



**STATEMENT OF
KATIE PURSWELL
DEPUTY DIRECTOR, HEALTH POLICY
THE AMERICAN LEGION**

BEFORE A HEARING OF THE

**VETERANS' AFFAIRS COMMITTEE
UNITED STATES HOUSE OF REPRESENTATIVES**

ON

PENDING AND DRAFT LEGISLATION

JULY 23, 2020

EXECUTIVE SUMMARY

**STATEMENT OF
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Chairman Takano, Ranking Member Roe, and distinguished members of the committee, on behalf of our National Commander, James "Bill" Oxford and our nearly 2 million members, we thank you for inviting The American Legion to testify today. The American Legion is directed by millions of active Legionnaires who dedicate their time and resources to the continued service of veterans and their families. As a resolution-based organization, our positions are guided by over 100 years of advocacy and resolutions that originate at the grassroots level of our organization. Every time The American Legion testifies, we offer a direct voice from the veteran community to Congress.

H.R. 6039

To require the Secretary of Veterans Affairs to seek to enter into an agreement with the city of Vallejo, California, for the transfer of Mare Island Naval Cemetery in Vallejo, California, and for other purposes.

The American Legion's 100-year history is integrally intertwined with endeavors to preserve the legacy of this nation's servicemembers. With the creation of the Graves Registration and Memorial Affairs Committee in 1962 to the current National Cemetery Committee, The American Legion has maintained professional staff dedicated to formulate and recommend to our National Executive Committee, through the Veterans Affairs & Rehabilitation Commission, policies, plans and programs as they relate to the Department of Veterans Affairs (VA) national cemeteries, and the interment of veterans, servicemembers, and their dependents. The American Legion through its National Cemetery Committee believes that all veterans and their eligible dependents are entitled a final resting place to commemorate their service to the country to include perpetual care of the gravesite.

Mare Island Naval Cemetery, the oldest military cemetery on the West Coast, was deeded to the City of Vallejo, California, under Base Realignment and Closure (BRAC) in 1996. Following BRAC, there was no mechanism to handle the financial responsibility for these hallowed grounds. Since then, the city of Vallejo has struggled financially and has not been able to provide for the maintenance and upkeep of the cemetery. Due to the lack of maintenance many of the headstones are broken, perimeter fences have collapsed, and the vegetation is overgrown. More than 800

military veterans who served our country, including three Medal of Honor recipients eternally rest in the cemetery. Now the lack of upkeep is presenting problems for proud veterans.

H.R. 6039, directs the Secretary of Veterans Affairs to seek out an agreement with the City of Vallejo, under which the city would transfer control of the Mare Island Naval Cemetery to the VA. The cemetery would specifically be placed under the purview of the National Cemetery Administration (NCA). The VA would pay no fee to acquire the land, but would assume the obligation of maintaining the cemetery in the future. The American Legion has full confidence that the NCA with its proven track record of maintaining over 135 cemeteries nationwide, will bring dignity and respect to the veterans buried at Mare Island Naval Cemetery. NCA's mission is simple: to honor veterans and their families with final resting places in national shrines and with lasting tributes that commemorate their services and sacrifice to our nation.

Through American Legion Resolution No. 181, *National Cemetery Administration*, we support the establishment of additional national and state veterans cemeteries and columbaria wherever a need for them is apparent.¹

The American Legion supports H.R. 6039 as currently written.

H.R. 6082 – Forgotten Vietnam Veterans Act

To amend title 38, United States Code, to revise the definition of “Vietnam era” for purposes of the laws administered by the Secretary of Veterans Affairs.

Nine million Americans served during the Vietnam War era and are entitled to certain VA benefits as “wartime veterans.” However, more than 3,000 veterans served in Vietnam as members of the US Military Assistance Advisory Group (MAAG) to South Vietnam from November 1, 1955 to February 27, 1961.² Under current law, veterans who served in Vietnam before February 28, 1961 are not considered wartime veterans and likewise are ineligible for certain VA benefits.

Through American Legion Resolution No. 377: *Support for Veteran Quality of Life*, we support legislation and programs within the VA that will enhance, promote, restore or preserve benefits for veterans and their dependents.³ The MAAG members were serving the United States in an active war zone, but the US did not officially recognize the start of the Vietnam War until February 28, 1961. This technicality has deprived the members of the US MAAG the benefits they rightfully deserve. This legislation would change the statutory definition of a “Vietnam veteran” by adjusting the start date of the era from February 28, 1961, to November 1, 1955, when relating to veterans who served in the Republic of Vietnam. The American Legion supports this legislation through Commission Chairman approval and pending resolution, *Department of Veterans Affairs Revise the Definition of “Vietnam Era.”*

¹ The American Legion Resolution No. 181 (2016): [National Cemetery Administration](#)

² “Rep. TJ Cox Introduces Forgotten Vietnam Veterans Act.” Representative TJ Cox, June 16, 2020. <https://cox.house.gov/media/press-releases/rep-tj-cox-introduces-forgotten-vietnam-veterans-act>.

