

# CRS Report for Congress

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## **Military Funeral Honors for U.S. Veterans: Increasing Demands on the Department of Defense**

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### **Summary**

The National Defense Authorization Act for Fiscal Year (FY) 2000, P.L. 106-65, mandates military honors at funerals for all eligible veterans. The mandate will likely require the Department of Defense (DOD) to divert some defense funding and military manpower to a non-warfighting task. This Act converts honors details from a time-honored tradition, which the military services rendered according to their standards and resources, to a mandated requirement. Current funding pressures and tight manpower levels, coupled with increasing veterans' requests and expectations, may make it more difficult for the services to furnish sufficient personnel for veterans' funerals. However, the current mandate appears to fall short of the veteran service organizations' expectations, which may lead to continued controversy about the issue. This report will not be updated.

### **Background**

Until the National Defense Authorization Act for FY2000 is fully implemented, the military services, in accordance with DOD directives, will provide funerary tribute/military honors within the constraints of available resources.<sup>1</sup> DOD has charged the Air Force as the executive agent for implementation of the new law. The current military regulation allows for differing levels of support for active duty members and Medal of Honor

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<sup>1</sup>Department of Defense Directive 1300.15, "Military Funeral Support," 30 September 1985. Active Duty, Reserve Component Personnel on Active Duty and Medal of Honor recipients receive full traditional honors consisting of pall bearers, firing party, bugler and chaplain. Retirees receive honors in a range of traditional honors to a single military representative to present the US flag. Veterans and National Guard/Reserve Component Personnel receive a single military representative to present the U.S. flag.

recipients, retirees and veterans.<sup>2</sup> The military services operate under service-specific policies; the honors vary from service to service and are dependent upon available resources. For example, the Marine Corps policy provides full military honors for all active duty, reserve, retired and former Marines based upon available resources; the Army policy is to provide full or partial honors or a service representative to meet the DOD directive. DOD strongly encourages the services to surpass the minimums. In addition, there have been occasions when honors were not rendered due to lack of resources. The services utilize both active and Ready Reserve forces<sup>3</sup>, but have not been authorized specific manpower for honors details.

The congressional rationale for originating the law can be found in the Strom Thurmond National Defense Authorization Act for FY1999, H.Rept. 105-736, Section 567, “The conferees agree that men and women have unselfishly answered the call to arms at tremendous personal sacrifice. These men and women who have served honorably, whether in war or peace, deserve commemoration for their military service at the time of their death by an appropriate tribute. Burial honors are an important means of reminding Americans of the sacrifices endured to keep the Nation free.”

The National Defense Authorization Act for FY1999<sup>4</sup> required the DOD to provide an honor guard of not less than three individuals, with the capability of playing Taps, for every veteran funeral request that occurred after December 31, 1999.<sup>5</sup> The Act also directed the Secretary of Defense to host a conference, to be completed not later than December 31, 1998, to determine means of improving and increasing military honors for veteran funerals, and allowed for the Secretary to make a rebuttal to the law and to report findings and recommendations back to Congress.

As directed, DOD, in conjunction with the Department of Veteran Affairs (VA), held the conference on November 17, 1998. The conferees included senior officials from DOD and VA, as well as representatives from veteran service organizations and funeral directors associations. Charged with reviewing current policies/practices, trends in veteran deaths/potential funeral demands, military resources, associated costs, communication concerns and alternative solutions, the conference participants sought to balance this mission and military readiness.

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<sup>2</sup>A military retiree is one who has completed a military career, a minimum of 20 years of honorable service, if not retired earlier for disability, and retires/receives military retirement pay. A veteran is one who has honorably served a designated contract with the military. All military retirees are veterans, but most veterans are not retirees.

<sup>3</sup>Office of the Assistant Secretary of Defense (Reserve Affairs), RSC: DD-RA(M) 1147/1148, FY1998. “The Ready Reserve is comprised of military members of the Reserve and National Guard, organized in units, or as individuals, liable for recall to active duty to augment the active components in time of war or national emergency. The Ready Reserve consists of three Reserve component subcategories: the Selected Reserve [consists of those units and individuals designated by their respective Services and approved by the Chairman, Joint Chiefs of Staff, as so essential to initial wartime missions as they have number one priority over all other Reservists], the Individual Ready Reserve, and the Inactive National Guard.”

<sup>4</sup>P.L. 105-261, Section 567, enacted October 17, 1998.

<sup>5</sup>P.L. 105-261 did not require the three persons to be uniformed military personnel.

**Proposed Department Policy/Recommendations.** Following the conference, DOD reported to Congress recommendations for active duty members', retirees' and veterans' funerals. The conferees recommended a minimum honors detail of two personnel, with at least one uniformed military representative of the deceased's relevant service, and a second person, either a uniformed person or other authorized provider of funeral honors (i.e., member of a veterans service organization). These two individuals would provide the ceremonial folding and presentation of the American flag to the next of kin and would play Taps (preferably by a bugler, but possibly a high-quality recording). In addition, to secure reserve personnel participation, they recommended legislative changes that would give support by suggesting additional retirement points<sup>6</sup> and pay for reserve forces participation. They also recommended that reserve forces be allowed to remain on active duty in excess of 180 days during a fiscal year to provide military honors, and that workers' compensation/liability insurance should be provided for non-DOD authorized providers.<sup>7</sup> In addition, DOD vowed to enhance communications and coordination of obtaining funeral honors by establishing a single 1-800-number and Web Site for information and funeral honor requests. The DOD also initiated the development of an information kit to be distributed nation-wide to local funeral directors.

