

DEPARTMENT OF WISCONSIN

VETERANS OF FOREIGN WARS OF THE UNITED STATES



Office of Tommy "T" Tradewell, State Commander
N58 W23367 Aster Dr. • Sussex, Wisconsin 53089
Phone: 262-246-4085

December 6, 1999

Dear Representative:

As the state commander of the Veterans of Foreign Wars, I am writing you on behalf of our members to ask for your support for a bill in the State Legislature that would establish a Military Funeral Honors Program.

In the next 10 years, there will be approximately 12,000 veterans' deaths annually in Wisconsin. Although veterans have earned a final tribute at their funerals, the resources of state veterans' organizations and military units in Wisconsin are not able to meet the increased demand for military burial honors.

Legislative initiative (AB 582) would establish a Military Funeral Honors Program, which is modeled after a very successful program in Missouri. If enacted, then legislation will give the Wisconsin Department of Veterans Affairs the authority to coordinate a program that uses National Guard members and local units of state veterans' organizations to provide military honors at veterans' funerals. The State Adjutant General will have the authority to activate Guard members to provide military honors at funerals, and the WDVA will reimburse the local veterans' groups up to \$50 per funeral.

I urge you and your colleagues to support this important legislation for veterans. Your continued support of veterans is greatly appreciated.

Respectfully,

A handwritten signature in cursive script that reads "Tommy Tradewell".

Thomas Tradewell
State Commander
Veterans of Foreign Wars
Department of Wisconsin

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Legislative initiative (SB 258) would establish a Military Funeral Honors Program, which is modeled after a very successful program in Missouri. If enacted, then legislation will give the Wisconsin Department of Veterans Affairs the authority to coordinate a program that uses National Guard members and local units of state veterans' organizations to provide military honors at veterans' funerals. The State Adjutant General will have the authority to activate Guard members to provide military honors at funerals, and the WDVA will reimburse the local veterans' groups up to \$50 per funeral.

I urge you and your colleagues to support this important legislation for veterans. Your continued support of veterans is greatly appreciated.

Respectfully,

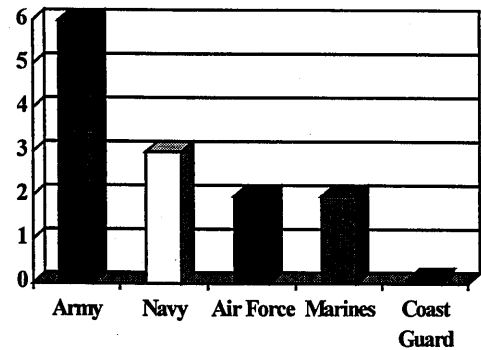
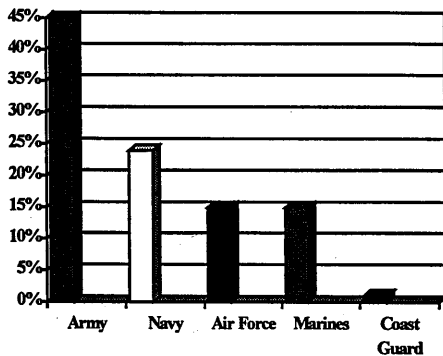

Thomas Tradewell
State Commander
Veterans of Foreign Wars
Department of Wisconsin

Wisconsin Department of Veterans Affairs Military Funeral Honors Program

Fact Sheet

The Funeral Honors Program is needed to ensure our veterans get the honors they deserve

- 480,000 Veterans call Wisconsin Home
- Wisconsin will bury 165,000 or 34% of these veterans over the next 15 years
- 11,000 veterans will die each year
- 42 will die each day
- This is double what we have buried over the past 15 years
- Military Funeral Honors will be requested by 60% of all the eligible veterans
- Veterans Service Organizations will perform 50% of these Honors
- Each day the Department of Defense will be requested to perform 13 Military Funeral Honors
- The Army will be required to perform 6 Military Funeral Honors per day
- The Navy will be required to perform 3 per day
- The Air Force and Marines 2 each day
- The Coast Guard and Merchant Marine less than 1 per day
- The National Defense authorization act of 1999, Section 578, set forth minimum requirements for Military Funeral Honors
- The proposed State legislation will:
 - Establish a state coordinator for requesting honors
 - Provide a single point of contact for Wisconsin's 1,151 licensed Funeral Directors



