

United States Senate

WASHINGTON, D.C. 20510

February 10, 2016

The Honorable Patrick Murphy
Acting Secretary of the Army
101 Army Pentagon
Washington, DC 20310-0101

Dear Acting Secretary Murphy:

We are deeply concerned about the 2015 Department of the Army's reversal of the inurnment policy for active duty designees at Arlington National Cemetery. This policy change abruptly ended eligibility for World War II veterans of the Women Airforce Service Pilots (WASPs), American Merchant Marines, and approximately 35 other groups of individuals who may have qualified for eligibility. Although the Army General Counsel has determined that the 2002 decision to allow inurnment of these active duty designees was made without proper authority, the Army upheld this eligibility policy for 13 years. This created an expectation that these veterans and their families would be eligible for inurnment at Arlington National Cemetery.

Under current law, the Secretary of the Army has the authority to determine eligibility policy for interment or inurnment, and can act immediately to reinstate the policy that was in place for nearly 13 years. We urge you to use your existing authority to specify that veterans, including WASPs and Merchant Marines, determined to have served on active duty pursuant to section 401 of *Public Law 95-202*, are eligible for inurnment at Arlington National Cemetery effective March 23, 2015.

In 1977, the Secretary of Defense was authorized to determine the date of military discharge and issue a DD-214 to make active duty designees eligible for benefits administered by the Department of Veterans Affairs. Although this provision did not confer by statute Arlington National Cemetery inurnment eligibility, this law was cited by a June 2002 Army memorandum as a basis for allowing active duty designees to be inurned. At the time of the decision in 2002, Army news releases and national media reports portrayed it as ending one of the final disparities in how these groups are recognized relative to other veterans.

With the issue resolved, the common understanding by the Army and by the public for the last 13 years was that these groups are eligible for inurnment based on their honorable active duty service. To abruptly reverse established policy, and to do so in a way that suddenly denies veterans a treasured honor in return for their wartime service, without involving the public and key stakeholders in that decision, is irresponsible and inequitable. In their final time of need, these veterans deserve the same honor for their service that more than one hundred WASPs and Merchant Marines have already received by being inurned at our nation's premier military cemetery.

We recognize ongoing concerns regarding limited space at Arlington National Cemetery and the continued ability to honor service members and veterans with burial or inurnment. Nevertheless, it is our responsibility to ensure that any changes to eligibility for interment that restricts that honor is thoroughly vetted and provided due consideration. We look forward to your immediate cooperation on this timely and important issue and urge the Department of the Army to resolve this matter with respect and compassion for the veterans and their families who have waited nearly 40 years for clear and consistent policy.

We look forward to your timely response. Please contact us directly or have your staff contact David Shearman with Senate Committee on Veterans' Affairs majority staff at (202) 224-9126 or Kim Quarantello with Senate Committee on Veterans' Affairs minority staff at (202) 224-2074. They will connect your staff with the appropriate staff member for each Senator.

Sincerely,

A blue ink signature of Johnny Isakson, written in a cursive style.

Johnny Isakson
United States Senator

A blue ink signature of Richard Blumenthal, written in a cursive style.

Richard Blumenthal
United States Senator

A blue ink signature of Jerry Moran, written in a cursive style.

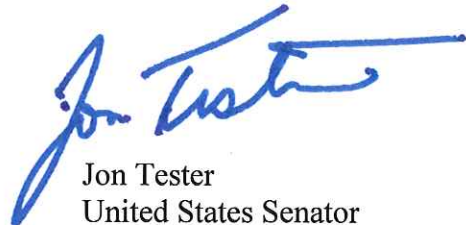
Jerry Moran
United States Senator

A blue ink signature of Sherrod Brown, written in a cursive style.

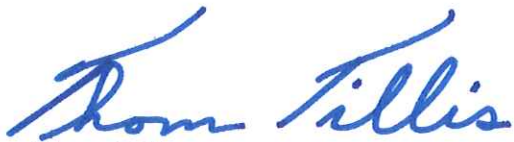
Sherrod Brown
United States Senator

A blue ink signature of Dean Heller, written in a cursive style.

Dean Heller
United States Senator

A blue ink signature of Jon Tester, written in a cursive style.

Jon Tester
United States Senator



Thom Tillis
United States Senator



Joe Manchin III
United States Senator



Richard Burr
United States Senator



Joe Donnelly
United States Senator



Steve Daines
United States Senator



Kirsten Gillibrand
United States Senator



Jeff Flake
United States Senator



Jeanne Shaheen
United States Senator



Susan M. Collins
United States Senator



Al Franken
United States Senator



Ron Wyden
United States Senator



Robert Menendez
United States Senator



Barbara A. Mikulski
United States Senator



Barbara Boxer
United States Senator



Debbie Stabenow
United States Senator



Christopher Murphy
United States Senator



Benjamin L. Cardin
United States Senator



Richard J. Durbin
United States Senator

CC: The Honorable Ashton B. Carter