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**VIEWS ON H.R. 4298, VIETNAM
HELICOPTER CREW MEMORIAL ACT;
AND H.R. 5458, VETERANS TRICARE
CHOICE ACT**

HEARING

BEFORE THE

SUBCOMMITTEE ON MILITARY PERSONNEL
OF THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
SUBCOMMITTEE ON MILITARY PERSONNEL,
Washington, DC, Thursday, September 8, 2016.

The subcommittee met, pursuant to call, at 3:33 p.m., in room 2118, Rayburn House Office Building, Hon. Joseph J. Heck (chairman of the subcommittee) presiding.

OPENING STATEMENT OF HON. JOSEPH J. HECK, A REPRESENTATIVE FROM NEVADA, CHAIRMAN, SUBCOMMITTEE ON MILITARY PERSONNEL

Dr. HECK. Good afternoon. Today's subcommittee meets to hear testimony on two important but very diverse subjects, the eligibility of TRICARE beneficiaries to enroll in health savings accounts, or HSAs, and the placement of a memorial within Arlington National Cemetery [ANC] to honor helicopter pilots and crew members who died while flying in combat in Vietnam.

I want to thank Representative Mark Amodei from my home State of Nevada and Representative Chris Stewart from Utah for introducing H.R. 4298, the Vietnam Helicopter Crew Memorial Act, and H.R. 5458, the Veterans TRICARE Choice Act, respectively.

I appreciate your support for our service members and retirees and for your willingness to honor those who gave the ultimate sacrifice. I welcome both of you here today.

We will have two panels. The first to discuss the Vietnam Helicopter Crew Memorial Act, and the second to discuss the Veterans TRICARE Choice Act. I am interested in hearing from our witnesses today, their views on each of these bills as they have been introduced in the House of Representatives.

With that, I want to welcome our witnesses. I look forward to their testimony.

And before I introduce our panel, I would like to offer ranking member, Mrs. Davis, from San Diego, an opportunity to make any opening remarks.

[The prepared statement of Dr. Heck can be found in the Appendix on page 19.]

STATEMENT OF HON. SUSAN A. DAVIS, A REPRESENTATIVE FROM CALIFORNIA, RANKING MEMBER, SUBCOMMITTEE ON MILITARY PERSONNEL

Mrs. DAVIS. Thank you very much, Mr. Chairman. And just very briefly, I certainly want to welcome our witnesses as well. The two

issues that we have before us today are not as easy to address as one might believe, weighing the decision to create a commemorative monument against when, at the same time, we are ensuring states of future burials in Arlington National Cemetery is not an issue to be taken lightly.

We are also discussing another important topic today, to allow those eligible for TRICARE to also be eligible for health savings accounts. Both policy decisions could have positive and negative impacts, as just about everything we do does. It is never simple, right? I look forward to hearing from our witnesses on both of these issues and working together to find solutions.

Thank you, Mr. Chairman.

Dr. HECK. Thank you, Mrs. Davis.

At this time, without objection, I ask unanimous consent that an additional statement from the National Association of Uniformed Services be included in the record of this hearing.

Without objection, so ordered.

[The information referred to can be found in the Appendix on page 45.]

Dr. HECK. We will try to go as quickly but as effectively as we can before they call votes. As you have all been informed, we are probably going to have a vote series that will interrupt this hearing.

So I will welcome our first panel. The Honorable Mark E. Amodei of the second district of Nevada; Mr. Patrick Hallinan, executive director for Arlington National Cemetery; and Mr. Bob Hesselbein, chairman, Legacy Committee, Vietnam Helicopter Pilots Association.

With that, Mr. Amodei, you have 5 minutes.

Hit your button.

**STATEMENT OF HON. MARK E. AMODEI, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF NEVADA**

Mr. AMODEI. Hi. On this mike in front of you. For your record, Mark Amodei from the second district of Nevada.

I understand the primary mission of ANC. The staff has been outstanding to work with. I have learned a lot in two visits to ANC to find out what is going on with ANC in terms of its history, present operations, expansion plans, and what they plan to do in the future.

I understand that the primary mission of ANC is to conduct burials. But when you look at what the legislation says that was passed by this House, it says that is the primary mission, and you are going to hear about that, and there is no dispute about that here today. But there is nothing in the legislation that says you can't have memorials at ANC.

And, quite frankly, when you look at the history, in the last 27 years, there have been four memorials constructed at ANC. So many times you hear the argument, well, oh my God, if we let this one in, they are all coming in. The bar is pretty high, and it should be very high. But I got to tell you, ANC is a phenomenal and unique national treasure. This application is a phenomenal and unique memorial request. This is not somebody with somebody's favorite unit or whatever and, hey, we want to do this or that. This

is almost 10 percent of the casualties in the helicopter war. Let me repeat that. Almost 10 percent of the casualties in the helicopter war. And that is not just pilots and crew members. That is medics and, by the way, it is all branches of service: Air Force, Marine Corps, Army, Navy, medics, crew members, crew chiefs.

And so when you look at this and you say, is there no application that is worthy? Indeed, it is interesting to note that the advisory committee tied on this issue. It was 3-3. One member was absent. So they sent it up to the executive director and to the Secretary of the Army, and they made their call. And with due respect, it is like I understand that. But my concern, and the reason for introducing the legislation, which I didn't do lightly, is my fear is that we have a de facto standard if these folks can't make it, helicopter casualties in the helicopter war, 10 percent. And I won't steal the colonel's thunder here. If this isn't worthy—and, by the way, Mr. Chairman, with your permission, I have a visual aid. As you can see, this is a very expensive visual aid.

Members of the committee, this is 5 square feet. And you said, gee, that is a nice visual aid there, Mr. Amodei. That is what they have asked for, 5 square feet. That is a thousand casualties per square foot, if you want to look at it that way. Four of these in 25 years. That could be the fifth one, and who knows when the next one is. That is not the sort of thing that is going to crowd out burials at ANC.

And I would remind you, when you look at that legislation again, primary mission, no doubt about it, 10 percent of the casualties, 5 square feet. There are areas that are unsuitable for graves. So what these folks are asking for—and listen, this is one of the few times I can say it anymore, I am too young to have said, you know, I served in Vietnam, thankfully. It is one of the few things I am too young for. But you grew up with that war on TV. It was the first TV war, too, probably.

And so you look at that, and as you think about people in your communities, as you think about medics, as you think about Air Force people, as you think about Army people, Navy people, Marine Corps folks, how many people's names aren't on that wall down the street because these folks were around doing their job?

So I would submit to you, ANC is a national treasure. This is a unique request that the advisory committee tied on. And so here we are saying, hey, you know what, let's really make sure we take a good look at this, because this is a pretty worthy cause. The request is for that much. We ought to be able to find 5 square feet for something special for nearly 5,000 casualties in the helicopter war for people who died on those.

And so with that, I would just say, a working standard that doesn't allow a worthy application to make that grade is a working standard, quite frankly, that needs a little bit of help. Because the answer shouldn't start with no. It should be, you have got a very high standard to meet, and if you meet it, though, we will give you that much square feet.

Thank you, Mr. Chairman. And I yield back.

[The prepared statement of Mr. Amodei can be found in the Appendix on page 21.]

Dr. HECK. Thank you, Congressman Amodei.

Next, we will hear from Mr. Hallinan.

**STATEMENT OF PATRICK K. HALLINAN, EXECUTIVE
DIRECTOR, ARLINGTON NATIONAL CEMETERY**

Mr. HALLINAN. Chairman Heck, Ranking Member Davis, and distinguished members of the subcommittee, thank you for the opportunity to provide the Department of the Army's views on the Vietnam Helicopter Memorial Act.

Arlington National Cemetery is our Nation's unique and iconic resting place devoted to those individuals who made a significant sacrifice and commitment to the defense of our country in the armed services. Arlington National Cemetery is recognized as a national treasure and is an active military cemetery, interring over 7,000 individuals annually. Since 1864, these hallowed grounds have been the final resting place for more than 400,000 Active Duty service members, veterans, and their family. It is our duty and the United States Army's commitment to ensure Arlington National Cemetery remains an active cemetery as long as space accommodations allow us to honor those who have served our Nation in the military. On behalf of the cemetery and the Department of the Army, I express our appreciation for the support that Congress has provided over the years.

Current law directs Arlington National Cemetery to preserve space not conducive to ground burial of human remains for the memorialization of individual service members whose remains are missing, never recovered, scattered, or buried at sea.

Over the past 25 years, as the Congressman pointed out, only four monuments have been approved and installed in Arlington National Cemetery. The two most recent being in 2002 and 2011, the Battle of the Bulge and the Jewish Chaplains Memorial, respectively, each of which were authorized through congressional legislation.

The proposed Vietnam Helicopter Crew Memorial Act legislation, as drafted, would direct the Secretary of the Army to place in Arlington National Cemetery a monument honoring the helicopter pilots and crew members of the Vietnam era, and for other purposes.

This legislation does not address the broader concerns of preserving the life of the cemetery well into the future. By virtue of longstanding Army policy and rulemaking, commemorative monuments may only be placed in Arlington Cemetery after a collaborative and deliberative process. Monuments reduce land that would otherwise be used for burial memorialization of our killed in action [KIA], deceased on Active Duty service members, veterans, and their eligible family members.