Enable state oversight of federal tasking process

Percentage of Wisconsin's 480,000
Veterans by Branch of Service

Projected Honors
Requirement by Branch of
Service, 13 per day



Dear Legislator:

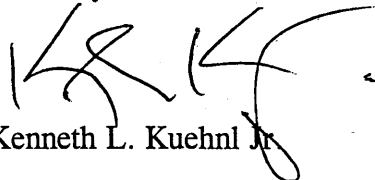
As Legislative Director of the Disabled American Veterans, I am writing you on behalf of our members to ask for your support for a bill in the State Legislature that would establish a Military Funeral Honors Program.

In the next 10 years, there will be approximately 12,000 veterans' deaths annually in Wisconsin. Although veterans have earned a final tribute at their funerals, the resources of state veterans' organizations and military units in Wisconsin are not able to meet the increased demand for military burial honors.

Rep. David Brandemuehl has introduced legislation (LRB 3500/3) to establish a Military Funeral Honors Program, which is modeled after a very successful program in Missouri. The legislation will give the Wisconsin Department of Veterans Affairs the authority to coordinate a program that uses National Guard members and local units of state veterans' organizations to provide military honors at veterans' funerals. With this legislation, the State Adjutant General will have the authority to activate Guard members to provide military honors at funerals, and the WDVA will be allowed to reimburse local veterans' groups up to \$75 per funeral.

I urge you and your colleagues to support this important legislation for veterans. Your continued support of veterans is greatly appreciated.

Sincerely,



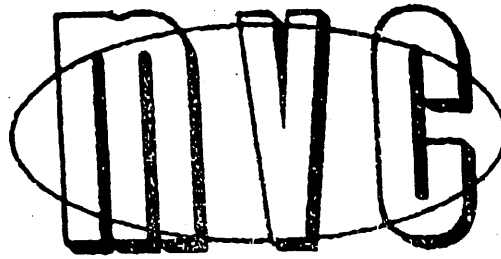
Kenneth L. Kuehnl Jr.

cc: DAV - Department of Wisconsin



*Chartered by an act
of Congress in 1932.*

NATIONAL HEADQUARTERS
P.O. BOX 14301
CINCINNATI, OH 45250-0301
(606) 441-7300



MADISON VETERANS COUNCIL

Dear Legislator:

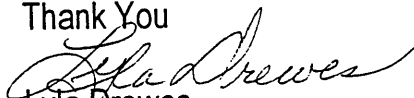
As President of the Madison Veterans Council, and active member of the Madison Veterans Firing Squad, I am writing on behalf of all Veterans to ask for your support for the Assembly Bill 582 (Burials Honors). The bill will establish Military Honors Program for our states Veterans.

In 1999, we provided those honors for almost 300 Veterans, and as our Veterans continue to age, this number will increase. We provide this service here in Dane County and surrounding counties.

On occasion, the Firing Squad members are the only people to honor the Veteran. Our Veterans deserve that honor from their service to this Great Country.

I urge you to give support to Assembly Bill 582 to establish a Military Funeral Honors program.

Thank You


Lyla Drewes
President

[LAWS RELATING TO FUNERAL HONORS
FUNCTIONS AT FUNERALS OF VETERANS,
AS AMENDED OR ENACTED BY
SECTION 578 OF PUBLIC LAW 106-65]

I. AUTHORITY AND ADMINISTRATION

TITLE 10, UNITED STATES CODE

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Subtitle A—General Military Law

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PART II—PERSONNEL

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CHAPTER 75—DEATH BENEFITS

Sec.	
1475.	Death gratuity: death of members on active duty or inactive duty training and of certain other persons.
* * * * *	
1491.	Funeral honors functions at funerals for veterans.
* * * * *	

§ 1491. Funeral honors functions at funerals for veterans

(a) AVAILABILITY OF FUNERAL HONORS DETAIL ENSURED.—The Secretary of Defense shall ensure that, upon request, a funeral honors detail is provided for the funeral of any veteran.

