Disparities in Veteran Death Benefits

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Under the Department of Veterans' Affairs (VA), the National Cemetery Administration (NCA) works to ensure that America's veterans are properly honored through a series of benefits provided to the veteran's family upon his or her death. While the NCA is one of the highest rated government agencies in terms of customer satisfaction, many of the benefits are underfunded, outdated and have been allowed to diminish over time, creating disparities between those who received the benefits 30 years ago and those who receive them today. In addition to these benefits, the State Cemetery Grants Program, a program run by the NCA to assist states with establishing veteran cemeteries, has also created a number of inconsistencies by allowing residency requirements and fees. However, changes to benefit policy by the NCA and lawmakers can correct these disparities, closing the gap in veterans' death benefits.

VETERAN DEATH BENEFITS

What is known today as the National Cemetery Administration (NCA) began as a response to the growing number of dead during the Civil War. On July 17, 1862 Congress, through the Militia Act, gave President Abraham Lincoln the ability to purchase land "...to be used as a national cemetery for the soldiers who shall die in the service of the country" (Library of Congress, 2003). In the wake of the Civil War, 14 national cemeteries were created, most of which interred the remains of Union soldiers. Prior to the establishment of these national cemeteries, soldiers were often buried on the battlefield or near a hospital or military post and most of these graves were poorly marked and hard to identify (Department of Veterans' Affairs, 2007a). Following the creation of the national cemeteries, the Army enacted a recovery program to locate these battlefield graves and move the dead to a more respectable burial place that honors their service to the nation. By 1870, nearly 300,000 Union soldiers were recovered and reinterred in the new cemeteries (VA, 2007a).

Today, over 600,000 veterans pass away each year as a large number of World War II era veterans and an increasing number of Korean War era veterans die, not including the number of dead among Iraq and Afghanistan veterans. In 2007 alone, an estimated 656,000 veterans passed away (VA, 2008a). Of those veterans, 100,200 – including dependents – were interred in a national cemetery administered by the National Cemetery Administration, which today is under the Department of Veterans' Affairs (VA) (VA, 2008a).

Historically, 12% of veterans choose interment through the NCA and it is estimated that more than 23 million veterans are alive today with an estimated 683,000 of them to die in 2008 alone (VA, 2008a). Undoubtedly, a large number of Americans, particularly those who will handle the death of a veteran, will come into contact with the NCA at some time in their life (VA, 2008b; Independent Budget, 2008a). However, not much is known about the NCA outside of the veterans' community. Even those inside the veterans' community – including lawmakers – seem to be unaware or uninterested that the death benefits the NCA provides are diminishing over time.

According to the members of the Independent Budget, the death benefits provided to veterans only represent a fraction of what the original benefits once provided (2008b). VA, the NCA, and lawmakers have failed to address the fact that many of the monetary benefits provided to veterans have declined in value over time, creating a number of gaps between the value of benefits to veterans today and veterans 30 years ago.

Another major challenge for VA and the NCA is to ensure that there is a burial option for every veteran, especially rural veterans, who decide to be interred through the NCA. According to William F. Tuerk (2007), Undersecretary for Memorial Affairs, VA's goal is to provide 90 percent of veterans in America with a burial option within 75 miles of their

1 VA numbers for 2007 are based on a fiscal year projection (Oct. 1, 2006-Sept. 30, 2007).

2 The Independent Budget is a series of policy and budgetary recommendations given to Congress and VA regarding veteran issues such as healthcare, education, and disability benefits. The recommendations are compiled and published through a coalition of Veteran Service Organizations such as the Veterans of Foreign Wars, Paralyzed Veterans of America, Disabled American Veterans, and AMVETS.
The National Cemetery Act of 1867 was the first legislation to provide guidelines and funds. Seven hundred and fifty thousand dollars were appropriated for the construction and repair of national cemeteries (VA, 2008c).

In 1872, through an amendment to the National Cemetery Act of 1867, Congress expanded eligibility to all honorably discharged soldiers and sailors who die in a “deserted condition” (VA, 2007a). This meant that Union soldiers who died as a result of injuries or conditions stemming from the Civil War were eligible for interment, not just those who died in battle. In 1873, Congress amended the act again to include all honorably discharged service members from the Civil War (VA, 2007a). As a result of these amendments, national cemeteries began to be established beyond Civil War battlefields and military posts (VA, 2007a). The establishment of cemeteries also represented a change in policy.