The initial request from the Vietnam Helicopter Pilots Association was processed in accordance with the 2012 National Defense Authorization Act and public law. The appropriate congressional oversight committees were notified of the Secretary of the Army's decision to disprove the request for a commemorative monument. In its stead, he did approve the placement of a plaque at the base of a living tree. While other veteran's organizations have had their request for tree plaques disapproved in order to preserve space at the cemetery, the Secretary chose to allow a tree plaque honoring those members of the Vietnam Helicopter Pilots Association.

Given the present rate of burials and the dwindling inventory of available gravesites and niches, Arlington National Cemetery will close for first interments or inurnments in the 2030s. The reality is space is finite. Each year, ground burial is denied to veterans whose service does not rise to the level to justify displacement of eligible veterans. Additionally, under current eligibility, any future casualties of our Nation—excuse me. Each ground burial is denied current veterans justify displacement of an eligible—additionally, any current eligible future casualty our Nation sustains after 2030s may find space not available at Arlington National Cemetery for those who pay the ultimate sacrifice, our killed-in-action service members.

Arlington National Cemetery is devoted to ensuring the most important memorials are placed in our hallowed grounds. Those are the individual government headstones marking the resting places of the veterans who have served and sacrificed their life in service to our Nation. We are responsible for ensuring commemoration in perpetuity, as established by law. Maintaining individual memorialization of those who have earned a place at Arlington is the most important responsibility we as a Nation hold at Arlington National Cemetery. This was the key consideration for the cemetery staff and the advisory committee of Arlington National Cemetery when they reviewed and made their recommendation to the Secretary of the Army. His thoughtful and detailed review found the same and resulted in his decision.

The Army understands the general intent of the legislation to honor these veterans and their service. However, as stewards of our most hallowed military burial grounds, Arlington National Cemetery must diligently preserve the land, which is ultimately designated for the sole purpose of providing the final resting place for our heroes who were killed in action, Active Duty service members, veterans, and their eligible family members. Any structure, commemorative or utilitarian in nature, that diverts from the expressed mission should be placed in other locations suitable for their representation.

Chairman Heck, Ranking Member Davis, this concludes my testimony. I will gladly respond to any questions you or the subcommittee may have.

[The prepared statement of Mr. Hallinan can be found in the Appendix on page 24.]

Dr. HECK. Thank you, Mr. Hallinan.

And I think we will probably have time to get through Mr. Hesselbein's opening statement and then we will come back for questions.

So Mr. Hesselbein, you are recognized for 5 minutes.

STATEMENT OF BOB HESSELBEIN, CHAIRMAN, LEGACY COMMITTEE, VIETNAM HELICOPTER PILOTS ASSOCIATION

Mr. HESSELBEIN. Thank you, Chairman Heck, Ranking Member Davis, and other distinguished members of the committee. It is a privilege to be here today to speak not only on behalf of the Vietnam Helicopter Pilots Association but also the Vietnam Helicopter Crew Members Association to speak in favor of H.R. 4298, the Vietnam Helicopter Crew Member Memorial.

We currently are over 10,000 members strong in our two organizations, and we achieve membership by a difficult manner. We are from all branches of service. The commonality, we served the Army, Navy, Air Force, Marines, and Coast Guard. We earned our membership as combat helicopter pilots and crew members in the Vietnam War, the war as you have heard already described as the helicopter war. I can also say I speak informally for the many Gold Star families who still mourn the loss of their husband, their son, or brother killed while operating a rotary-wing aircraft in Southeast Asia from 1961 to 1975.

We know why we want to honor those in Arlington National Cemetery. We want to make sure that we clarify that this memorial is to honor those who died, the almost 5,000. Some 41 years after the end of the Vietnam War, we are still without a single memorial in the Nation that honors the all-service commitment and dedication, the last full measure that approximately 5,000 rotary-wing pilots, crew chiefs, medics, and door gunners gave during the conflict. And many, might I add, who are buried right now in Arlington National Cemetery.

I would like to remind you that during the Vietnam War, the helicopter became the mainstay for joint operational mobility. 12,000 helicopters, 12,000 helicopters were used by all military services, Army, Navy, Marines, and Air Force, and of those, over 5,000—5,086, were destroyed by enemy fire or mishaps related to the missions they did. The losses because of this incredible mission that they flew were also great: 2,002 pilots killed, 2,704 nonpilot crew members died, and at least 532 United States military passengers perished; 9 percent. We don't have a good number on how many Vietnamese that were carried on our helicopters died while being passengers being medevac'd or being resupplied. We have no numbers on that. But we can say roughly 9 percent of the 58,307 Vietnamese war casualties died in the helicopters.

The helicopters and the brave crews who operated these machines stand as the iconic symbol of the Vietnam War. Virtually all writings, documentaries, and films of the war include remembrances of combat helicopters because they were ubiquitous to the experience of that war.

Despite the Vietnam War being described as the helicopter war, and the UH-1 Iroquois Huey being recognized as the symbol of the war, as I must say again, no specific memorial exists anywhere strictly honoring their sacrifice.

Individual branches do have memorials, such as the United States Army Aviation Museum at Fort Rucker that named 4,347 aviation casualties, but no one memorial remembers them all. No military cemetery to this day possesses a memorial specifically dedicated to those who died in helicopter losses in Vietnam, Cambodia, Laos. No other cemetery, however, provides a superior location to Arlington National Cemetery. And frankly, it is a logical place to honor those who flew and died in the war.

ANC holds the remains of many individual pilots and crew members who were immediately interred during the war. Incidentally, some 20 percent of all casualties who came to be buried during the war that were buried at Arlington National Cemetery, 20 percent of those are helicopter pilots and crew members. One-fifth of all

those who died in the war that were buried at Arlington were helicopter pilots and crew members. And incidentally, it is the only military cemetery that holds the recovered remains of missing-in-action [MIA] crews and others. Section 60 has whole crew members. They call them commingled remains, but they are all at Arlington National Cemetery. And also incidentally, those of you sitting in this room, many of us will also be buried in Arlington National Cemetery, helicopter pilots, members, and such.

I would like to say one thing about the cemetery. You know, it holds symbolic value held nowhere else. If New York City is the heart of the Nation's finances, if Washington, D.C., is the heart of the political place, then Arlington National Cemetery is the heart of our military conscience. It is where we go to remember the cost of the war. It is where we go to see our fallen warriors. And for us veterans of war, it is the place we go to visit our young friends who died in combat.

If you look at this memorial, it is designed to blend in with the aesthetic of Arlington National Cemetery and to reflect what the commingled remains look like in their mixed graves, combined remains, all having one stone, much like that. If you look at it, it is a Huey approaching, it is approaching a safe place. The machine guns are stowed, because they are coming to a place of safety. Below, we have five shields for the branches of service, because every branch of service, to include the Coast Guard, has aviators and crew members buried in Arlington National Cemetery who died during the war. And in the center, the simple words, some taken from Lincoln's Gettysburg Address, express our feelings for their loss.

And I would like to say, it is all going to be done at private expense. We will pay to have it built. We will pay to have it installed, and we have set aside the funds, and we have the funds to have a lifelong trust set up for this thing.

Now, there are voices who say Arlington can't accept additional memorials and all unused ground must be reserved for future graves, but there are places in Arlington National Cemetery that will never have graves. There are utility lines. There are tree roots that can't take 6 feet or 8 feet of digging, but they can certainly take a memorial such as this that only goes about a foot and a half into the ground. It is suitable.

Some fear also, fear as we have said before, that it will result in a flood of legislation. Well, that is simply not held true, as we discussed. Two legislations, and of those two, only one was a combat recognition for men who died during the Battle of the Bulge and women who died in the Battle of the Bulge. That was 14 years ago. And also the reason there won't be another flood—and I will only take 1 minute of your time, with your permission, sir—is that the average age of the veterans of Vietnam is now 72. I am the youngest. I was a 19-year-old gunship pilot in 1972, and I am 64 years old today. You won't have many veterans groups coming to you seeking more memorials, because simply, we are dying. We will be dead soon.

We are not asking for something new. As Executive Director Hallinan spoke, we have been authorized about a foot and a half. A foot and a half for a small tree marker. Well, we looked at the

tree markers, 142, and we found most of those are not significant to the casualties or a 13-year war. They are for smaller events and smaller groups, all worthy but not to the magnitude of this loss and this amount of time.

We have a foot and a half of space now. We would like five. And we ask you, representing the people of the United States, to help us with this. We ask you to abide to this and pass bill H.R. 4298.

Thank you for listening to my witness testimony.

[The prepared statement of Mr. Hesselbein can be found in the Appendix on page 30.]

Dr. HECK. I would like to thank all our witnesses. We will stand in recess until we reconvene after the votes.

[Recess.]

Dr. HECK. Okay. We will reconvene the hearing and take up questions.

I will begin and put me on the clock for 5 minutes.

Mr. Hallinan, in your testimony, you know, you raised the issue, rightfully so, of the diminishing space for interments. Just for my edification, how many square—how many acres does Arlington occupy?

Mr. HALLINAN. Mr. Chairman, Arlington presently occupies 624 acres.

Dr. HECK. Okay. And of those 624, do you know how many acres are not suitable for interments?

Mr. HALLINAN. I would have to take it as a do up to get an estimate for you, sir, an accurate estimate. But just about every space in Arlington that we look at, if it is not suitable for burial space, it is very important to keep in mind that it is suitable for an MA [memorial area] marker, a memorial marker, so those airmen and those marines and those other combat people missing that have never been recovered, we can put a memorial marker in those spaces for their families. So it serves a purpose, and we look at that very critically, sir.