(b) COMPOSITION OF FUNERAL HONORS DETAILS.—(1) The Secretary of each military department shall ensure that a funeral honors detail for the funeral of a veteran consists of two or more persons.

(2) At least two members of the funeral honors detail for a veteran's funeral shall be members of the armed forces, at least one of whom shall be a member of the armed force of which the veteran was a member. The remainder of the detail may consist of members of the armed forces or members of veterans organizations or other organizations approved for purposes of this section under regulations prescribed by the Secretary of Defense. Each member of the armed forces in the detail shall wear the uniform of the member's armed force while serving in the detail.

(c) CEREMONY.—A funeral honors detail shall, at a minimum, perform at the funeral a ceremony that includes the folding of a United States flag and presentation of the flag to the veteran's family and the playing of Taps. Unless a bugler is a member of the detail, the funeral honors detail shall play a recorded version of Taps using audio equipment which the detail shall provide if adequate audio equipment is not otherwise available for use at the funeral.

(d) SUPPORT.—To provide a funeral honors detail under this section, the Secretary of a military department may provide the following:

- (1) Transportation, or reimbursement for transportation, and expenses for a person who participates in the funeral hon-

ors detail and is not a member of the armed forces or an employee of the United States.

(2) Materiel, equipment, and training for members of a veterans organization or other organization referred to in subsection (b)(2).

(e) WAIVER AUTHORITY.—(1) The Secretary of Defense may waive any requirement provided in or pursuant to this section when the Secretary considers it necessary to do so to meet the requirements of war, national emergency, or a contingency operation or other military requirements. The authority to make such a waiver may not be delegated to an official of a military department other than the Secretary of the military department and may not be delegated within the Office of the Secretary of Defense to an official at a level below Under Secretary of Defense.

(2) Before or promptly after granting a waiver under paragraph (1), the Secretary shall transmit a notification of the waiver to the Committees on Armed Services of the Senate and House of Representatives.

(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. Those regulations shall include the following:

(1) A system for selection of units of the armed forces and other organizations to provide funeral honors details.

(2) Procedures for responding and coordinating responses to requests for funeral honors details.

(3) Procedures for establishing standards and protocol.

(4) Procedures for providing training and ensuring quality of performance.

(g) ANNUAL REPORT.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report not later than January 31 of each year beginning with 2001 and ending with 2005 on the experience of the Department of Defense under this section. Each such report shall provide data on the number of funerals supported under this section, the cost for that support, shown by manpower and other cost factors, and the number and costs of funerals supported by each participating organization. The data in the report shall be presented in a standard format, regardless of military department or other organization.

(h) VETERAN DEFINED.—In this section, the term 'veteran' means a decedent who—

(1) served in the active military, naval, or air service (as defined in section 101(24) of title 38) and who was discharged or released therefrom under conditions other than dishonorable; or

(2) was a member or former member of the Selected Reserve described in section 2301(f) of title 38.

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Subtitle E—Reserve Components

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PART II—PERSONNEL GENERALLY

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CHAPTER 1213—SPECIAL APPOINTMENTS, ASSIGNMENTS, DETAILS, AND DUTIES

Sec. 12501. Reserve components: detail of members of regular and reserve components to assist.

- 12502. Chief and assistant chief of staff of National Guard divisions and wings in Federal service: detail.
- 12503. Ready Reserve: funeral honors duty.

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§ 12503. Ready Reserve: funeral honors duty

(a) ORDER TO DUTY.—A member of the Ready Reserve may be ordered to funeral honors duty, with the consent of the member, in preparation for or to perform funeral honors functions at the funeral of a veteran as defined in section 1491 of this title.

