial at ANC unless they have been decorated with a Purple Heart, or a Medal of Valor, a Silver Star or higher.

Qualifying for retirement with 20 years of satisfactory federal service is not enough either. National Guard and Reserve members must be retired in pay to be burial eligible, unless they are receiving retirement pay.

ROA supports in-ground burial eligibility for:

- Any Reserve Component member who has served on active duty honorably in a combat or hazardous duty zone, but who is not been killed in the line of duty.
- National Guard and Reservists who are killed in the line of duty whether on Active Duty for Training (ADT), Active Duty for Special Work (ADSW) for less than 30 days whether under Title 10, 32 or 14 authority, or Individual Duty Training (IDT).
- Deceased gray-area retirees at Arlington National Cemetery, if entitled to retirement pay under Title 10.
- Spouse, surviving spouse, or dependent children of any group of eligible National Guard and Reserve members.

As the Active Component defines "line of duty" broadly, it is likely there will be Pentagon resistance to eligibility under IDT orders. ROA suggests as a first step that ANC burial entitlement be allowed when an IDT death is related to hazardous assignment, training or conditions simulating war, or an instrumentality of war.

Codifying the Rules for Interment in Arlington National Cemetery

In regard to the rules for interment in ANC, ROA continues to support the codification of all the rules governing access to ANC. ROA strongly recommends that the Committee take up the issue of the overall codification of the rules governing Arlington National Cemetery burial at their earliest opportunity.

Background

Currently, “gray area” retirees, who have retired from the National Guard or Reserve, but are under the age of 60, as well as current guard and reserve service members who die while conducting their training periods are ineligible for burial at ANC, while their active duty counterparts are eligible under similar circumstances.

The duties of the National Guard and Reserve, which include pilots, combat warriors, elite Special Forces, military police and numerous other vital MOS roles, are assuming risks in training for their missions. This training is performed outside of Active Duty.

The 2001 case regarding Captain Charles Burlingame, USNR (Ret.), the pilot of flight 77 which crashed into the Pentagon on September 11th, reflects the challenges faced by families of “gray area retirees and also confirms that the rules at ANC are not well understood. Under the Army regulations, Captain Charles Burlingame III, the pilot of the airliner that crashed into the Pentagon on September 11, 2001, was ineligible for a burial plot at Arlington, although he had retired from the Navy Reserve after a distinguished career as a fighter pilot, and was 51 years old at the time of his death. The Secretary of the Army granted Captain Burlingame a waiver to be buried in Arlington.

While this resolution honored Capt. Burlingame with a military burial at Arlington, it left unanswered the questions about who should “make the call.” The Secretary of the Army can decide on criteria for admission as well as on waivers. Waivers have led to inconsistent standards, and a risk of abuse. ROA feels it is now is the time to review these rules as well as reviewing the Arlington processes.

Under Army regulations, 32 CFR 553.15, the persons specified below, whose last period of active duty in the Armed Forces ended honorably, are eligible for in-ground burial at Arlington National Cemetery:

- 1) Any active duty member of the Armed Forces, except those serving on active duty for training purposes only.
- 2) Any veteran retired from active military service with the Armed Forces.
- 3) Any veteran who is retired from the Reserves is eligible upon reaching the age of 60 and who is drawing retired pay, and who served a period of active duty (other than for training).
- 4) Any former member of the Armed Forces separated honorably prior to October 1, 1949, for medical reasons with a 30 percent or greater disability rating effective on the day of discharge.
- 5) Any former member of the Armed Forces awarded one of the following decorations: Medal of Honor; Distinguished Service Cross (Air Force Cross or Navy Cross); Distinguished Service Medal; Silver Star; or Purple Heart.
- 6) The current and any former President of the United States.
- 7) Any former member of the Armed Forces who served on active duty (other than for training purposes) and held any of the following positions: an elective office of the U.S. Government; Office of the Chief Justice of the United States or an Associate Justice of the Supreme Court of the United States; an office listed, at the time the individual held the position, in 5 USC 5312 or 5313 (Levels I and II of the Executive Schedule); or the chief of a mission who at the time during his/her tenure was classified in Class I under the provisions of Section 411, Act of 13 August 1946, 60 Stat. 1002, as amended (22 USC 866) or as listed in State Department memorandum dated March 21, 1988.
- 8) Any former prisoner of war (POW) who, while a POW, 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.
- 9) The spouse, widow or widower, minor children, permanently dependent children, and certain unmarried adult children of any above eligible veterans.

- 10) The widow or widower of: a member of the Armed Forces lost or buried at sea, or officially determined missing in action; a member of the Armed Forces buried in a U.S. military cemetery overseas maintained by the American Battle Monuments Commission; or, a member of the Armed Forces interred in Arlington National Cemetery as part of a group burial.
- 11) The parents of a minor child, or permanently dependent child whose remains, based on the eligibility of a parent, are buried in Arlington National Cemetery. A spouse divorced from the primary eligible, or widowed and remarried, is not eligible for interment.
- 12) The surviving spouse, minor children, and permanently dependent children of any eligible veteran buried in Arlington National Cemetery.
- 13) Provided certain conditions are met, a former member of the Armed Forces may be buried in the same grave with a close relative who is buried in Arlington National Cemetery and who is the primary eligible.

Conclusion

The interment rules for interment at Arlington National Cemetery were intended to allocate remaining burial capacity in the cemetery and to honor those who have contributed to the national security of the United States. Yet, recently acquired land has removed the urgency of an allocation that excludes National Guard and Reserve members. In a “total force” care must be taken to recognize the contributions of the National Guard and Reserve members who are performing the same missions as their counter parts. They should be allowed the same eligibility at the time of their death.

The Reserve Officers Association again thanks the committee for holding a hearing on this subject, and permitting ROA to submit testimony.