**THE AMERICAN LEGION**

**DEPARTMENT OF CALIFORNIA**

**1601 7TH STREET, SANGER, CA 93657-280**

**103rd Annual Department Convention, Visalia, California**

**June 23-26, 2022**

**Department Resolution No. \_\_2022-012\_\_**

# Subject: NATIONAL CEMETERY PRIVILEGES FOR RESERVISTS AND NATIONAL GUARD

# RESOLUTION

WHEREAS, Members of the National Guard (NG) and Reserve Components (RC) are important elements of our U.S. Armed Forces Ready Reserve because they serve both community and country and they respond to domestic emergencies, overseas combat missions, humanitarian aid, counterdrug efforts, reconstruction missions and more; and as of July 31, 2021, the total reported personnel strength of the Ready Reserve was 1,007,853 (including 444,600 individuals in the National Guard); and

WHEREAS, The term “Reserve Component” refers collectively to the seven individual reserve components of the Armed Forces: the Army National Guard of the United States, the Army Reserve, the Navy Reserve, the Marine Corps Reserve, the Air National Guard of the United States, the Air Force Reserve, and the Coast Guard Reserve; and the purpose of these seven reserve components, as codified in law at 10 U.S.C. §10102, is to “provide trained units and qualified persons available for active duty in the armed forces, in time of war or national emergency, and at such other times as the national security may require, to fill the needs of the armed forces whenever more units and persons are needed than are in the regular components” and the Army National Guard and the Air National Guard also have a state role: operating under the control of their governor, they respond to various domestic emergencies, such as disasters and civil disorders; and

WHEREAS, During the Cold War era, the Reserve Components were a manpower pool that was rarely used, and from 1945 to 1989, reservists were involuntarily activated by the federal government four times, an average of less than once per decade; but tens of thousands who honorably but solely served in the NG and/or the RC are currently NOT eligible to be buried in a US Department of Veterans Affairs (VA) national cemetery because they do NOT meet at least one of the requirements in <https://www.va.gov/burials-memorials/eligibility/> : 1) met their legal minimum active-duty service requirements, was called up to active duty and served their full term of service, and didn’t receive a dishonorable discharge, or 2) entitled to retirement pay at their time of death, or would have been entitled to retirement pay if they weren’t under 60 years of age at the time of death, or 3) died while hospitalized or getting treatment at the expense of the U.S. for an injury or illness that occurred while they were performing active-duty services for training or inactive-duty training under honorable conditions, or 4) became disabled or died from a disease or injury caused—or made worse—by their service during a period of active duty for training, or 5) became disabled or died from an injury or certain cardiovascular disorders caused—or made worse—by their service during a period of inactive-duty training; now therefore, be it

# RESOLVED, That The American Legion in a Department of California Convention assembled in Visalia, CA, on June 23-28, 2022, urges the federal government to amend Section 2402 of Title 38, United States Code, to expand interments at Veterans Affairs national cemeteries for 1) members of the Reserve Components whose service was terminated under honorable conditions; 2) members of the Reserve Officers' Training Corps of the Army, Navy, or Air Force who died under honorable conditions while a member; and 3) the spouse, minor child, or unmarried adult child of any member described above.

This is to certify that the above resolution was adopted by Post, District, and Department

\_\_Arles DeMayo\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_5/17/2022\_\_\_ \_\_\_\_Paul Del Rosario\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_5/17/2022\_\_\_

Post Commander Date Post Adjutant Date

\_\_Warlito Moises\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_6/5/2022\_\_\_\_ \_\_\_\_Robert Safreno\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_6/5/2022\_\_\_

District Commander Date District Adjutant Date

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Department Commander Date Department Adjutant Date

Original Author (Print): \_\_Nestor Aliga\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Post #\_\_603\_\_\_

**Supplement to Resolution 2022-012 NATIONAL CEMETERY PRIVILEGES FOR RESERVISTS AND NATIONAL GUARD**

**Information below from: https://www.va.gov/burials-memorials/eligibility/**

**National Guard and Reserve members**

A National Guard or Reserve member may be eligible if they meet any of these requirements.

**At least one of these must be true:**

* The National Guard or Reserve member met their legal minimum active-duty service requirements, was called up to active duty and served their full term of service, and didn’t receive a dishonorable discharge, **or**
* The National Guard or Reserve member was entitled to retirement pay at their time of death, or would have been entitled to retirement pay if they weren’t under 60 years of age at the time of death, **or**
* The National Guard or Reserve member died while hospitalized or getting treatment at the expense of the U.S. for an injury or illness that occurred while they were performing active-duty services for training or inactive-duty training under honorable conditions, **or**
* The National Guard or Reserve member became disabled or died from a disease or injury caused—or made worse—by their service during a period of active duty for training, **or**
* The National Guard or Reserve member became disabled or died from an injury or certain cardiovascular disorders caused—or made worse—by their service during a period of inactive-duty training