(b) SERVICE CREDIT.—A member ordered to funeral honors duty under this section shall be required to perform a minimum of two hours of such duty in order to receive—

(1) service credit under section 12732(a)(2)(E) of this title; and

(2) if authorized by the Secretary concerned, the allowance under section 435 of title 37.

(c) REIMBURSABLE EXPENSES.—A member who performs funeral honors duty under this section may be reimbursed for travel and transportation expenses incurred in conjunction with such duty as authorized under chapter 7 of title 37 if such duty is performed at a location 50 miles or more from the member's residence.

(d) REGULATIONS.—The exercise of authority under subsection (a) is subject to regulations prescribed by the Secretary of Defense.

(e) MEMBERS OF THE NATIONAL GUARD.—This section does not apply to members of the Army National Guard of the United States or the Air National Guard of the United States. The performance of funeral honors duty by those members is provided for in section 115 of title 32.

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CHAPTER 1215—MISCELLANEOUS PROHIBITIONS AND PENALTIES

- Sec. 12551. Prohibition of use of Air Force Reserve AGR personnel for Air Force base security functions.
- 12552. Funeral honors functions at funerals for veterans.

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§ 12552. Funeral honors functions at funerals for veterans

Performance by a Reserve of funeral honors functions at the funeral of a veteran (as defined in section 1491(h) of this title) may not be considered to be a period of drill or training, but may be performed as funeral honors duty under section 12503 of this title

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TITLE 32, UNITED STATES CODE

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CHAPTER 1—ORGANIZATION

- Sec. 101. Definitions.
- 114. Funeral honors functions at funerals for veterans.
- 115. Funeral honors duty performed as a Federal function.

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§ 114. Funeral honors functions at funerals for veterans

Subject to such regulations and restrictions as may be prescribed by the Secretary concerned, the performance of funeral honors functions by members of the National Guard at funerals for

veterans of the armed forces may be treated by the Secretary concerned as a Federal function for which appropriated funds may be used. Any such performance of funeral honors functions at such a funeral may not be considered to be a period of drill or training, but may be performed as funeral honors duty under section 115 of this title.

§ 115. Funeral honors duty performed as a Federal function

(a) **ORDER TO DUTY.**—A member of the Army National Guard of the United States or the Air National Guard of the United States may be ordered to funeral honors duty, with the consent of the member, to prepare for or perform funeral honors functions at the funeral of a veteran under section 1491 of title 10. However, a member of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to perform funeral honors functions under this section without the consent of the Governor or other appropriate authority of the State concerned.

(b) **SERVICE CREDIT.**—A member ordered to funeral honors duty under this section shall be required to perform a minimum of two hours of such duty in order to receive—

- (1) service credit under section 12732(a)(2)(E) of title 10; and
- (2) if authorized by the Secretary concerned, the allowance under section 435 of title 37.

(c) **REIMBURSABLE EXPENSES.**—A member who performs funeral honors duty under this section may be reimbursed for travel and transportation expenses incurred in conjunction with such duty as authorized under chapter 7 of title 37 if such duty is performed at a location 50 miles or more from the member's residence.

(d) **REGULATIONS.**—The exercise of authority under subsection (a) is subject to regulations prescribed by the Secretary of Defense.

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II. RELATED BENEFITS

TITLE 10, UNITED STATES CODE

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Subtitle A—General Military Law

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PART II—PERSONNEL

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CHAPTER 55—MEDICAL AND DENTAL CARE

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§ 1074a. Medical and dental care: members on duty other than active duty for a period of more than 30 days

(a) Under joint regulations prescribed by the administering Secretaries, the following persons are entitled to the benefits described in subsection (b):

- (1) Each member of a uniformed service who incurs or aggravates an injury, illness, or disease in the line of duty while performing—

- (A) active duty for a period of 30 days or less;

- (B) inactive-duty training; or
- (C) **service on funeral honors duty under section 12503 of this title or section 115 of title 32.**

(2) Each member of a uniformed service who incurs or aggravates an injury, illness, or disease while traveling directly to or from the place at which that member is to perform or has performed—

- (A) active duty for a period of 30 days or less;
- (B) inactive-duty training; or
- (C) **service on funeral honors duty under section 12503 of this title or section 115 of title 32.**

* * * * *

(4) Each member of the armed forces who incurs or aggravates an injury, illness, or disease in the line of duty while remaining overnight immediately before serving on funeral honors duty under section 12503 of this title or section 115 of title 32 at or in the vicinity of the place at which the member was to so serve, if the place is outside reasonable commuting distance from the member's residence.