Dr. HECK. And how big are those markers?

Mr. HALLINAN. Well, the markers themselves, they are just standing upright headstone markers, but they can fit in a 4- or 5-foot space.

Dr. HECK. Okay. So not as much—so the same headstone, just not on the amount of space required for an interment?

Mr. HALLINAN. Correct, sir.

Dr. HECK. Okay. So I would appreciate it if you would get back with how much space is not suitable for burial.

[The information referred to can be found in the Appendix on page 51.]

Dr. HECK. And so for all the space, then, that is not suitable, you hold that in reserve for one of these other markers. Is that correct, that is the current operating procedure?

Mr. HALLINAN. Correct. We look at it as future potential for MA markers, memorial markers.

Dr. HECK. Okay. Do you know how many of those markers have been placed?

Mr. HALLINAN. I will take it as a do up, sir.

[The information referred to can be found in the Appendix on page 51.]

Dr. HECK. Okay. And how many monuments that honor groups of individuals who serve in a particular war conflict are located in Arlington?

Mr. HALLINAN. I would have take that as a do up, Mr. Chairman, to answer your question specifically how many are actually for a unit or for a battle, because there are so many different types of monuments at Arlington.

[The information referred to can be found in the Appendix on page 51.]

Dr. HECK. Okay. All right.

And, Mr. Hesselbein, is there a particular location that you have requested the memorial be placed inside of ANC, or are you just asking for a location at the selection of the Secretary of the Army and Arlington officials?

Mr. HESSELBEIN. We appreciate the opportunity to have our memorial placed in Arlington National Cemetery. We were asked to offer some ideas of where we thought it would be appropriate, and there are certain areas near section 60 that are suitable, section 66. And also, the new parts of Arlington National Cemetery that will be expanding soon, where Henderson Hall space has been given up. There will be no memorials there whatsoever. And that would be certainly an attractive area to sort of I don't want to say add to it, but place memorials more than just the graves.

Dr. HECK. And other than those locations, if ANC came back and said, hey, we understand you like 60, 66, or maybe where the expansion is, but we have this?

Mr. HESSELBEIN. I think our—our primary goal is to get a memorial within Arlington National Cemetery, and we know the staff would be very conscientious in trying to place it in an appropriate place. And, frankly, we would not come to this meeting and tell them, demand where they want it to be, because we know they would be sensitive and put it in an appropriate location.

Dr. HECK. Okay. Thank you. I have no further questions.

Mrs. Davis.

Mrs. DAVIS. Thank you, Mr. Chairman. And thank you, all, for your thoughtfulness around this.

Mr. Hallinan, you know, as we look at this issue, I wonder—it seems, you know, maybe pretty logical and reasonable to do that, and yet I know that in the position that you are in, you have to be thinking far enough ahead. And one of the suggestions I—you know, and I appreciate Mr. Hesselbein saying that, well, we are kind of giving the issue of where this might be if, in fact, there were this kind of memorial and perhaps others that are raised to the standard that this would be as well.

Can you think of areas where, in fact, something like that might be appropriate and perhaps it would be more than one kind of memorial along those lines, different from the memorials that have already been discussed in tree plaques and other things like that?

Mr. HALLINAN. The space, as I mentioned in my written statement, is finite. And we are all looking towards the future and keeping space available. As we look towards the future expansion, and as my colleague here speaks about Henderson Hall, we are really expanding at a millennium project, which is away from Henderson Hall.

When you look, any space that we would designate for that purpose could still be used in the future for a burial or for a memorial marker for someone that is missing. So that is really the issue. And I understand that, hey, it is only 5 feet, but 5 feet is a grave site. Five feet is an eligible veteran not being interred when the family has need. And I also understand the importance of monuments.

And, Mr. Chairman, we have 451 group markers, my staff has let me know, in answer to your question. But the most important monument at that cemetery are the individual headstones that talk about that person and their service to the Nation. Whether it is the branch of service they are in, the war conflict they were in, that is the most important monument.

So we understand the request for monuments. We have other requests pending. We have five pending requests for additional monuments at Arlington now, and to try to balance the desires and needs of the various organizations, with our primary mission, that is the really difficult question you pointed out. That is a difficult issue. Our primary mission is to make sure that we can honor those who have passed and those we have not recovered. And so we——

Mrs. DAVIS. Thank you.

Mr. HALLINAN [continuing]. We are protective of the space.

Mrs. DAVIS. I appreciate that.

Mr. Hesselbein, I actually spoke to Mr. Amodei just very briefly, just thinking about other possibilities or considerations. I understand Arlington National Cemetery obviously is sacred to all of us. So I have had such moving experiences at the Vietnam Memorial, and I wonder whether that was something that you all had thought about or considered?

Mr. HESSELBEIN. That is a wonderful question. We looked at the Vietnam Veterans Memorial location. There are two additional memorials in there. Then Congress passed a bill literally saying that it would have to come to them. There is incredible inertia against placing any new memorials upon the National Mall. In particular, there is great resistance, in addition to that, to placing any other additional memorials around the Vietnam Veterans Memorial itself.

So we felt that also Arlington, with a great number of casualties, the great number of helicopter pilots who died and crew members who died that are buried there, that is the place to have this. If you haven't been to section 60, go there and look at all the large gray marble slabs of MIA crews being brought home, several crews last year, and they keep coming to Arlington, and that is the place that we would like to see our friends, our brothers, remembered.

Mrs. DAVIS. Yeah. All right. Thank you.

Thank you, Mr. Chairman.

Dr. HECK. Mr. Coffman.

Mr. COFFMAN. Thank you, Mr. Chairman.

And thank you, Congressman Amodei, for bringing this issue forward.

I was in the Army but too late for Vietnam. I did come in in 1972, but when I came out of the pipeline, they weren't sending any ground troops to Vietnam anymore. And I later transferred to the Marine Corps and then left Active Duty. And an assignment

I had as reservist at one time was to go through the files of those missing in action in Vietnam from Colorado and contact the families and give them an update. Well, there really wasn't much of an update. It was just—but the Marine Corps felt that they wanted to have—maintain strong communications with the family. So even though there wasn't new information, that there was a requirement to contact the families of those missing in action.

In going through the files from—and I can't remember what the total number was, probably—I know there was more than 20. And I would say they were all aviation accidents—or aviation incidents, save one that was the Mayaguez incident where there were some—there were marines that were not accounted for in the evacuation of the U.S. citizens on the Mayaguez post-Vietnam in the aftermath of our involvement in the Vietnam War.

But I—you know, it would be, like, helicopter went down South China Sea, bodies not recovered. And so I think that to me, this monument represents those who are—you know, in very high casualties, I think you said, 10 percent of the casualties in Vietnam. And as a first Gulf War in Iraq war veteran, when I compare the casualties of Vietnam to the casualties that we faced, I mean, quite frankly, they were losing during the height of the—1967, 1968, 1969. They averaged a thousand killed in action a month in the war in Vietnam, which is extraordinary.

So I just feel that this—and the fact is that air mobility was central to the war and to prosecuting the war in Vietnam. And so I think that it is fitting that we have a memorial specific to that in Arlington.

So I would ask to be put down as a cosponsor on your bill. I suppose that is not normal to do that during the hearing, but I thank you so much for bringing this forward.

I yield back, Mr. Chairman.

Dr. HECK. Okay. Well, I thank all the witnesses for your testimony today. We will take the matter under advisement and see if there is a path forward.

So we will end the first panel, and then we will change out and bring the second panel up to discuss Mr. Stewart's bill, the Veterans TRICARE Choice Act.

[Recess.]

Dr. HECK. All right. We will go ahead and move into our second panel.

This one on Mr. Stewart's bill, the Veterans TRICARE Choice Act, which tries to open up TRICARE members to be able to participate in health savings accounts. We have but one witness, Mr. Bill Secord, a legislative affairs chairman for the Airline Pilots Association.

Mr. Secord, you are recognized for 5 minutes.

**STATEMENT OF BILL SECORD, LEGISLATIVE AFFAIRS
CHAIRMAN, AIR LINE PILOTS ASSOCIATION**

Mr. SECORD. Thank you, sir. I would like to thank you and Ranking Member Davis and the distinguished members of this subcommittee for inviting me today. I would also like to thank the Military Personnel Subcommittee staff, and especially Jeanette James, for their substantive work to improve H.R. 5458.

I am pleased to testify in support of H.R. 5458, the Veterans TRICARE Choice Act. It is truly an honor to represent not only the many veterans within our association, but all of our Nation's veterans and their families, who have made such large sacrifices to protect our way of life.

Upon entering military service, every Active Duty, reservist, and National Guardsman is enrolled in the Defense Enrollment Eligibility Reporting System, or DEERS. When the service member retires, he or she remains in DEERS and becomes immediately eligible for TRICARE benefits.

Under section 223 of the Internal Revenue Code, a simple TRICARE eligibility precludes that military retiree from making contributions to or receiving employer contributions to an HRA—excuse me—an HSA, health savings account.

The genesis of the Veterans TRICARE Choice Act came about during the FedEx pilot group's latest round of contract negotiations in 2014. Our healthcare experts proposed a high deductible healthcare plan with HSA, which would save our corporation money and also protect the pilots' healthcare benefits. But while conducting additional research, we realized that the TRICARE-eligible pilots would not be allowed to participate in the HSA portion of the plan, because as I stated earlier, TRICARE is not HSA compliant under the Internal Revenue Code.