³ The American Legion Resolution No. 377 (2016): [Support for Veteran Quality of Life](#)

The American Legion strongly supports changing the start date of the Vietnam War to an earlier period to better reflect the realities of this war era. The hostilities in Vietnam had already started prior to the current official dates and the members of the MAAG were placed in harm's way to aid our allies in South Vietnam. Those who honorably served in Vietnam before the current official start dates of the Vietnam War should receive the benefits that they have earned and deserve.

The American Legion supports H.R. 6082 as currently written.

H.R. 4908 – Native American Veteran Parity in Access to Care Today Act

To amend title 38, United States Code, to amend title 38, United States Code, to prohibit the collection of a health care copayment by the Secretary of Veterans Affairs from a veteran who is a member of an Indian tribe

Past treaties with Native American tribes indicate that the United States is obligated to guarantee Native Americans access to healthcare services free of charge. Consequently, Native Americans are not charged copays when receiving care at Indian Health Services (IHS). However, those same wavier provisions are not extended to Native American veterans seeking healthcare services from Veterans Health Administration (VHA) facilities.⁴ This issue is compounded by the fact that American Indian and Alaskan Native veterans have an average income of less than \$30,000, which is the lowest among veterans of all other races and ethnicities. These circumstances illustrate that the existence of copays at VHA facilities can place a financial burden on these veteran populations.⁵

The American Legion has and will continue to support the Native American veteran population. We believe that the Native communities are among the most underserved populations of veterans and that they are not receiving the benefits nor the accessibility to benefits they rightly deserve. At this time, The American Legion has not passed a specific resolution to the topic at hand. However, we encourage VA to utilize VA Mobile Vet Centers to reach the Native American reservations to provide services as needed.

The American Legion has no position on H.R. 4908.

⁴ Congressman Ruben Gallego. 2020. *Rep. Gallego Introduces Bipartisan Bill To Uphold Trust Responsibility To Native American Veterans*. [Accessed 17 July 2020].

⁵ Va.gov. 2020. *American Indian And Alaska Native Veterans: 2015 American Community Survey*. [Accessed 17 July 2020].

H.R. 2791 – Department of Veterans’ Affairs Tribal Advisory Committee Act of 2019

To amend title 38, United States Code, to establish the Department of Veterans’ Affairs Advisory Committee on Tribal and Indian Affairs, and for other purposes

The American Legion diligently strives to ensure that VA properly serves all veterans. Research in The American Legion's 2012 System Worth Saving (SWS) study discovered that Native healthcare for veterans in the Southwest region of the United States had unique challenges when it came to healthcare needs. Tribes and reservations throughout the Arizona and New Mexico region encountered issues concerning depression, substance abuse, and various other mental health illnesses.⁶ Additionally, this population also remains “among the poorest, least insured veterans with the least access to VA care.”⁷ Therefore, a one size fits all approach throughout the VA healthcare system to address the needs of the unique populations may not be optimal. It was discovered that some federal regulations could instead clash or interfere with the exercise of Native religious freedoms, culture, and centuries-old traditions.⁸ Subsequently, our study concluded that Native veterans were more comfortable and “tend to use their own Indian Health Services (IHS) as they historically have proven to be more culturally understanding of their personal healthcare needs.”⁹

The COVID-19 pandemic has spotlighted the challenges that Native Americans and Native Alaskans face. Native veterans often face barriers to care such as securing access to adequate internet broadband to initiate VA's telehealth services. During a time when social distancing and online communication between healthcare providers are advised, many Native veterans cannot utilize these alternative healthcare options.

Native veterans, who have served honorably in the United States' Armed Services during all wars, deserve to be treated with the respect and care they have earned, as noted in our aforementioned Resolution No. 377: *Support for Veteran Quality of Life*.¹⁰ The American Legion believes that this bill will foster mutual understanding, trust, and closer collaboration between VA and Native veterans as they address the healthcare accessibility disparity issue among Native populations.

The American Legion supports H.R. 2791 as currently written.

⁶ Statement for the Record of The American Legion. (2014). *House Committee on Veterans' Affairs*.

⁷ Bennett, A. (2020, June 23). As VA leans on telehealth during pandemic, rural and minority vets lack internet, tech access. Retrieved July 17, 2020, from <https://connectingvets.radio.com/articles/rural-minority-veterans-lack-internet-for-va-telehealth>

⁸ Statement for the Record of The American Legion. (2014) *House Committee on Veterans’ Affairs*

⁹ Ibid

¹⁰ “Resolution No. 377: Support for Veteran Quality of Life” The American Legion. August 30, 2016 <https://hdl.handle.net/20.500.12203/5696>.