* * * * *

§ 1076a. Dependents' dental program

(a) **AUTHORITY TO ESTABLISH PLANS.**—(1) The Secretary of Defense may establish basic dental benefits plans for eligible dependents of members of the uniformed services who are on active duty for a period of more than 30 days. Any plan under this section shall provide for voluntary enrollment of participants and shall include provisions for premium-sharing between the Department of Defense and members enrolling in the program.

(2)(A) A member enrolled in a basic dental benefits plan shall pay a premium of not more than \$20 per month for the member and the family of the member.

* * * * *

(E) A member who died from an injury, illness, or disease incurred or aggravated while the member—

- (i) was serving on funeral honors duty under section 12503 of this title or section 115 of title 32;
- (ii) was traveling to or from the place at which the member was to so serve; or
- (iii) remained overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence.

* * * * *

CHAPTER 61—RETIREMENT OR SEPARATION FOR PHYSICAL DISABILITY

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§ 1204. Members on active duty for 30 days or less or on inactive-duty training: retirement

Upon a determination by the Secretary concerned that a member of the armed forces not covered by section 1201, 1202, or 1203 of this title is unfit to perform the duties of his office, grade, rank, or rating because of physical disability, the Secretary may retire the member with retired pay computed under section 1401 of this title, if the Secretary also determines that—

- (1) based upon accepted medical principles, the disability is of a permanent nature and stable;
- (2) the disability—
 - (A) was incurred before September 24, 1996, as the proximate result of—

- (i) performing active duty or inactive-duty training;
 - (ii) traveling directly to or from the place at which such duty is performed; or
 - (iii) an injury, illness, or disease incurred or aggravated while remaining overnight, immediately before the commencement of inactive-duty training, or while remaining overnight between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site of the inactive-duty training is outside reasonable commuting distance of the member's residence;
- (B) is a result of an injury, illness, or disease incurred or aggravated in line of duty after September 23, 1996—
- (i) while performing active duty or inactive-duty training;
 - (ii) while traveling directly to or from the place at which such duty is performed; or
 - (iii) while remaining overnight, immediately before the commencement of inactive-duty training, or while remaining overnight between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site of the inactive-duty training is outside reasonable commuting distance of the member's residence; or
- (C) is a result of an injury, illness, or disease incurred or aggravated in line of duty—
- (i) while the member was serving on funeral honors duty under section 12503 of this title or section 115 of title 32;
 - (ii) while the member was traveling to or from the place at which the member was to so serve; or
 - (iii) while the member remained overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence;

* * * * *

§ 1206. Members on active duty for 30 days or less or on inactive-duty training: separation

Upon a determination by the Secretary concerned that a member of the armed forces not covered by section 1201, 1202, or 1203 of this title is unfit to perform the duties of his office, grade, rank, or rating because of physical disability, the member may be separated from his armed force, with severance pay computed under section 1212 of this title, if the Secretary also determines that—

- (1) the member has less than 20 years of service computed under section 1208 of this title;
- (2) the disability is a result of an injury, illness, or disease incurred or aggravated in line of duty—
 - (A) while—
 - (i) performing active duty or inactive-duty training;
 - (ii) traveling directly to or from the place at which such duty is performed; or
 - (iii) remaining overnight immediately before the commencement of inactive-duty training, or while remaining overnight between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance of the member's residence; or
 - (B) while the member—

(i) was serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

(ii) was traveling to or from the place at which the member was to so serve; or

(iii) remained overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence;

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CHAPTER 75—DEATH BENEFITS

Sec. 1475. Death gratuity: death of members on active duty or inactive duty training and of certain other persons.