Change came to the battlefield first. No longer were American service members buried on the battlefield and marked with poorly constructed wooden headboards (VA, 2007a). Dead service members would now be returned from the battlefield and interred with stone markers in a designated burial plot; and as a result of the Spanish-American War, for the first time service members were also returned from battlefields overseas to be interred in national cemeteries (VA, 2007a).

Expansion of the system continued when in 1920 Congress expanded the eligibility to include all service members who either died in or were honorably discharged from service and have served during war or any future war. The legislation also provided that United States citizens who served for any government that fought against Germany or Austria would also be eligible for burial (VA, 2007a). In 1948, Congress again expanded the eligibility to include all service members who have honorably served, regardless if it was during a time of war. For the first time the law also provided that the spouse of an eligible veteran would be eligible for burial in a national cemetery (VA, 2007a). Legislation in 1959 took the expansion of eligibility even further by ensuring that members of the Reserve and National Guard die while on active duty or as a result of injuries incurred during duty are eligible for interment in a national cemetery. An amendment to the legislation included the same standards of eligibility for members of the Reserve Officer Training Corps (ROTC) (VA, 2007a).

By the 1970s, there was a need to unify the system. Cemeteries were being administered by the Department of Veterans Affairs, Department of the Army, the American Battle Monuments Commission, as well as the National Park Service, and each system had different standards. In response to those conditions, Congress, through the National Cemeteries Act of 1973, transferred 82 national cemeteries from the Department of the Army and placed them under the newly created National Cemetery System of the Veterans’ Administration. The 82 cemeteries were added to the 21 that VA already maintained at hospitals and nursing homes (VA, 2007a). The act also set the guidelines for eligibility for interment, as well as the benefits that an eligible veteran could receive. Finally, through the Veterans’ Programs Enhancement Act of 1998, the name of the National Cemetery System was changed to the National Cemetery Administration. However, the 1973 legislation was responsible for organizing the NCA into what it is today.

The NCA Today

According to VA, the NCA maintains 125 national cemeteries throughout the United States and Puerto Rico with a total of more than 2.8 million gravesites. These cemeteries rest on more than 17,000 acres of land of which more than half is undeveloped (VA, 2008a). VA estimates that this undeveloped land can provide an additional 4 million gravesites (VA, 2008a). However, of the 125 cemeteries, only 63 are open for all types of interments-interments can include full-casket gravesites, inurnment of in-ground cremated remains, or cre-
mated remains in a columbarium niche. In addition, 20 cemeteries can only accommodate cremated remains and the remains of family members of individuals already interred there. The remaining cemeteries are considered full and are only open for the remains of family members of veterans already interred there (VA, 2008a).

The NCA has also set forth a number of goals and standards. As mentioned earlier, the first goal is to provide eligible veterans with a burial place that is respectful and honors their service and sacrifice (VA, 2006b). In addition to this, the NCA strives to be prompt with the services it provides. As a standard, a veteran’s eligibility and a committal service date are generally determined within 2 hours of a request (VA, 2007b). Headstones are delivered within 60 days of interment and damaged or improperly inscribed headstones are replaced within 30 days of notification (VA, 2007b). These standards have helped propel the NCA to number one on the list of government agencies in terms of customer satisfaction.

According to the American Customer Satisfaction Index (2004), the NCA scored a 95 on a scale of 0-100 in 2004 (2004). The NCA was rated higher than any other federal agency and received a higher score than anyone in the private sector had ever received. As a testament to the standards that the NCA tries to maintain, it received the same score again in 2007 (ACSI, 2007).

**Burial Eligibility and Benefits**

As previously mentioned, VA provides a number of benefits on behalf of the veteran upon his or her death. First and foremost, eligible veterans – including their spouse and any dependent children – are entitled to a burial plot, at no cost, in a national cemetery. This includes the opening and closing of the grave, the grave liner, perpetual care of the site, and in some cases transportation of the body to the cemetery (VA, 2008b). The family is responsible for all other costs which include: preparation of the body, transportation, flowers, and other funeral services. In addition, the veteran is welcome to choose in which cemetery within the NCA they prefer to be interred, but it is conditional upon availability based on their preferred method of interment (VA, 2008d). This is a benefit that is not extended to veterans who choose interment in a state cemetery and is part of the gap in veteran death benefits.