H.R. 4526 - Brian Tally VA Employment Transparency Act

To direct the Secretary of Veterans Affairs to provide certain notice to a person filing a claim against the Department of Veterans Affairs for damage, injury, or death on Standard Form 95.

The provisions of this draft bill fall outside the scope of established resolutions of The American Legion. As a large, grassroots organization, The American Legion takes positions on legislation based on resolutions passed by our membership. With no resolutions addressing the provisions of the legislation, The American Legion is researching the material and working with our membership to determine the course of action that best serves veterans.

The American Legion has no position on H.R. 4526

H.R. 3582 – Expansion of Scope of Advisory Committee on Minority Veterans

To amend title 38, United States Code, to expand the scope of the Advisory Committee on Minority Veterans, and for other purposes

The American Legion believes in connecting “all” eligible veterans to the services and resources they have earned. Identifying as lesbian, gay, bisexual, or transgender should not be a barrier to care and all veterans deserve to be treated with dignity and respect. Currently, The American Legion has no position on the linguistic inclusion of “lesbian, gay, bisexual, or transgender” in Section 544(d) of title 38, United States Code.

The American Legion has no position on H.R. 3582.

H.R. 96

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish dental care in the same manner as any other medical service, and for other purposes.

The American Legion’s System Worth Saving program routinely conducts town hall meetings allowing veterans to share their Department of Veteran Affairs (VA) healthcare experiences. In addition to hosting town hall meetings, The American Legion frequently receives letters and telephone calls from veterans expressing concerns about VA dental benefit eligibility. Under VA’s current eligibility for dental care, the majority of veterans treated by VA do not qualify. Generally, veterans who suffer from poor dental hygiene are not eligible for basic dental care through the VA. These veterans are often not able to afford the high cost associated with dental care, especially veterans who live on a fixed income.

Further, the average age of a veteran in the United States is currently 58 years old; and The American Legion is concerned the demand for dental care will increase as the population ages. In addition to obvious ailments associated with oral care, dental care is a vital aspect of general healthcare. Diabetes and Alzheimer’s, conditions commonly associated with veterans, have been

linked to poor oral health. The need to take care of our nation's veterans dental needs should be apparent and a priority.

H.R. 96 would eliminate the current statutory eligibility restrictions for VA dental care and expand eligibility for VA dental care to all veterans enrolled in the system. Dental care would become part of the standard medical benefits package for all enrolled veterans. The American Legion recognizes that oral health is integral to the general health and well-being of a patient and is part of comprehensive healthcare.

The American Legion Resolution No. 186: *Department of Veterans Affairs Dental Care* supports legislation to amend Title 38, United States Code, Section 1712, to provide outpatient dental care to all enrolled veterans.¹¹ The American Legion believes veterans should have access to timely and quality dental care and supports legislation to provide outpatient dental care to veterans.

The American Legion supports H.R. 96 as currently written.

H.R. 4281 – Access to Contraception Expansion for Veterans Act

To amend title 38, United States Code, to amend Chapter 17 of title 38, United States Code, to direct the Secretary of Veterans' Affairs to allow a veteran to receive a full year supply of contraceptive pills, transdermal patches, and vaginal rings, and for other purposes

Many female veterans rely on VHA for contraceptive care. However, in the middle of a global pandemic, regularly accessing your provider for a prescription and visiting a pharmacy for a refill has become a challenge for many. Veterans using the VHA for contraceptive care are currently able to receive a 12-month supply of contraception prescription medicine, but additional co-pays are required for each 90-day supply. While The American Legion currently has no position on this legislation, we encourage a thorough review of all options to alleviate any possible financial burden on veterans.

The American Legion has no position H.R. 4281.

H.R. 7163 – VA FOIA Reform Act of 2020

To direct the Secretary of Veterans Affairs to reduce the backlog of requests for information made to the Department of Veterans Affairs pursuant to section 552 of title 5, United States Code, and for other purposes.

Freedom of Information (FOIA) requests are often a veterans last resort when attempting to collect information and supporting documentation for disability claims. Unfortunately, IT issues

¹¹ "Resolution No. 186: Department of Veterans Affairs Dental Care." The American Legion, August 1, 2016. <https://archive.legion.org/handle/20.500.12203/5523>.

have prevented the agency from responding to many of these requests in a timely manner. At the end of 2019, there were 2,631 FOIA requests that were backlogged for over six months.¹² This delay can lead to a claim or appeal being denied and further elongate the already lengthy claims process for many veterans.