* * * * *

§1481. Recovery, care, and disposition of remains: decedents covered

(a) The Secretary concerned may provide for the recovery, care, and disposition of the remains of the following persons:

(1) Any Regular of an armed force under his jurisdiction who dies while on active duty.

(2) A member of a reserve component of an armed force who dies while—

(A) on active duty;

(B) performing inactive-duty training;

(C) performing authorized travel directly to or from active duty or inactive-duty training;

(D) remaining overnight immediately before the commencement of inactive-duty training, or remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance from the member's residence;

(E) hospitalized or undergoing treatment for an injury, illness, or disease incurred or aggravated while on active duty or performing inactive-duty training; or

(F) either—

(i) serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

(ii) traveling directly to or from the place at which the member is to so serve; or

(iii) remaining overnight at or in the vicinity of that place before so serving, if the place is outside reasonable commuting distance from the member's residence.

* * * * *

CHAPTER 81—CIVILIAN EMPLOYEES

* * * * *

§1588. Authority to accept certain voluntary services

(a) AUTHORITY TO ACCEPT SERVICES.—Subject to subsection (b) and notwithstanding section 1342 of title 31, the Secretary concerned may accept from any person the following services:

(1) * * *

* * * * *

(4) Voluntary services as a member of a funeral honors detail under section 1491 of this title.

* * * * *

Subtitle E—Reserve Components

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PART II—PERSONNEL GENERALLY

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CHAPTER 1223—RETIRED PAY FOR NON-REGULAR SERVICE

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§ 12732. Entitlement to retired pay: computation of years of service

(a) Except as provided in subsection (b), for the purpose of determining whether a person is entitled to retired pay under section 12731 of this title, the person's years of service are computed by adding the following:

(1) * * *

(2) Each one-year period, after July 1, 1949, in which the person has been credited with at least 50 points on the following basis:

(A) * * *

* * * * *

(E) One point for each day on which funeral honors duty is performed for at least two hours under section 12503 of this title or section 115 of title 32, unless the duty is performed while in a status for which credit is provided under another subparagraph of this paragraph.

For the purpose of clauses (A), (B), (C), (D), and (E) service in the National Guard shall be treated as if it were service in a reserve component, if the person concerned was later appointed in the National Guard of the United States, the Army National Guard of the United States, the Air National Guard of the United States, or as a Reserve of the Army or the Air Force, and served continuously in the National Guard from the date of his Federal recognition to the date of that appointment.

* * * * *

§ 12733. Computation of retired pay: computation of years of service

For the purpose of computing the retired pay of a person under this chapter, the person's years of service and any fraction of such a year are computed by dividing 360 into the sum of the following:

(1) * * *

* * * * *

(4) One day for each point credited to the person under subparagraph (E) of section 12732(a)(2) of this title.

(5) 50 days for each year before July 1, 1949, and proportionately for each fraction of a year, of service (other than active service) in a reserve component of an armed force, in the Army or the Air Force without component, or in any other category covered by section 12732(a)(1) of this title, except a regular component.

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TITLE 37, UNITED STATES CODE

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CHAPTER 7—ALLOWANCES

Sec.	
401.	Definitions.
	* * * * *
435.	Funeral honors duty: allowance.
	* * * * *

§ 435. Funeral honors duty: allowance

(a) **ALLOWANCE AUTHORIZED.**—The Secretary concerned may authorize payment of an allowance to a member of the Ready Reserve for any day on which the member performs at least two hours of funeral honors duty pursuant to section 12503 of title 10 or section 115 of title 32.

(b) **AMOUNT.**—The daily rate of an allowance under this section is \$50.

(c) **FULL COMPENSATION.**—Except for expenses reimbursed under subsection (c) of section 12503 of title 10 or subsection (c) of section 115 of title 32, the allowance paid under this section is the only monetary compensation authorized to be paid a member for the performance of funeral honors duty pursuant to such section, regardless of the grade in which the member is serving, and shall constitute payment in full to the member.

* * * * *