Eligibility for interment is determined based on service on active duty, Reserves, National Guard, or ROTC. Active duty service members are eligible if death occurs while serving on active duty or the member serves for a continuous 24 months and is discharged under other than dishonorable conditions (38 U.S.C. § 2402). For the Reserves, National Guard and ROTC, death has to occur, under honorable conditions, during training or active duty call-up, or while being treated for injuries that occurred during such activities. A member of these services is also eligible for interment should they complete the full duration of an active-duty call up by the Federal government. In addition, if a member of the Reserves or National Guard is eligible to receive retirement pay, then they are eligible for burial in a national cemetery (38 U.S.C. § 2402). In keeping with the law passed in 1948, the spouse of an eligible veteran is also entitled to be buried in a national cemetery. Additional monetary benefits are also included to help offset funeral costs to the families of eligible veterans.

One such benefit provided to veterans is a burial allowance. However, not all veterans are entitled to this allowance upon their death. Eligible veterans may receive a $300 burial allowance to help with funeral expenses (38 U.S.C. § 2302). In order to be eligible, the veteran must be in receipt of or be eligible for VA pension or compensation, or die while under the care of a VA hospital or an approved nursing home (38 U.S.C. § 2302). Veterans who have service related deaths, or deaths from service related disabilities, will receive a burial allowance of $2,000 (38 U.S.C. § 2307). Other benefits are provided for those not interred in a national cemetery.

Veterans who are not buried in a national cemetery can receive a plot allowance to assist with the cost of opening and closing the grave. This benefit is separate from the burial allowance and veterans who meet the requirements are eligible to receive both. Currently, the allowance is $300 and if the veteran is buried in a state cemetery the allowance is paid directly to the state (38 U.S.C. § 2303). Veterans who choose to be interred in a private cemetery will receive the benefit directly. The plot allowance is also payable to members of the Reserves or National Guard who were discharged under other than dishonorable conditions and would otherwise not be entitled to burial in a national cemetery (38 U.S.C. § 2303).

In addition to the monetary benefits, VA, upon request, will furnish each eligible veteran with a headstone or marker. Veterans can choose either a granite or marble headstone or flat granite, marble, or bronze marker (VA, 2008e). The headstones are flat and stand upright and are inscribed with identifying information including their service and any wars

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1 The Federal government as a whole scored a 72.1 in 2004 and dropped to 67.8 in 2007 (ACSI, 2007).
2 Eligibility is defined by VA as “the surviving spouse of an eligible veteran.” Even if the veteran dies and the spouse subsequently remarries, the spouse is still eligible based on the marriage to the veteran. A spouse is also eligible even if the veteran decides not to be buried in a national cemetery. Spouses who have divorced the eligible veteran are not entitled to burial in a national cemetery (VA, 2006a).
3 A dependent child is any child at the time of death that is under 21 years of age or 23 if participating in higher education. A dependent child can also be an unmarried adult child that becomes incapable of self-support prior to the above ages (VA, 2006a).
4 Veterans only need to be eligible for VA pension or compensation. They do not have to accept such compensation as it may reduce other benefits such as military retirement or disability pay.
served in. The marker serves the same purpose, but lies flat rather than upright. As a new addition, beginning in the spring of 2009, veterans will also be able to choose a device which can be affixed to a privately purchased headstone (VA, 2008c). While the veteran can choose which form of marking they prefer, they may be subject to standards that are in-keeping with the theme of the cemetery in which they are interred (VA, 2008e). Spouses are also entitled to a headstone or marker, but only if they are buried in a national or state cemetery. The families of veterans who also choose to be buried in a private cemetery will have to cover the cost of setting the headstone or marker (VA, 2008e). This is also the case in some state cemeteries.

VA and the NCA will also furnish the families of veterans with a Presidential Memorial Certificate. A Presidential Memorial Certificate is an engraved piece of paper that expresses the thanks of a grateful nation for the veteran’s service (VA, 2008f). The program was started by President John F Kennedy in 1962 and each certificate bears the signature of the President in office at the time of the veteran’s death (VA, 2008f). In keeping with high standards, VA will mail the certificates within 45 days of the death information being reported to VA (VA, 2007b). In addition to the Presidential Memorial Certificate, veterans are also furnished with a burial flag. A United States flag is provided by VA and can be draped over a casket or accompany an urn during the burial ceremony (VA, 2007c). Along with the headstone or marker and the Presidential Memorial Certificate, the burial flag comes at no cost to the veteran or their family.