We further realized that the negative consequences would not only impact our members but also could impact millions of our Nation's veterans that are TRICARE eligible. We brought this to Congressman Chris Stewart's attention, himself a B-1 bomber pilot for the Air Force. And in a great example of interservice support and bipartisanship, he joined forces with Congresswoman Tulsi Gabbard, who currently serves as a major in the Army, in the Hawaii Army National Guard, and with that, the Veterans TRICARE Choice Act was introduced.

This legislation solves the problem of a TRICARE-eligible individual's inability to participate in an HSA by allowing the individual to voluntarily pause his or her TRICARE benefits in DEERS. During this period, the individual could participate in their employer's healthcare plan and HSA, the same as their civilian coworker. At any point in the future, if the individual decided that his or her TRICARE benefits would be a better fit, he or she could elect to return to TRICARE during an annual open enrollment period or upon a qualifying life event.

The seamless transition back to TRICARE is made possible because the military retiree's information is retained in DEERS. This bill gives TRICARE-eligible individuals the flexibility to best care for their families and ensures them the same access to healthcare benefits that their civilian counterparts have.

Now, some might argue that access to a health reimbursement account, or HRA, provides the same benefit as an HSA. While it is a similar benefit, there are some important differences. A health reimbursement account is just that, it is an account for reimbursement. It is an employer-controlled account funded only by the employer to reimburse the employee for approved medical expenses.

An HSA, however, is an account that is employee controlled, that the employer and employee may deposit money into together.

In 2016, an individual with family coverage may have up to \$6,750 deposited in an HSA, with an additional \$1,000 for those 55 years of age and older. Assuming current contribution limits, a military retiree who retires at 40 would potentially have \$178,750 deposited into an HSA over a 25-year period. This is money that can be invested and used for any future medical expense tax free.

This legislation is a commonsense solution to ensure that our veterans have access to the same healthcare options offered by their employers to their civilian coworkers, and it gives them the flexibility to make the best choices for their family's healthcare needs.

I thank you for your time and for your support of H.R. 5458, and I look forward to your questions.

[The prepared statement of Mr. Secord can be found in the Appendix on page 35.]

Dr. HECK. All right. Thank you.

So let me make sure I kind of—I am going to walk through a hypothetical timeline and you tell me how this works. So somebody enlisted at the age of 18, they retire after 20. At 38, they are TRICARE eligible, but they opt not to take their TRICARE benefits because instead they are going to take another employee-based plan as a high deductible HSA-based plan. But in order to do that currently, they have to opt out of TRICARE, which they cannot do?

Mr. SECORD. Correct. Yeah, they currently cannot do that because they are not eligible for the HSA.

Dr. HECK. And then at some point in the future, let's say they get to 65 and now they decide they want to go TRICARE For Life, they come back in—or if they leave that one employer, you know, and go someplace to another employer that doesn't offer the same high deductible HSA plan, they can come back into TRICARE?

Mr. SECORD. Yes, sir.

Dr. HECK. So from your perspective, then, what would be—what do you see as the most tangible benefit of allowing the military retirees to be able to opt out of TRICARE to purchase the high deductible plan with the HSA?

Mr. SECORD. Simple choice. It gives them the same options that their civilian coworkers have. I never had the honor of serving, but I think that a veteran should have every option that I do in our healthcare choices.

Dr. HECK. Any estimate of how many military retirees? I mean, has there been a survey or anything that has been done to look at how many people might be interested in taking advantage of this option?

Mr. SECORD. No, sir, there are no numbers.

Dr. HECK. I have no further questions.

Mrs. Davis.

Mrs. DAVIS. Thank you for being here and for presenting it.

Do we have any idea of how this would score?

Mr. SECORD. Yes, ma'am. And I will quote the CBO [Congressional Budget Office] cost estimate. It said, quote, "CBO estimates that the effects on direct spending and spending subject to appropriation would be insignificant in any year and in total—in any year and in total over the 2017 to 2026 time period." So insignificant.

Mrs. DAVIS. Insignificant. Because it seems as if there would certainly be a hit, but maybe there are so few people that would be involved. Is that why?

Mr. SECORD. That would be—I mean, I could speculate that—speculation, my guess would be that it would not be a large portion of veterans that would participate, but yes.

Mrs. DAVIS. If beneficiaries were required to actively enroll in TRICARE, regardless if it was Prime or Standard to be eligible, would that alleviate the problem—

Mr. SECORD. No, ma'am.

Mrs. DAVIS [continuing]. For those with high deductible?

Mr. SECORD. I'm sorry, could you ask the question again?

Mrs. DAVIS. If the beneficiaries were required to actively enroll in TRICARE, regardless if it was Prime or Standard to be eligible, would that then alleviate the problem for those with high deductible health insurance plans offered by their employer?

Mr. SECORD. No, ma'am. Regardless of the TRICARE benefit that they have, they are not eligible under TRICARE.

Mrs. DAVIS. Okay. They wouldn't be eligible?

Mr. SECORD. No, ma'am.

Mrs. DAVIS. Okay. Thank you. I am still trying to get it. Thank you.

Dr. HECK. So just because they are—even though they are not on TRICARE, they are retired, they are not using their TRICARE benefit, but just because they have the marker of being TRICARE eligible, under IRS [Internal Revenue Service] rules they are not able to use a high deductible HSA plan?

Mr. SECORD. Yes, sir.

Dr. HECK. Okay. Mr. Coffman.

Mr. COFFMAN. Thank you, Mr. Chairman.

Do we—so this hasn't been scored in terms of the actual cost of this, not to DOD [Department of Defense], but to Treasury?

Mr. SECORD. All I have is what I read, just that CBO estimates that it is insignificant in the 10-year period. I don't have any—

Mr. COFFMAN. I don't see why those—I am on TRICARE.

Mr. SECORD. Sure.

Mr. COFFMAN. But I didn't come on until age 60 because I have a Reserve retirement. But for those people on Active Duty, they will come off—you know, they can be 40, they can be as young as—well, they can be as young as 38. But probably the average age for somebody serving 20 years would probably be around 42, 43, 44 years old. And so, you know, if they don't want to take the benefit of TRICARE, if they want to delay that benefit and go with an HSA, they ought to be able to do that, I would think.

Mr. Chairman, I yield back.

Dr. HECK. All right. Well, as the sole witness, we appreciate your being here today to present on the bill. We will take it under advisement and see if there is a path forward.

Mr. SECORD. Thank you, sir.

Dr. HECK. There being no further business before the committee, we stand adjourned.

[Whereupon, at 4:45 p.m., the subcommittee was adjourned.]

A P P E N D I X

SEPTEMBER 8, 2016

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

SEPTEMBER 8, 2016

Statement of Chairman Joseph J. Heck
Subcommittee on Military Personnel
HEARING ON
Views on H.R. 4298, Vietnam Helicopter Crew Memorial Act; and
H.R. 5458, Veterans TRICARE Choice Act
September 8, 2016

Today the Subcommittee meets to hear testimony on two important but diverse subjects:

the eligibility of TRICARE beneficiaries to enroll in Health Savings Accounts, or HSAs,

and the placement of a memorial within Arlington National Cemetery to honor helicopter pilots and crewmembers who died while flying helicopters in combat in Vietnam.

I want to thank Representative Mark Amodei from my home State of Nevada and Representative Chris Stewart from Utah for introducing H.R. 4298, The Vietnam Helicopter Crew Memorial Act and H.R. 5458, The Veteran's TRICARE Choice Act, respectively.

I appreciate your support for our service members and retirees and for your willingness to honor those who gave the ultimate sacrifice.

I welcome you both here today.

We have two panels today, the first to discuss The Vietnam Helicopter Crew Memorial Act and the second to discuss The Veteran's TRICARE Choice Act.

I am interested in hearing from our witnesses today their views on each of these bills that have been introduced in the House of Representatives.

With that, I want to welcome our witnesses and I look forward to their testimony.

Let me welcome our first panel:

The Honorable Mark E. Amodei
2nd District, Nevada

Mr. Patrick Hallinan
Executive Director
Arlington National Cemetery

Mr. Bob Hesselbein
Chairman, Legacy Committee
Vietnam Helicopter Pilots Association

Let me welcome our second panel:

Mr. Bill Secord
Legislative Affairs Chairman
Air Line Pilots Association

**TESTIMONY OF
CONGRESSMAN MARK E. AMODEI (NV-2)

LEGISLATIVE HEARING ON H.R. 4298:
THE VIETNAM HELICOPTER CREW MEMORIAL ACT

BEFORE THE
SUBCOMMITTEE ON MILITARY PERSONNEL
COMMITTEE ON ARMED SERVICES
UNITED STATES HOUSE OF REPRESENTATIVES**

September 8, 2016

Chairman Heck, Ranking Member Davis, and distinguished members of the Committee: thank you for holding this hearing today and for the opportunity to testify on my legislation, H.R. 4298, the Vietnam Helicopter Crew Memorial Act. I appreciate your interest in my bill and look forward to working with all members of this Committee to advance this important legislation.

As you know, the Vietnam War was the first campaign in which the United States military heavily relied upon helicopters for transportation and combat. Helicopters proved to be a vital part of war efforts, particularly during Operation Frequent Wind wherein they were used to evacuate about 7,000 Americans and Vietnamese from Saigon. The brave pilots and crew members who manned the helicopters touched nearly every aspect of the war. Many of these pilots and crew members are now laid to rest in Arlington National Cemetery.