**Legislation.** The National Defense Authorization Act for FY2000 mandates not less than two members of the uniformed armed forces, active or reserve, with at least one uniformed military representative of the deceased's parent service to provide the ceremonial folding and presentation of the American flag, and the playing of Taps. The Act also expands the definition of veteran (as defined in section 101(24) of Title 38)<sup>8</sup> to include the Selected Reserve (as described in section 2301(f) of Title 38).<sup>9</sup> It also provides for reservists to receive additional benefits of one point for each day on which funeral honors duty is performed for at least two hours, medical care for associated injury/illness,

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<sup>6</sup>Points are a method of determining the extent of a reservist's participation in the Reserve Component; point totals determine various aspects of reserve retirement eligibility and the amount of reserve retirement pay received. The authorization of additional points could serve as an incentive to secure reserve participation.

<sup>7</sup>Department of Defense "Report to Congress on Military Funeral Honors for Veterans," 17 November 1998, Executive Summary.

<sup>8</sup>As defined by Title 38, USC, Section 101(2) and (24): (2) The term "veteran" means a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable. (24) The term "active military, naval, or air service" includes active duty, any period of active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated in line of duty, and any period of inactive duty training during which the individual was disabled or died from an injury incurred or aggravated in line of duty.

<sup>9</sup>As defined by Title 38, USC, Section 2301(f): The Secretary shall furnish a flag to drape the casket of each deceased member or former member of the Selected Reserve (section 10143 of title 10) (A) who completed at least one enlistment as a member of the Selected Reserve or, in the case of an officer, completed the period of initial obligation service as a member of the Selected Reserve; (B) who was discharged before completion of that person's initial enlistment as a member of the Selected Reserve or, in the case of an officer, period of initial obligated service as a member of the Selected Reserve, for a disability incurred or aggravated in line of duty; or (C) who died while a member of the Selected Reserve. The terms Selected Reserve and reserves include members of the National Guard.

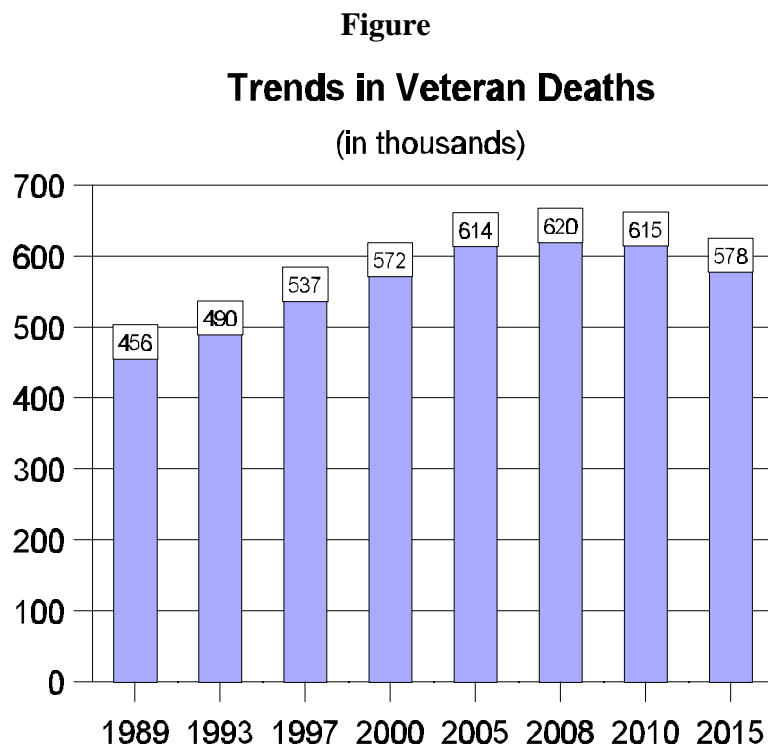
and a \$50 stipend. The legislated benefits for reservists are less than the conference participants and veteran service organizations recommended.

The significant differences between the DOD recommendation and the legislation are in the requirement for both personnel to be members of the uniformed armed forces, in the expansion of the eligible veteran population to include the Selected Reserve and in the authorized reserve benefits.

## Strains on DOD Resources

Because additional resources were not provided for the funeral honors requirement in the National Defense Authorization Act for FY2000, it will require DOD to divert defense funding and military manpower to a non-warfighting task at a time when the armed forces are, by consensus, experiencing high operations tempo difficulties. Furthermore, the demands on DOD are likely to increase as the actuarial trend of veterans' deaths rises with the continually aging World War II veteran population, and as the definition of veteran for the purpose of funeral honors is expanded to include the Selected Reserve.