Finally, at the family’s request, veterans are entitled to military honors at their funeral. The Department of Defense is to provide a Funeral Honors Detail, upon request, for the death of every veteran (Pub. L. No. 106-65 ß 578). The detail must consist of two or more service members and the ceremony includes the detail performing the folding of the flag, presenting the flag to the family, and the playing of taps (Pub. L. No. 106-65 ß 578). At least one member of the detail must be from the same service as the veteran and they will be the one to present the flag to the family (Pub. L. No. 106-65 ß 578).

All these benefits have been put in place to honor America’s veterans upon their death. However, it has been a challenge for the NCA to ensure that every veteran has access to a cemetery within a reasonable distance of their home. As mentioned, the goal of the NCA is to have a burial option within 75 miles of every veteran’s home.

**The State Cemetery Grants Program**

In response to the growing need for veteran cemeteries, the NCA established the State Cemetery Grants Program in 1978 (VA, 2008c). The program was established to encourage and assist states in establishing veteran cemeteries, especially in areas that are not served by the NCA (VA, 2008c). According to VA (2008c), the NCA has awarded more than $317 million in grants to 69 cemeteries in 37 states; including Guam and Saipan. VA and the NCA can make grants that cover up to 100% of the costs of establishing a cemetery (38 U.S.C. ß 2408). Grants in various amounts can also be made to assist states in expanding and renovating already existing cemeteries (38 U.S.C. ß 2408). However, grant money cannot be used for the acquisition of land and is not considered an “allowable cost” (VA, 2008c). In order for a state to receive a grant, the state must own the land and have the title in the state’s name before it can receive the funds (VA, 2007d). These are not the only regulations a state must conform to in order to receive a grant.

All cemeteries who receive funds under the grant program must maintain the standards set forth by the NCA. In order to receive a grant, the state must own the land, have final approval from VA on the plans, and ensure that the cemetery will have at least a 20 year life span (VA, 2007d)." Even more importantly, the state must ensure that the cemetery is used for the sole purpose of the interment of veterans, their spouses, and dependent children (VA, 2007d). Grants are not given for routine maintenance and repairs; that is the responsibility of the state (VA, 2007d). In addition, the standards of eligibility must remain the same as those for national cemeteries; however, states are allowed to set residency requirements for interment in a state cemetery (VA, 2007d). As will be seen, this is a policy that has allowed disparities in the application of death benefits for veterans, making interment in a veteran cemetery difficult for some veterans.

**Inadequate and Outdated**

Even though the NCA remains the highest rated government agency in terms of customer satisfaction, lawmakers have failed to keep the benefits up to par with the rising costs of funerals. This has created gaps in the benefits that are provided to America’s veterans. As a result, a veteran who died in 1973 received a greater benefit than one who dies today. Likewise, a veteran who is interred in a national cemetery receives a greater benefit than one interred in a state cemetery. Viewing the incremental changes to the eligibility policies of the monetary death benefits will reveal these gaps.

Prior to the passing of the National Cemeteries Act of 1973, veterans were eligible to receive a burial benefit of $250 for nonservice-connected deaths, while service-connected deaths received $800 (Pub. L. No. 85-674; Pub. L. No. 89-554). With the passing of the act, Congress added a plot allowance of $150 to the list of benefits (Pub. L. No. 93-43 ß 554). The allowance was to help offset the cost of a burial plot to the families of veterans not interred in a national...
cemetery. States also rely on this payment to help with the cost of opening and closing a veteran’s grave.

Through the Veterans’ Disability Compensation and Survivors’ Benefits Act, the nonservice-connected death benefit was raised from $250 to $300 in 1978 (Pub. L. No. 95-479 ß 303). It remains at $300 even today. The service-connected death benefit has fared slightly better. In 1978, under the same Act that the nonservice-connected death benefit was raised, the service-connected death benefit was raised to $1,100 (Pub. L. No. 95-479 ß 303). However, unlike the nonservice-connected death benefit, it was raised again in 1988 to $1,500 and finally in 2001 it was raised to its current level of $2,000 (Pub. L. No. 100-322 ß 303; Pub. L. No. 107-103 ß 501). The plot allowance followed a similar path as the nonservice-connected death benefit. It remained at $150 until 2001 when it was doubled to $300 dollars, its current level (Pub. L. No. 107-103 ß 501).

As the evidence shows, lawmakers have been slow at ensuring that death benefits increase in order to keep up with inflation. When benefits have been increased, it has been done unequally by raising one and neglecting the others. Even though benefits such as the service-connected death benefit have been continually raised, they are not at the level they were in 1973, covering far less of overall funeral costs. They are continuing to diminish and are providing less and less for America’s veterans each year.