Mr. William Dennison, a constituent of mine, first alerted me to the efforts of the Vietnam Helicopter Pilots Association (VHPA) and the Vietnam Helicopter Crew Members Association (VHCMA) to place a commemorative memorial in Arlington National Cemetery in April 2015.

A legislative option for the pilots and crew members that died in combat became necessary after the proposed memorial was denied. H.R. 4298 directs the Secretary of the Army to place memorial in Arlington National Cemetery to honor these veterans who paid the ultimate cost.

Since H.R. 4298 was introduced, Arlington National Cemetery has graciously hosted me twice to share their views and show me the cemetery. I understand and appreciate their mission and the necessity of saving all available land for grave space. However, I have concerns by the processes in which they decide what commemorative memorials can be placed within the Cemetery.

As you might be aware, when the VHPA presented their plan to the Advisory Committee on Arlington National Cemetery (ACANC) the Committee had a split vote of three to three. Therefore, the Committee was unable to render a definitive recommendation. Regardless, the Secretary of the Army decided to approve a tree plaque and a virtual memorial, rather than the proposed plan.

It appears the decision rendered by the ACANC is completely subjective to the rest of the deliberative process. Given the iconic nature of rotary wing aircraft, the number of individuals whose lives depended upon helicopters during the war, and the number of those individuals interred at Arlington National Cemetery, this application and these veterans are worthy of more than a simple tree plaque and a virtual tour.

The process in place failed these veterans. There ought to be objective standards in place to ensure that worthy memorials gain rightful consideration and, ultimately, placement in Arlington National Cemetery. This process lacks transparency and any measureable standard for a proposal being approved or disapproved. I understand that not every proposed memorial can be accepted by Arlington. However, when only two memorials without associated remains have been installed in Arlington in the last twenty-five years, I believe that this should be taken as a sign that the process needs to be revised.

While H.R. 4298 may not change this process, it would ensure that a group of veterans who are more than worthy of a memorial, receive proper recognition. I am proud to support this group of veterans and appreciate the Subcommittee's consideration.

Mark E. Amodei
Republican of Carson City, Nev.

Elected to the 112th Congress on September 13, 2011

BORN:

Carson City, June 12, 1958

EDUCATION:

Bachelors of Arts, University of Nevada, Reno, 1980

Juris Doctor, University of Pacific, McGeorge School of Law, 1983

EXPERIENCE:

Lawyer, sole practitioner, 2009-Present

President, Nevada Mining Association, 2007-2008

Lawyer, Kummer, et al., 2004-2007

Lawyer, Allison, MacKenzie, et al., 1987-2004

Lawyer, United States Army, Judge Advocate General Corps, 1983-1987

Nevada State Assembly, 1996-1998

Nevada State Senate, 1998-2010

President Pro Tempore, Nevada State Senate, 2003-2008

Member, Colorado River Commission

Member, Uniform State Law Commission

Member of Tahoe Regional Planning Agency Legislative Oversight Committee

CHILDREN:

Daughters Ryanne and Erin

RECORD VERSION

STATEMENT BY

**MR. PATRICK K. HALLINAN
EXECUTIVE DIRECTOR, ARMY NATIONAL MILITARY CEMETERIES**

BEFORE THE

**ARMED SERVICES COMMITTEE
SUBCOMMITTEE ON MILITARY PERSONNEL
UNITED STATES HOUSE OF REPRESENTATIVES**

SECOND SESSION, 114TH CONGRESS

**ON DEPARTMENT OF THE ARMY'S VIEWS ON
THE VIETNAM HELICOPTER CREW MEMORIAL ACT**

SEPTEMBER 8, 2016

**NOT FOR PUBLICATION UNTIL RELEASED BY THE
COMMITTEE ON ARMED SERVICES**

STATEMENT BY MR. PATRICK K. HALLINAN
INTRODUCTION

Chairman Heck, Ranking Member Davis, and distinguished members of the Subcommittee, thank you for the opportunity to provide the Department of the Army's view on the Vietnam Helicopter Crew Memorial Act.

Arlington National Cemetery is our Nation's unique and iconic resting place devoted to those individuals who made a significant sacrifice and commitment to the defense of our country in the armed services. Arlington National Cemetery is recognized as a national treasure and is an active military cemetery, interring over 7,000 individuals annually. Since 1864, these hallowed grounds have been the final resting place for more than 400,000 active duty service members, veterans and their families. It is our duty, and the United States Army's commitment, to ensure that Arlington National Cemetery remains an active cemetery as long as space accommodations allow to honor and serve our Nation's military heroes. On behalf of the cemetery and the Department of the Army, I express our appreciation for the support that Congress has provided over the years.

HISTORY OF COMMEMORATIVE MONUMENTS IN THE CEMETERY

Prior to 2012, commemorative monuments and plaques were approved in accordance with Title 31, Code of Federal Regulations Part 553 and required a joint or concurrent resolution by Congress. Public Law 112-154 established a more deliberative process and included specific parameters, due process, and decision authority for commemorative monument approval, including Congressional review and overriding disapproval authority. Additionally, this law directs Arlington National Cemetery to preserve space not conducive to ground burial of human remains for the memorization of individual service members whose remains are missing, never recovered, scattered or buried at sea. Over the past 25 years only four monuments have been approved and installed in Arlington National Cemetery. The two most recent in 2002 and 2011 – the

Battle of the Bulge and the Jewish Chaplain's Memorial, respectively, were authorized through congressional legislation.

VIETNAM HELICOPTER CREW MEMORIAL ACT

The proposed Vietnam Helicopter Crew Memorial Act legislation, as drafted, would direct the Secretary of the Army to place in Arlington National Cemetery a memorial honoring the helicopter pilots and crew members of the Vietnam era, and for other purposes.

This legislation does not address the broader concern of preserving the life of the cemetery well into the future. By virtue of longstanding Army policy and rulemaking, commemorative monuments may only be placed in Arlington National Cemetery after a collaborative and deliberate process. Monuments reduce land that would otherwise be used for burial memorialization of our killed in action, deceased active duty service members, veterans, and their eligible family members.

The initial request from the Vietnam Helicopter Pilots Association was processed in accordance with the 2012 National Defense Authorization Act and Public Law. The appropriate congressional oversight committees were notified of the Secretary of the Army's decision to disapprove the request for a commemorative monument. In its stead, he approved the placement of a plaque at the base of a living tree. While other veteran organizations have had their requests for tree plaques disapproved in order to preserve space in the cemetery, the Secretary chose to allow a tree plaque to honor the members of the Vietnam Helicopter Pilots Association.

Given the present rate of burials and the dwindling inventory of available gravesites and niches, Arlington National Cemetery will close for first interments or inurnments in the 2030s. The reality is that space is finite. Each year, ground burial is denied to veterans who service does not rise to the level to justify displacement of an eligible veteran.

Additionally, under current eligibility any future casualties our Nation sustains after the 2030's may not find space available at Arlington National Cemetery for those who pay the ultimate sacrifice – our Killed in Action service-members.

Arlington National Cemetery is devoted to ensuring the most important memorials are placed on its hallowed grounds. Those are the individual government headstones marking the resting place of veterans who have served and sacrificed their life in service to our Nation. We are responsible for ensuring commemoration in perpetuity, as established by law. Maintaining individual memorialization of those who have earned a place at Arlington National Cemetery is the most important responsibility we as a Nation hold at Arlington National Cemetery. This was the key consideration for the cemetery staff and the Advisory Committee on Arlington National Cemetery when they reviewed and made their recommendation to the Secretary of the Army. His thoughtful and detailed review found the same and resulted in his decision.

CONCLUSION

The Army understands the general intent of the legislation to honor these veterans and their service. However, as stewards of our most hallowed military burial grounds, Arlington National Cemetery must diligently preserve land which is ultimately designated for the sole purpose of providing the final resting places for our heroes who are killed in action, active duty service members, veterans, and their eligible family members. Any structure – be it commemorative or utilitarian in nature - that diverts from the expressed mission should be placed in other locations suitable for their representation.

Chairman Heck and Ranking Member Davis, this concludes my testimony. I will gladly respond to any questions that you or the subcommittee members may have.

Patrick K. Hallinan
Executive Director
Army National Military Cemeteries
Office of the Secretary of the Army

Patrick K. Hallinan, Executive Director, Army National Military Cemeteries, reports directly to the Secretary of the Army and is dual-hatted as a Headquarters, Department of the Army (HQDA) Staff Principal and Executive Director of the Direct Report Unit, U.S. Army Element Arlington National Cemetery.

Mr. Hallinan served as Superintendent, Arlington National Cemetery from October 2010 to July 2013. He was detailed from the Department of Veterans Affairs to the Department of the Army as Acting Superintendent from June 10, 2010 to October 10, 2010. Prior to his assignment at Arlington, Mr. Hallinan had served as the Director of the Office of Field Programs, National Cemetery Administration, Department of Veterans Affairs, since Oct. 20, 2008. As Director, Mr. Hallinan was responsible for the development and implementation of National Cemetery policy, procedures, and centralized guidance related to national cemetery operations, with a 2010 total budget of \$550 million. He had oversight responsibilities for five Memorial Service Network offices, 131 national cemeteries, entailing 3.1 million gravesites and 19,000 acres. He also had responsibility for the Memorial Programs Service, the NCA National Training Center, the NCA Human Resource Center, the NCA National Cemetery Scheduling Office, the First Notice of Death office and the National Safety Program. Prior to this assignment, he had served as associate director of the Office of Field Programs since June 15, 2003.