The annual number of deaths of veterans in the United States has increased since 1989. The veteran population continues to rise, and the trend is not expected to peak until 2008:



The VA stated that the number of veteran deaths increased 81,000 from 1989 to 1997, and is projected to increase an additional 83,000 by 2008.<sup>10</sup> This estimate excludes the number of eligible Selected Reserve veterans. It has been estimated that there could be 60,000 Selected Reserve veterans added annually based upon the new legislation.<sup>11</sup>

Not all veterans' deaths result in a request for funeral honor details. In 1998 the active duty services provided honors for about 37,000 funerals in addition to those rendered at Arlington National Cemetery.<sup>12</sup> This number of provided honor details is approximately 8% of all veteran deaths for the same period. These numbers do not include the honor details performed by the National Guard or by veteran service organizations; the American Legion alone reports having at least 4,000 honors teams nationwide. These numbers do not include the number of requests that were not honored.

Estimating the number of requests for honor guards from those eligible is very difficult.<sup>13</sup> Two models were reviewed during the DOD-hosted conference in November 1998. The conference participants estimated funeral honors requirements based on 45% of all projected veteran deaths that result in a request for a headstone at their funeral as reported by VA. However, many believe that the estimate should be based on the 75% of all veteran deaths that result in a request for a flag as reported by the VA. Under the National Defense Authorization Act for FY2000, if the 45% estimate is used, requests could grow to at least 270,000 by the year 2008. If 75% is a more accurate reflection, requests could be 465,000 by 2008. Regardless of which estimate is accurate, the result is likely to be significant increases in demand on the resources of the military services.<sup>14</sup> In an attempt to meet this possible tenfold-plus increase, the services will turn to the reserves and veterans service organizations for additional volunteer support. Although this support is a partial solution in some areas, some active duty bases will likely be required to build and commit full-time honor guard teams.

An additional issue is that there are fewer uniformed personnel, in fewer locations, to meet the mandated requirements. The active duty military has declined to 1.4 million today, a 35% decrease from 1989; and the reserve force has decreased by 25%. Of the current 1.4 million active personnel, 300,000-500,000 are unable to be called upon for funeral honors support due to being stationed or deployed outside the United States, or due to other circumstances such as formal training, travel, or medical care. Recent

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<sup>10</sup>Department of Defense "Report to Congress on Military Funeral Honors for Veterans," 17 November 1997, Section I.5.

<sup>11</sup>The number of Selected Reserve veterans has not been defined by DOD or VA. In work between the Office of the Deputy Assistant Secretary for Manpower and Personnel, the office of the Assistant Secretary for Reserve Affairs and the VA, they have estimated for budget and planning purposes 60,000 Selected Reserve veteran deaths per year.

<sup>12</sup>The VA does not provide honor details.

<sup>13</sup>A major reason the estimating is difficult is because there is no single statistical data base for the existing system of requesting and supplying military funeral honors for veterans, thus the current data is incomplete.

<sup>14</sup>The improved communication and coordination of procuring honor details via the 1-800-number and the additional information provided CONUS-wide to all funeral directors will also likely increase the number of requests.

recruiting and retention challenges have increased the shortfall of qualified personnel. In addition, 81 of 495 major military installations have closed in the past ten years.<sup>15</sup>

The base closure program has produced large geographic areas of responsibility that sometimes include more than one state. Since there are no uniformed military members authorized for the honors duty, enlisted active duty volunteers, who have performed their regular duty, often have to take to the road for 5-7 honor details in as many days. To help cope with the new responsibilities, many honor guards have already moved from an all-volunteer group to a quota system of assignment. Commanders are curtailing other traditional requests of flag details for active duty retreats, retirements, and promotions as they do not have the manpower to meet these internal requests/traditions, as well as the veteran funeral obligations.<sup>16</sup>

## **Veteran Service Organizations**

Historically, veteran service organizations have contributed to debates over DOD policy on military funeral honors. Organizations, such as The Military Coalition and The Retired Officers Association, have demonstrated significant support for codification of a minimum of three uniformed service members, with every effort being made to provide full honors for every funeral.<sup>17</sup> These groups were among the first to highlight a need for improved communications concerning the honors available and are looking forward to the DOD initiative to create a 1-800-number and Web Site. They continue to argue for increases in appropriations to support the funeral honors details. Since the current Act appears to fall short of their position of no less than three personnel for honors details and significant increases in reserve benefits, the controversy of this issue is likely to continue.

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<sup>15</sup>Office of the Secretary of Defense News Release, Public Affairs, No.183-99, 21 April 1999.

<sup>16</sup>Telephone conversation, Colonel D. Baker, 93d Support Group, September 2, 1999.

<sup>17</sup>The Retired Officers Association, Legislative Affairs Testimony, March 24,1999; and e-mail, Mr. Bob Norton, Deputy Director, Government Relations, The Retired Officers Association, August 30, 1999.

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