It is important to note that both the Independent Budget and VA, as well as other veteran service organizations, recognize that the intention of the death benefits was never to cover the full cost of a funeral, but merely to provide a benefit that could help with the cost and burden to the veteran’s family.

Unfortunately, exact statistics on the average cost of a funeral in the 1970s are not available. However, an LA Times article noted that the average cost of a funeral in 1974 was $1,137 (Jones, 1974). The Veteran’s Administration also informed Congress that the average cost of a burial plot in 1970 was $122 (“National Cemeteries,” 1974). Utilizing this assumption, in 1974 the nonservice-connected death benefit of $250 represented about22% of funeral costs. The $800 service-connected death benefit represented 70% of funeral costs, and while costs for a burial plot would have risen between 1970 and 1974, the $150 plot allowance covered about 100% of the cost of a plot or 13% of the total cost of an average funeral. It is important to note the difference between the percentages for the plot allowance. The plot allowance is only paid on behalf of veterans who are interred outside a national cemetery, in a state or private cemetery. The fact that the original plot allowance covered 100% of the cost of a burial plot in 1974 is important because if a veteran was buried in a state cemetery, the plot allowance was paid directly to the state to offset costs to the state. The fact that the original plot allowance covered 13% of total funeral costs is important to the families of veterans interred in private cemeteries because the payment is given directly to the family and is often applied to the total cost of a funeral and not directly to the cost of the burial plot.

Despite the fact that at one time or another benefits have been increased, the numbers today tell a different story and the benefits have been allowed by lawmakers to diminish over time. According to the National Funeral Directors Association (2007), the average cost of a funeral in 2004 was up to $6500. This means that the nonservice-connected death benefit, which has only been increased to $300, now only covers 5% of costs, a considerable decrease from the percentage the 1973 benefit covered. The service-connected death benefit, which has been increased to $2,000, only covers 31% of average funeral costs and the plot allowance, like the nonservice-connected death benefit, only covers 5% of total costs. In terms of costs for a burial plot, Forbes Magazine reported that in 2005 the average price for a burial plot was $4,000 (Schiffman, 2005). The burial plot allowance has gone from 100% coverage to just 8%, and that is after the benefit was doubled in 2001. Veterans who are interred in a private cemetery are most affected by this. State cemeteries need only to cover the cost of opening and closing the grave since their plots are not for sale on the market.

These numbers demonstrate the gap in the application of burial benefits to eligible veterans. While it is beneficial to have any assistance at all from the government, what is provided on behalf of deceased veterans today is minimal compared to what the government provided in 1973. In addition, not only has the percentage covered by the monetary benefits diminished, but the eligibility for such benefits has also created disparities in their application.

Under the State Cemetery Grants Program, state cemeteries are expected to adhere to the same standards as national cemeteries when it comes to the interment of veterans. For example, in order to receive funding, state cemeteries must provide a burial space at no cost to the veteran. However, VA supplies the burial plot allowance to veterans not interred in a national cemetery and the allowance is paid directly to the state for veterans interred in a state cemetery. The states then use the payment to offset the cost of opening and closing a grave. Therefore, interment in a state cemetery does not come without some form of cost to the family; states fully expect to receive the plot allowance on behalf of the veteran. In national cemeteries, the spouse and any eligible dependents are also entitled to a burial plot at no cost. This policy is not adhered to in the state cemetery program. At least 19 states that have cemeteries who have received funding under the State Cemetery Grants Program charge a fee for the burial of an eligible spouse or dependent. These rates vary from state to state. For instance, Maryland charges a $600 opening fee for the casketed remains of eligible dependents and $400 for inurned remains (Maryland Department of Veterans Affairs, 2008). The cost covers both opening and closing the grave as

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22 The term “about” is used because the numbers have been rounded to the nearest one percent.
well as the grave liner (MDVA, 2008). These are all services that come at no cost should an eligible spouse or dependent choose to be interred in a national cemetery.

Hawaii, a state that maintains 8 funded state cemeteries, also charges a $300 fee for the burial of a spouse (Hawaii Office of Veteran Services, 2007). California charges $500 for the interment of a spouse or dependent and by California law, the money is placed into a fund for the perpetual care of the cemetery; a benefit that again would come at no cost to veterans and their spouses in a national cemetery (California Military and Veterans Code 9 ß 1400). In addition to burial fees, the state of Montana charges fees to set the headstone based on which state cemetery you choose to be interred in, the highest charge being $95 (Montana Veterans’ Affairs, 2008). This is a fee that affects not only the interment of a spouse, but the interment of a veteran as well, with a charge of $45 at the cemetery in Helena (MVA, 2008).