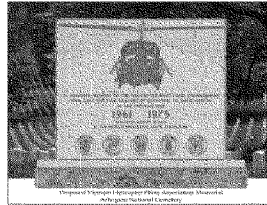
Mr. Hallinan joined the National Cemetery System as a temporary laborer at Long Island National Cemetery in New York in 1977. During a period of more than 36 years of cemetery service, he has held various positions from basic laborer to work supervisor, assistant cemetery director and director. He has had more than 27 years of direct supervisory experience. Mr. Hallinan is also one of the original 37 employees who opened Calverton National Cemetery in New York in September 1978.

Mr. Hallinan was selected to be the director of Calverton National Cemetery in August 1994. During his tenure, Mr. Hallinan and his employees were presented with the "VA Secretary's Award" by Secretary Anthony Principi for their dedicated efforts on behalf of Veterans' families whose loved ones were victims of the terrorist attacks in New York on Sept. 11, 2001. Mr. Hallinan was presented the "1995 Leadership VA Award" by the VA Deputy Secretary Hershel Gober on Aug. 17, 1995 and on Sept. 26, 1996, and under Mr. Hallinan's leadership, Calverton National Cemetery won the prestigious "Robert W. Carey Quality Award," VA's highest quality management award. He and the staff he lead received three VA Scissor Awards for cutting red tape and improving services on behalf of the Nation's Veterans and their families. He was a finalist in the FY13 Presidential Rank Awards and in 2015, received a Department of the Army Decoration for Exceptional Civilian Service from the Secretary of the Army, the Silver Helmet Civil Servant of the Year Award from American Veterans (AMVETS), and the Commander-in-Chief Gold Medal of Merit Award from the Veterans of Foreign Wars (VFW).

Before joining the Department of Veterans Affairs, Mr. Hallinan served as an infantry squad leader with the U.S. Marine Corps. His military service gives him more than 40 years of federal service. Mr. Hallinan is a Vietnam Era Veteran and a life member of the Disabled American Veterans (DAV).

Mr. Hallinan attended college under the G.I. Bill during the evening while working for the cemetery full-time during the day. He graduated from Suffolk Community College in Long Island with an associate's degree in liberal arts and continued to pursue his education, completing a Bachelor of Arts degree in Social Science (pre-law) Magna Cum Laude from Dowling College in Oakdale, NY.

As of November 2015



Written Statement of
Lieutenant Colonel Bob Hesselbein, USAF, Retired

Legacy Committee Chairman
Vietnam Helicopter Pilots Association
2100 N. Highway 360, Suite 907
Grand Prairie, TX 75050-1030
608.628.9024

On behalf of the

Vietnam Helicopter Pilots Association
and
the Vietnam Helicopter Crew Member Association

H.R. 4298: The Vietnam Helicopter Crewmember Memorial Act

Before the
House Armed Services Military Personnel Subcommittee
U.S. House of Representatives
Washington, DC

Subcommittee Chairman Heck, Vice Chairman MacArthur, Ranking Member Davis, and other distinguished members of the Committee: It is a privilege to appear before you today on behalf of the Vietnam Helicopter Pilots Association and Vietnam Helicopter Crew Members Association to speak in favor of H.R. 4298, The Vietnam Helicopter Crew Member Act.

The Vietnam Helicopter Pilots Association (VHPA) and Vietnam Helicopter Crew Members Association (VHCMA) are non-governmental, non-profit war veterans organizations filed under Section 501(c)(19) of the Internal Revenue Service. Currently over 10,000 members strong, the organizations are comprised of individuals from all branches of military service who earned their membership as combat helicopter pilots and crew members in the Vietnam War, the war commonly described as, “the Helicopter War.” I also speak informally on behalf of many Gold Star Families who still mourn the loss of their husband, son or brother killed while operating rotary-wing aircraft in Southeast Asia between 1961 and 1975.

The goal of H.R. 4298 is to place a simple memorial within the hallowed grounds of Arlington National Cemetery (ANC) to honor those who *died* while flying combat helicopter missions in the Vietnam War. Today, some 41 years after the end of the war, no *single, all-service monument* stands to recognize the combined sacrifice and honor of the approximately 5,000 rotary-wing pilots, crew chiefs, medics and door gunners who gave the last full measure of devotion during the conflict, many of whom lie buried within ANC.

During the Vietnam War the helicopter became the mainstay for joint operational mobility. Approximately 12,000 helicopters operated within the Theater of Operation and were used by all military services: Army, Navy, Marines and Air Force. Of this number, 5,086 were destroyed by enemy fire or mishaps related to combat operations, maintenance and weather.

Pilot, non-pilot crewmember casualties (crew chiefs, door gunners and medics), and passenger losses were also significant. The Department of Defense estimates 2,002 pilots were killed, 2704 non-pilot crewmembers died, and at least 532 United States military passengers perished during UH-1 helicopter missions alone (note: South Vietnamese casualties are unknown). A conservative estimate suggests a minimum of 5,238 Americans, roughly 9 percent of the 58,307 recorded fatalities, died in military helicopters.

Helicopters, and the brave crews who operated these machines, stand as the iconic symbol of the Vietnam War. Virtually all writings, documentaries and films of the War include remembrances of combat helicopters because they were ubiquitous to the experience.

Despite the Vietnam War being described as the “Helicopter War,” and the UH-1 Iroquois Helicopter being recognized as the iconic symbol of the war, no specific memorial exists, anywhere, strictly honoring helicopter pilots and crewmembers who died while serving in combat. Individual branches of service have branch-specific memorials such as the United States Army Aviation Museum Vietnam

Memorial that lists the names of 4,347 aviation casualties, but no one memorial remembers all helicopter losses from all military services. Likewise, no military cemetery possesses a memorial specifically dedicated to those who died in rotary-wing combat in Vietnam, Cambodia and Laos.

No other military cemetery provides a superior location to Arlington National Cemetery (ANC), and it is the logical place to honor those who flew and died in helicopters during the Vietnam War. Arlington holds the remains of many individual pilots and crewmembers who were immediately interred during the war—some 20 percent of all immediately buried—and is the only military cemetery that holds the recovered remains of formerly Missing in Action (MIA) pilots and crewmembers, often whole crews, buried in common plots within Section 60 and elsewhere. Helicopter heroes and Medal of Honor recipients buried in ANC include Ed W. Freeman, Michael J. Novosel, Gerald O. Young, and former MIA Jon E. Swanson.

In addition to the graves of immediate helicopter casualties of the Vietnam War, ANC is also the final resting place for numerous veteran helicopter pilots, crewmembers and passengers who served during the war and have passed away since the conflict's end in 1975. It is reasonable to conclude this trend will continue for several decades to come.

ANC holds symbolic value not found elsewhere. As New York City is the national center of finance, and Washington, DC the center of government, ANC is the heart of remembering the true cost of war; it is the place America goes to honor our nation's military heroes, our fallen warriors; and to we veterans of war, this the place we go visit our friends lost so very long ago.

The proposed Vietnam Helicopter Pilot and Crewmember Memorial is designed to blend into the aesthetic of ANC and share the structural attributes of the existing granite markers used to identify the comingled remains of recovered Missing in Action (MIA) crews. The memorial, as currently designed, portrays a UH-1 "Huey" helicopter with crew approaching a safe landing zone (note: with weapons stowed) at the top, military branch seals at the bottom, and a brief statement honoring the sacrifice of those who died. The Memorial will be constructed, emplaced and preserved by private donations, as required by Department of the Army, DOD § 553.21.

Certain voices state ANC cannot accept additional memorials, and that all unused ground must be reserved for future graves. There is merit to this view, and we agree assigning space within the cemetery should be carefully considered. Space does exist within the grounds that are clearly unsuitable for burial due to submerged utilities and tree roots, however, and these areas remain suitable for small memorials such as that proposed within H.R. 4298.

Some fear passage of H.R. 4298 will result in a flood of legislation placing similar tribute monuments within ANC, but history does not support this idea. The last veteran memorial placed within ANC by legislation, the Battle of the Bulge Memorial, was authorized on December 6, 2002 by The

Veterans Benefits Act Of 2002, Public Law 107-330. Since this act some 14 years ago, no other combat memorial tributes have been legislated into the cemetery.

It is also unlikely many Vietnam-era organizations will also seek tribute space in the future. The average Vietnam Veteran is now 72 years old during this, the 50th commemoration of the Vietnam War. I was a 19-year old combat helicopter pilot in the final full year of the war, and I am now 64. We are aging and almost past the time for seeking memorials.

Arlington National Cemetery is not opposed to honoring the helicopter pilots and crew members who died in the Vietnam War, the question is what is worthy? The VHPA was notified by letter on September 23, 2015 of authorization to place a small, commemorative plaque at the base of a living tree donated in honor of those who died operating helicopters in the war. We find it inappropriate. Of the 142 existing tree marker plaques in ANC, none give tribute to the magnitude of 13 years of war and almost 5,000 combat deaths; the small 1.5 square foot tree marker fails to fully honor the long, painful sacrifice.

H.R. 4298 is important to many attending this hearing today. I, like almost all the Vietnam Veterans in this room eligible for burial in ANC, would gladly surrender my place in exchange for installing this important and overdue memorial to our brothers who gave their very young lives in service to the nation.