The reason for all the charges is partly due to the law. The same law that provides the plot allowance benefit only provides the payment to be paid on behalf of the veteran, a spouse or dependent are not included (38 U.S.C ß 2303). The states have come to rely on the plot allowance to help offset the cost of opening and closing graves, as well as covering the cost of providing grave liners. Because states have not been held to the requirement to provide a no cost interment to the spouse, many have instituted fees to help cover those costs. It is important to note that state cemeteries are still providing a no cost plot to the spouse and dependents, the fees are simply to cover the payment of workers who will open and close the grave, as well as maintain the site over time, but this is not the only disparity to occur within the State Cemetery Grants Program.

Policies within the State Cemetery Grants Program have also allowed states to set residency requirements for interment in a state veteran cemetery. Veterans who choose to be interred in a national cemetery can choose the cemetery they would like to be interred in. The only restriction is that there must be plots available at that particular cemetery and the family of the veteran would have to bear the cost of transportation. Such a policy allows veterans to be buried near family, home, or a place of great significance to them. Placing residency requirements on state cemeteries – currently at least 13 states have them – complicates the ability of the veteran to be buried near family and friends.

In addition to the fact that states have residency requirements, each one sets a different standard. For example, Connecticut requires the veteran to have either entered the service while a resident of the state or died while a resident of the state (Connecticut Department of Veterans’ Affairs, 2008). New Jersey shapes its policy differently by requiring the veteran to have either died a legal resident or have been a legal resident for at least 50% of their life (New Jersey Department of Military and Veteran Affairs, 2008). This policy effectively rules out anyone who may have joined while a resident in the state of New Jersey and then spent more than 50% of their life elsewhere during military service; especially since many service members take the option of changing their residency to the states in which they are stationed to take advantage of any local benefits with the intention of returning to their home state – in this case New Jersey – upon completion of their service. Residency requirements are an even greater issue in states that do not have a national cemetery and is very prevalent in the Western United States where there is a greater travel distance between population centers.

Currently, there are 11 states without a national cemetery. The goal of state cemeteries is to assist with the goal of having a burial option within 75 miles of a veteran’s home and Utah is one state that does not currently have a national cemetery. However, there is a state cemetery that has received funds under the State Cemetery Grants Program. The cemetery is located in Bluffdale just outside of Salt Lake City. A veteran’s family who lives in Moab would have to travel 238 miles in order to reach the cemetery (Utah Office of Tourism, 2001). However, Colorado has a state veteran cemetery that sits just 118 miles from Moab, a distance that would be less burdensome to a veteran’s family (MoabUtah, 2008). However, Colorado has residency requirements that would prevent the veteran from interment at the state veteran cemetery in Grand Junction. This is a problem that can occur with any veteran who lives near a state border; especially in a state that does not have a national cemetery.

The issue with the State Cemetery Grants Program and residency requirements is that it only expands the burial options for veterans who are residents of that state. It is a problem that is unlikely to change anytime soon. The NCA is unlikely to place a national cemetery near state cemeteries; especially in rural areas which have a low veteran population. As a result, the odds that Moab, Utah or Grand Junction, Colorado would receive a national cemetery are extremely low. Despite VA’s purpose for using the State Cemetery Grants Program to expand burial options and to provide burial options closer to a veteran’s family and home, many veterans still have to travel a great distance should they choose interment within the national or state cemetery system. This policy is not in place without reason. It is easy to see why states have placed residency requirements for eligibility. Because the state bears most of the cost of running and maintaining the cemetery, they prefer only to pay for their residents that have made contributions to the state. Why would Colorado want to provide the funds to inter a veteran that paid taxes in Utah?

The NCA and the grants program have set requirements to be met in order to be eligible for grant money. However, by not including a ban on residency requirements as a requirement for eligibility, lawmakers and the NCA, as well as the states that have residency requirements have failed to prevent this disparity. The benefit a family receives on behalf of a veteran represents only a fraction of what was represented in
1973. As noted in the Independent Budget (2008b), the benefits do not have to cover 100% of the costs to be effective, but an amount greater than 5% would be more useful. In addition, there are disproportionate benefits for the spouse depending on where they choose interment. Currently, a “no cost” burial plot in a state cemetery has fees attached, and with the goal to provide closer burial options, many veterans are still faced with the prospect of long travel to a national or state cemetery or interment in a private cemetery, which can become quite costly. Perhaps this is why historically only 12% of veterans seek interment through the NCA (VA, 2008a).

**Recent Responses of Congress and the Veteran Service Organizations**

There has been some concern regarding the inequity of death benefits. Veteran Service Organizations, such as the ones that comprise the Independent Budget, have long called for an increase and expansion of death benefits. Recently, several members of Congress have also proposed legislation that would increase and expand the benefits. Unfortunately, most of those proposals have not been passed into law and, like expansion in the past, most of the proposals have been piece meal and uneven. For example, Representative Scott Garrett of New Jersey, proposed legislation that would expand the plot allowance to any eligible spouse and dependent child (Letter, April 29, 2008). The logic is that this would stop states from charging a fee for the burial of a spouse. However, the legislation failed to address the issue that the plot allowance only covers a meager 8% of the average cost of a burial plot. Many states are already charging more than the $300 plot allowance for the burial of a spouse or dependent child. Too often, lawmakers seek to raise a single benefit, but neglect the others and there has been no discussion on a compromise with states to eliminate residency requirements for state cemeteries receiving funds under the State Cemetery Grants Program.

In 2008, the Independent Budget (2008b) suggested that the nonservice-connected death burial allowance be increased from $300 to $1,270. This would allow the benefit to currently cover about 12% of funeral costs nearly bringing it on par with the original benefit in 1973. For the service-connected death benefit, it suggested that it be increased from $2,000 to $4,100. Such an increase would then cover about 63% of costs. In addition, it calls for an increase in the plot allowance from $300 to $745 (Independent Budget, 2008b). This increase would help states cover the cost of opening and closing a grave, as well as provide funds to assist with the perpetual care of a cemetery. However, in the suggestions of both lawmakers and the Veteran Service Organizations, there is no offered solution to state residency requirements.

**Solutions**

There are several issues that need to be addressed. Monetary benefits have become extremely inadequate, covering a lower percentage of funeral costs over time. In addition, the State Cemetery Grants Program has helped to expand burial options for many, but the remaining barriers to interment, such as residency requirements, need to be removed in order to better assist VA in achieving its goal of 90% of veterans within 75 miles of a burial option. Any solutions should be aimed first at expanding the number of burial options for veterans by eliminating state residency requirements, and then aimed at expanding the eligibility of the burial allowance to spouses and dependents of veterans. Such an approach would lead to an increase of the number of veterans who seek interment in a state cemetery; however, in order to get the states on board, some incentive should be involved.

States have been using the grants to help establish and renovate veteran cemeteries, but have often complained about how expensive it is to continue to maintain such cemeteries. As a result, they have relied heavily on the plot allowance and have even charged fees for the burial of a spouse. The grants program was originally supposed to relieve the strain on the amount of interments that the NCA was handling; however, as a result of the expense to veterans and their spouse, the number of interments handled by states is still only a fraction of what the NCA is handling. In 2007 alone, state cemeteries interred only a little more than 23,000 veterans, compared to the 100,200 interred in national cemeteries (VA, 2008c). Several provisions need to be established in order to correct the problem.

First and foremost, a stipulation should be set on states who receive federal funding to establish a cemetery. States already have to meet requirements in order to receive grant money; however, policy has not required that states have open eligibility as a requirement for grants. States should accept veterans from throughout the country. All residency requirements should be lifted to allow veterans more options and mobility when it comes to interment. With this ability, more veterans can choose interment in a state cemetery. For example, veterans in Moab, Utah are left with the option of either traveling to the state cemetery in Bluffdale, burial in a private cemetery, or travel to the nearest national cemetery. Choosing the later would put a continued strain on the system that the State Cemetery Grants Program was supposed to relieve, not to mention the cost that would be incurred by the family of such veterans. Allowing the veteran from Moab to choose interment at the Colorado State Cemetery in Grand Junction would help the State Cemetery Grants Program facilitate its purpose. However, what incentive would the

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11 The term “about” is used here because the numbers have been rounded to the nearest one percent. The average cost of a funeral also comes from an estimate in 2004 and rates may have increased by 2008 making the percentages not exact estimates of what they will cover today.
state receive for permitting residents from other states to be interred in their state? A requirement to remove residency requirements in order to be eligible for grants could cause states to no longer apply for the grants, citing expenses that cannot be covered as a result of the policy. This reaction would prevent the NCA from using the State Cemetery Grants Program as a way of expanding burial options for veterans. States would need to receive an incentive to offset the cost of interring an out-of-state veteran.