During this, the 50th year of the Vietnam War Commemoration, we respectfully come before you asking for three and one-half more feet of hallowed ground in Arlington National Cemetery. For all the right reasons--location, numbers of interred helicopter pilots and crewmembers buried in commonality-of-service without regard to military branch, honor and service--we ask for five square feet of ground to honor, and to remember, the almost 5,000 Americans who gave their lives operating rotary-wing aircraft in the "Helicopter War" of Vietnam. We ask your support of H.R. 4298, The Vietnam Crewmember Memorial Act.

Respectfully submitted,



Bob Hesselbein
Legacy Committee Chairman
Vietnam Helicopter Pilots Association

Robert Hesselbein

Robert "Bob" Hesselbein is a lifelong professional pilot and recognized administrator, aviation safety and security expert. He flew throughout the world for Northwest and Delta Air Lines piloting Boeing, Airbus and McDonnell-Douglas aircraft. He is a career military pilot, a highly-decorated combat veteran, a trained safety/accident investigator focused on human factors, and a graduate of the prestigious United States Air Force Weapons Instructor School.

Hesselbein served in many positions of responsibility both inside and outside the flightdeck. At the age of nineteen he began his flying career as a U.S. Army helicopter gunship pilot flying the AH-1G attack helicopter during combat operations in Vietnam and Cambodia. He then transitioned to the United States Air Force (USAF), and later the Wisconsin Air National Guard, flying A-10 and F-16 jet fighters until his retirement as a lieutenant colonel in 2000.

In 1983 he attended the USAF Flight Safety Officer Course. Following graduation, he specialized in human factors research involving perceptual errors and response, and in 1985 his work led to significant revisions in flight training procedures throughout the United States Air Force. Additionally, he designed a solution to a flight control loss phenomena causing fatal accidents in two-seat F-16 fighters. His solution was employed worldwide.

In 1986 Captain Hesselbein began a dual career flying passengers and cargo for Northwest Air Lines and military fighters for the Wisconsin Air National Guard. He also became actively involved sharing his safety expertise as a member of the Air Line Pilots Association, International (ALPA).

Following the tragedy of September 11, 2001, he was selected to chair the Air Line Pilots Association (ALPA) National Security Committee in Washington, DC (2004-2008). As the NSC Chairman, Captain Hesselbein provided oversight of all committee activities ranging from airport security to flight deck defense, participated in government and industry meetings, and made presentations to the public and media, world-wide, to represent the security interests of 62,000 airline pilots in North America, their crewmembers, passengers and cargo.

Captain Hesselbein possesses an extensive background in aviation security. He performed airborne counter-drug surveillance duties in support of diverse law enforcement agencies, researched and created the current standard airline crewmember procedures guide for countering inflight Chemical/Biological/Nuclear/Radiological threats, and continues to provide a pilot-based security perspective to government entities and the aerospace industry through his liaison, writing and public speaking venues.

Retired from Delta Air Lines and living in the Madison, WI area, he served on the Middleton Cross-Plains Area School District Board of Education, and continues to fly, write, and serve as a pilot for AIR-ONE, a volunteer law enforcement aviation coalition flying helicopters in Illinois and Wisconsin.

A veteran with thirty years of combined military service, he continues to participate in military legacy activities. He is a former Vietnam Helicopter Pilot Association (VHPA) President, serves on the Wisconsin 2nd Congressional District Service School Selection Board, is a docent and presenter specializing in the Vietnam War at the Wisconsin State Veterans Museum. Providing military education tours at Civil War National Military Parks, he is a member of the Order of Daedalians, Red River Valley Fighter Pilots Association, Air Force Association and Veterans of Foreign Wars.

He is married to Wisconsin State Representative Dianne Hesselbein (79th District). They and their three children reside in Middleton, Wisconsin.

**Testimony of Mr. Bill Secord
First Officer, FedEx Express
before the
Subcommittee on Military Personnel
U.S. House Committee on Armed Services
“Views on H.R. 4298: Vietnam Helicopter Crew Memorial Act and H.R.
5458: Veterans TRICARE Choice Act”
September 8, 2016**

I'd like to start by thanking Chairman Heck, Ranking Member Davis and the distinguished Members of this Subcommittee for inviting me today. I'd also like to thank the Military Personnel Subcommittee staff, especially Jeanette James, for their substantive work to improve H.R. 5458, the Veterans TRICARE Choice Act.

I am pleased to testify in support of H.R. 5458, the Veterans TRICARE Choice Act. It is truly an honor to represent not only the many veterans within our Association but all of our nation's veterans and their families who have made such large sacrifices to protect our way of life.

Upon entering military service, every Active Duty, Reservist and National Guardsman is enrolled in the Defense Enrollment Eligibility Reporting System (DEERS). When the service member retires, he or she remains in DEERS and becomes immediately eligible for coverage under the TRICARE program. Simple TRICARE eligibility precludes the military retiree from making contributions to, or receiving employer contributions to, a Health Savings Account (HSA). This is because coverage options under TRICARE do not meet the minimum annual deductible requirements for a High Deductible Health Insurance Plan under Section 223 of the Internal Revenue Code.

The genesis of the Veterans TRICARE Choice Act came about during the FedEx pilot group's latest round of contract negotiations in 2014. Our healthcare experts proposed a high deductible health insurance plan accompanied by an HSA which would save our corporation money while protecting the pilot's healthcare benefits. While conducting additional research, we realized that TRICARE eligible pilots would not be allowed to participate in the HSA portion of the plan because, as I stated earlier, TRICARE is not HSA compliant under the Internal Revenue Code. We further realized that these negative consequences would not only impact our members, but all of our nation's TRICARE eligible veterans.

We brought this to Congressman Chris Stewart's attention, himself a decorated, world record holding B-1 bomber pilot for the Air Force. In a great example of inter-service support and bipartisanship, he joined forces with Congresswoman Tulsi Gabbard who currently serves as a Major in the Hawaii Army National Guard. With that, the Veterans TRICARE Choice Act was introduced.

This legislation solves the problem of a TRICARE eligible individual's inability to participate in an HSA by allowing the individual to voluntarily pause his or her TRICARE benefits in DEERS. During this period, the individual could participate in their employer's healthcare plan and HSA the same as their civilian coworkers. At any point in the future, if the individual decided that his or her TRICARE benefits would be a better fit, he or she could elect to return to TRICARE during an annual open enrollment period or upon a qualifying life event. The transition back to TRICARE is made possible because the military retiree's information is retained in DEERS. This bill gives TRICARE eligible individuals the flexibility to best care for their families and ensures them access to the same healthcare benefits that their civilian counterparts have.

Some might argue that access to a Health Reimbursement Account provides the same benefit as an HSA. While it is a similar benefit, there are some important differences. A Health Reimbursement Account is exactly that – an account for reimbursement. It is an employer-controlled account funded by only the employer to reimburse the employee for approved medical expenses. An HSA, however, is an account that is employee- controlled that the employer and employee may deposit money into together.

In 2016, an individual with family coverage may have up to \$6,750 deposited in an HSA with an additional \$1,000 for those 55 years of age and older. A military retiree who retires at 40 would potentially have \$178,750 deposited into an HSA over a 25-year period. This is money that can be invested and used for any future medical expense, tax-free. At the age of 65, the individual, at his or her discretion, may continue to use the money, tax-free, to cover medical expenses or may use the money for non-medical spending which would then be taxed at their current tax rate.

This legislation is a common sense solution to ensure that our veterans have access to the same healthcare options offered by their employers to their civilian coworkers and gives them the flexibility to make the best choices for their family's healthcare needs.

Thank you for your time and for your support of H.R. 5458. I look forward to your questions.

First Officer Bill Secord is the Legislative Affairs Chairman for the FedEx Express Master Executive Council within the Air Line Pilots Association. He works closely with the over 55,000 member pilots of ALPA, Members of Congress and with their staff to advance ALPA's strategic legislative goals including the safe carriage of lithium batteries by air, protecting member's health care benefits, flight deck protective programs such as the Federal Flight Deck Officer Program and for other safety and security programs. Bill also serves as a Pilot-to-Pilot Coordinator and as a member of the ALPA National Appeal Board.

In April 2015, First Officer Secord was awarded the Presidential Volunteer Service Award in recognition of FFDO lifetime achievement.

After starting his professional aviation career as a corporate pilot, Bill was hired by Trans World Airlines in January 2001 to fly the MD80. Departing TWA in October 2001, he moved back into corporate aviation and was recruited as Chief Pilot for the nation's largest trailer manufacturer. Later that same year, the FAA selected Bill as the nation's youngest Designated Pilot Examiner. As such, he was responsible for conducting practical test on their behalf and certifying new pilots.

In 2006, Bill started his career with FedEx Express as a B727 second officer. He is currently an Anchorage based MD-11 first officer and holds type ratings in the BE200, BE400, MD80, B727 and MD-11.

First Officer Secord graduated from Bob Jones University with a BS in Business and Commercial Aviation. He and his wife, Sabina, live in Greenville, SC with their four children.

**DISCLOSURE FORM FOR WITNESSES
COMMITTEE ON ARMED SERVICES
U.S. HOUSE OF REPRESENTATIVES**

INSTRUCTION TO WITNESSES: Rule 11, clause 2(g)(5), of the Rules of the U.S. House of Representatives for the 114th Congress requires nongovernmental witnesses appearing before House committees to include in their written statements a curriculum vitae and a disclosure of the amount and source of any federal contracts or grants (including subcontracts and subgrants), or contracts or payments originating with a foreign government, received during the current and two previous calendar years either by the witness or by an entity represented by the witness and related to the subject matter of the hearing. This form is intended to assist witnesses appearing before the House Committee on Armed Services in complying with the House rule. Please note that a copy of these statements, with appropriate redactions to protect the witness's personal privacy (including home address and phone number) will be made publicly available in electronic form not later than one day after the witness's appearance before the committee. Witnesses may list additional grants, contracts, or payments on additional sheets, if necessary.

Witness name: Bill Secord

Capacity in which appearing: (check one)

☒ Individual

☐ Representative

If appearing in a representative capacity, name of the company, association or other entity being represented: FedEx Master Executive Council, Air line Pilots Association

Federal Contract or Grant Information: If you or the entity you represent before the Committee on Armed Services has contracts (including subcontracts) or grants (including subgrants) with the federal government, please provide the following information:

2016

Federal grant/ contract	Federal agency	Dollar value	Subject of contract or grant

2015

Federal grant/ contract	Federal agency	Dollar value	Subject of contract or grant

2014

Federal grant/ contract	Federal agency	Dollar value	Subject of contract or grant

Foreign Government Contract or Payment Information: If you or the entity you represent before the Committee on Armed Services has contracts or payments originating from a foreign government, please provide the following information:

2016

Foreign contract/ payment	Foreign government	Dollar value	Subject of contract or payment

2015

Foreign contract/ payment	Foreign government	Dollar value	Subject of contract or payment

2014

Foreign contract/ payment	Foreign government	Dollar value	Subject of contract or payment

DOCUMENTS SUBMITTED FOR THE RECORD

SEPTEMBER 8, 2016

Statement of
The National Association for Uniformed Services
on
H.R. 4298, the Vietnam Helicopter Crewmembers Memorial
Act
submitted for consideration by
Rick Jones, Legislative Director
National Association for Uniformed Services
to the
Subcommittee on Military Personnel,
Committee on Armed Services

Thursday, Sept. 8, 2016
Rayburn House Office Building

Introduction

Chairman Heck, Ranking Member Davis and Members of the Subcommittee, the National Association for Uniformed Services thanks you for holding this hearing to discuss H.R. 4298 – the Vietnam Helicopter Crewmembers Memorial Act.

The National Association for Uniformed Services strongly supports favorable action on the Vietnam Helicopter Crewmembers Memorial Act. The legislation, introduced by Nevada Congressman Mark Amodei, would establish a memorial at Arlington National Cemetery to honor the collective valor of 5,000 Helicopter Pilots and Crewmembers who died during the War in Vietnam.

Frequently Asked Questions (FAQs) H.R. 4298 – the Vietnam Helicopter Crewmembers Memorial Act

(Q) What is the justification for seeking a memorial within Arlington National Cemetery to honor helicopter pilots and crewmembers killed in the Vietnam War?

(A) No memorial exists that recognizes the common valor of the helicopter pilots and crewmembers of all military branches who gave the last full measure of devotion to their nation in the Vietnam War. No national monument specifically honors the pilots and crewmembers that died in rotary-wing aircraft, despite their significant contribution to what is commonly described as “The Helicopter War.”

(Q) Why does the Vietnam Helicopter Pilots Association and NAUS and many other veteran organizations, seek the placement of this monument within Arlington National Cemetery?

(A) Arlington National Cemetery is where the nation goes to honor those lost in war. Almost 5,000 pilots and crewmembers died during the long span of Vietnam combat (1963-1975), and Arlington National Cemetery (ANC) holds approximately 457 pilots and crewmembers from all service branches, Army, Navy, Marines, Air Force and Coast Guard, who perished in the conflict. In addition, recovered Missing in Action (MIA) crews lie buried together within the cemetery along with many combat helicopter pilots who earned the Medal of Honor and other distinguished awards. ANC is the heart of the United States Armed Forces, and remains the most fitting location for this honor to their joint service and sacrifice.

(Q) The Secretary of the Army declined the proposed memorial, but approved the placement of a small tree marker instead. Why is this unsatisfactory?

(A) Existing small tree markers generally honor the specific service of individual military units from a specific branch of the military such as a U.S. Army regiment or U.S. Navy ship, while others honor those who fought in specific battles. Small tree markers have *never* been used to honor the common sacrifice of thousands of servicemen, from different military branches serving jointly, who gave their lives across the span of 13 years of combat; honoring this extraordinary sacrifice with a small tree marker would diminish the magnitude of their sacrifice and valor.

(Q) Some feel the limited burial plots remaining within ANC justify restricting additional memorials that take away space for graves. Is this a good reason for declining the Vietnam Helicopter Pilot and Crewmember Memorial?

(A) No. Arlington National Cemetery possesses areas that are unsuitable for the placement of graves due to soil conditions, tree roots and underground utilities. The proposed Vietnam Helicopter Pilot and Crewmember Memorial will require only five square feet of ground, and could easily be placed on a spot within the cemetery unsuitable for burial.

(Q) Will taxpayer dollars be used to create and install the Vietnam Helicopter Pilot and Crewmember Memorial in Arlington National Cemetery?

(A) No. The design, production and installation will be fully paid for with private funds from the Vietnam Helicopter Pilots Association and its supporters.

(Q) Why do this now, some 40 years after the Vietnam War ended?

(A) Most United States military memorials are established between 20 and 50 years after the end of fighting. Surviving Vietnam Veterans are reaching the end of their natural lives and want to ensure those deserving of tribute are recognized before their generation disappears into history. At this time, during the 50th Commemoration of the Vietnam War, establishing the Vietnam Helicopter Pilot and Crewmember Memorial within Arlington National Cemetery is the right thing to do at the right time in history.

The National Association for Uniformed Services Appreciates the Opportunity to Submit a Statement in Support of H.R. 4298

The National Association for Uniformed Services thanks the Subcommittee on Military Personnel for its leadership and its commitment to core issues dealing with military personnel issues. And we thank you, Chairman Heck and Ranking Member Davis, for holding this hearing and allowing NAUS a chance to submit a statement in support of H.R. 4298 – the Vietnam Helicopter Crewmembers Memorial Act.

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 The Servicemember's Voice in Government
 Established in 1968

Richard A. "Rick" Jones
 Legislative Director
 National Association for Uniformed Services (NAUS)

Richard A. "Rick" Jones joined NAUS as Legislative Director on Sept. 1, 2005. As legislative director, Rick is the primary individual responsible for promoting the NAUS legislative goals before the Departments of Defense and Veterans Affairs and the Congress of the United States.

Rick presently serves as co-director of the National Military and Veterans Alliance (NMVA), a non-partisan policy and advocacy organization composed of military associations and veterans organizations. Rick also serves as co-chairman of the Alliance for Military and Overseas Voting Rights (AMOVR), an alliance formed to ensure that our military men and women are afforded their right to vote and to ensure their votes are counted.

Rick is an Army veteran who served as a medical specialist during the Vietnam War era. His assignments included duty at Brooke General Hospital in San Antonio, Texas; Fitzsimons General Hospital in Denver, Colorado; and Moncrief Community Hospital in Columbia, South Carolina.

Rick completed undergraduate work at Brown University prior to his Army draft and, following military service, used his G.I. Bill benefits to earn a Master Degree in Public Administration from East Carolina University in Greenville, North Carolina.

Prior to assuming his current position, Rick served as National Legislative Director for AMVETS, a major veterans service organization. He also worked nearly twenty years as a legislative staff aide in the offices of Senator Paul Coverdell, Senator Lauch Faircloth, and Senator John P. East. He also worked in the House of Representatives as a subcommittee staff director for Representative Larry J. Hopkins and Representative Bob Stump.

In working for Rep. Stump on the House Committee on Veterans' Affairs, Rick served as minority staff director for the subcommittee on housing and memorial affairs and two years as majority professional staff on funding issues related to veterans' affairs budget and appropriations.

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**WITNESS RESPONSES TO QUESTIONS ASKED DURING
THE HEARING**

SEPTEMBER 8, 2016

RESPONSES TO QUESTIONS SUBMITTED BY DR. HECK

Mr. HALLINAN. Of the 624 acres at Arlington National Cemetery (ANC), 534 acres are dedicated to above ground or in ground burials. Approximately 90 acres are not currently suitable for burials due to current infrastructure (Roads, Sidewalks and facilities) and existing cultural resources (Tomb of the Unknown Soldier, Memorial and Tanner Amphitheaters, Section 29 Arlington Woods forest and numerous other points of interest). In accordance with Public Law 112–154 codified in Title 38 USC Sec 2409, the Secretary of the Army is to set aside, when available, suitable areas at ANC to honor the memory of members of the Armed Forces and veterans—

- (1) who are missing in action;
- (2) whose remains have not been recovered or identified;
- (3) whose remains were buried at sea, whether by the member's or veteran's own choice or otherwise;
- (4) whose remains were donated to science; or
- (5) whose remains were cremated and whose ashes were scattered without interment of any portion of the ashes. [See page 8.]

Mr. HALLINAN. As of September 8, 2016 there are 2,857 individuals commemorated on memorial markers (government upright white headstones with “in memory of” on the stone). [See page 8.]

Mr. HALLINAN. As of September 8, 2016 there are 451 group markers located in Arlington National Cemetery. These mark graves containing co-mingled human remains of service members killed in multiple death incidents in action with the enemy. [See page 9.]