In conjunction with the lifting of residency requirements, the plot allowance should be expanded to an amount greater than $300. The Independent Budget (2008c) recommended an increase to $745. Such an increase to the benefit would more than cover the cost of opening and closing a grave and would provide the state with extra funds that can be used for the perpetual care of the cemetery. In addition, an incentive benefit of additional funds could be paid to the state for each veteran interred that is not a resident of that state. Lastly, this increased plot allowance should be expanded so that a spouse or a dependent child is also eligible to receive the benefit. This means that a state could potentially receive close to $1,000 per veteran or family member interred. More veterans and their families would be willing to choose interment through a state cemetery if the benefits offered by the state match those offered by national cemeteries, thereby relieving the strain for space on national cemeteries. However, it is apparent that states need more financial assistance than what is currently being provided. An incentive through an increased plot allowance will provide states with the necessary funds to cover the cost of interments. This leaves the problem of the diminished monetary death benefits.

Legislators have pushed for an increase in death benefits and have had some success. There is one problem with their solutions. Even if lawmakers increase the benefits, they only increase the benefit to compensate for funeral prices for the current year. The benefits then suffer the effects of inflation all over again. In 2007, a bill proposed by Senator Barbara Mikulski (D-MD) increased the benefits to the amounts that were being supported by the members of the Independent Budget (Senate Bill 1468, 2007). In addition was an amendment that would allow the Secretary of the VA to provide a percentage increase every fiscal year based on the consumer price index for the U.S. city average (Senate Bill 1468, 2007). However, like previous bills it has failed to make its way into the lawbooks.

The proposed legislation by Senator Mikulski is a step in the right direction. The biggest problem is not ensuring that a death benefit or two is increased, but ensuring that the death benefit remains equally useful to a veteran who dies on the effective date of the increase as opposed to one who dies 20 years later. A two-step solution would be to first decide what percentage of funeral costs the government should cover, and then ensure that those percentages are maintained. Percentages would make oversight easier. It is a much stronger case to enforce a death benefit increase if the law requires that it cover 60% of funeral costs as opposed to a dollar amount. Therefore, a proposed solution would be to change all monetary death benefits for veterans from fixed dollar amounts to fixed percentages of the average cost of a funeral. Then affix increases to the consumer price index, based on the U.S. city average for all items, to increase the benefit annually. Such a solution will ensure that the death benefits do not continue to decline in value over time.

A concerted effort will also be needed to ensure that change takes place. Veteran Service Organizations will need to continue to create awareness of the problem in Congress, as well as with the American public. Likewise, lawmakers who are serious about change in veteran death benefits need to drum up more support. Many of the most recent bills have had very few co-sponsors, demonstrating a lack of conviction by lawmakers to enact a change to the benefits. Lastly, veterans themselves should raise their voice for change in the system. This is particularly tough in the case of death benefits because the veteran is deceased and the families are left to deal with a system in which they may not see the problems. Awareness in all directions is needed to ensure that America’s veterans receive an honorable resting place.

**CONCLUSION**

It is important to recognize the good that VA and the NCA have done in terms of veteran death benefits. National cemeteries have become shrines that commemorate the dedication and service that America’s veterans have shown. VA and the NCA continually strive to ensure that these cemeteries remain a place of respect, and are always left to work with what lawmakers are willing to give them. The NCA, since 2002 has expended $99 million in conjunction with the “National Shrine Initiative” to restore and repair damaged and worn down areas within the national cemetery system (Independent Budget, 2008c). Many of the faults in the system are unfairly placed upon the NCA and should be directed at lawmakers for not providing the proper budgets and benefit increases in order for VA and the NCA to get the job done right.

Despite the issues listed above, national cemeteries are truly an impressive sight to behold. The provided headstones create a uniformity that can rarely be seen in a private cemetery and creates a feeling of reverence and respect. However, the issues that surround the death benefits should become very important to the family members of veterans, for they are the ones who are often tasked with the responsibility of managing the interment of a deceased veteran. With more than 23 million living veterans in the United States today and many more to come, many Americans will undoubtedly deal with the death of a veteran (VA, 2008b). Yet, there is still much work that needs to be done. Policies regarding the State Cemetery Grants program must be adjusted. Monetary benefits need to be increased continually, as well as have their eligibility expanded. Such changes will create an equitable
and appreciative benefit for all veterans eligible for interment in a state or national cemetery.

REFERENCES