This bill requires VA to reduce the FOIA request backlog, provides additional oversight on FOIA compliance, and requires VA to take proactive steps to make the most frequently requested records publicly available. The VA FOIA Reform Act of 2020, through the mandated 75% reduction of backlogged requests over three years, requires VA to develop a framework to handle these requests more efficiently.

Ensuring that veterans have access to all the necessary documentation is an integral part of the claims process and it is imperative that VA do everything in their capacity to reduce the FOIA backlog. The American Legion, through Resolution 123: *Increase the Transparency of the Veterans Benefits Administration's Claim Processing*, has continued to challenge VA to improve both the efficiency and accuracy with which veterans' claims are processed.¹³ Taking the steps outlined in the VA FOIA Reform Act of 2020 will do just that.

The American Legion supports this legislation as currently written.

H.R. 3010 – Honoring All Veterans Act

To amend title 38, United States Code, to establish a mission statement of the Department of Veterans Affairs.

The American Legion fully supports the Department of Veterans Affairs current motto: “To care for him who shall have borne the battle and for his widow, and his orphan” through Resolution No. 42: *Support Use Of President Lincoln Second Inaugural Quote By The Department Of Veterans Affairs*.¹⁴ This quote by President Abraham Lincoln during the Civil War reflected the legal makeup of the military during that era and the promise that the United States would care for its veterans and their families. However, The American Legion recognizes that women have served in every US conflict as far back as the Revolutionary War.¹⁵ In 1948, President Truman signed the Women's Armed Services Integration Act into law. This legislation allowed women to

¹² NIKKI WENTLING | STARS AND STRIPES Published: June 15, 2020. Lawmakers want VA to address backlog of FOIA requests from vets, advocates. Retrieved July 17, 2020, from <https://www.stripes.com/news/us/lawmakers-want-va-to-address-backlog-of-foia-requests-from-vets-advocates-1.633907>

¹³ American Legion. National Convention, “Resolution No. 123: Increase the Transparency of the Veterans Benefits Administration's Claim Processing,” Home, August 1, 2016, <https://archive.legion.org/handle/20.500.12203/5462>.

¹⁴ American Legion. National Convention, “Resolution No. 42: Support Use of President Lincoln Second Inaugural Quote by the Department of Veterans Affairs,” August 1, 2018, <https://archive.legion.org/handle/20.500.12203/9858>.

¹⁵ U.S. Army, “Women in the United States Army.” Women in the U.S. Army | The United States Army. Accessed July 15, 2020. <https://www.army.mil/women/history/>.

serve as full, permanent members of all military branches.¹⁶ Today, women are allowed to serve in direct ground combat roles and comprise about 10% of all military veterans.¹⁷

This Act would create a mission statement for Department of Veterans Affairs to read as, “To fulfill President Lincoln’s promise to care for those ‘who shall have borne the battle’ and for their families, caregivers, and survivors.” Currently, The American Legion does not have a resolution on the establishment of a mission statement of the Department of Veterans.

The American Legion has no position on H.R. 3010

H.R.7111 - Veterans Economic Recovery Act of 2020

To direct the Secretary of Veterans Affairs to carry out a retraining assistance program for unemployed veterans based on the previous, Veterans Opportunity to Work to Hire Heroes Act authorizing the Veterans Retraining Assistance Program (VRAP)

As the effects of the COVID-19 pandemic have rippled through the economy, veterans' unemployment rate has more than doubled – from 3.1% in 2019 to 8.8% in June 2020. With 200,000 servicemembers expected to transition throughout 2020, The American Legion is increasingly concerned that this number will continue to rise.¹⁸

The Veterans Employment Recovery Act of 2020 will establish an emergency program to retrain veterans into viable and meaningful career pathways. This program is modeled in large part out of the Veterans Retraining Assistance Program (VRAP). The American Legion applauds the committee's focus on this but encourages both Members and the Secretary of Veterans Affairs to take heed of the lessons learned from previous VRAP failures.

In 2011, Congress passed the Veterans Opportunity to Work to Hire Heroes Act authorizing VRAP. It offers training assistance in high demand jobs to unemployed veterans who are not eligible for any other V.A. education benefits program. The program accepted 143,139 applications, approved 126,607 applications, and provided training to 76,494 veterans.¹⁹

The Department of Veterans Affairs Veterans Benefits Administration (VBA) managed the retraining program with a lack of oversight of school officials, which led to veterans’ enrollment status, attendance requirements, and academic progress to go unchecked and unreported. This breakdown caused inaccurate benefits to be paid with an estimated loss of 12 million dollars.²⁰

¹⁶ U.S. Army, “Women in the United States Army.” Women in the U.S. Army | The United States Army. Accessed July 15, 2020. <https://www.army.mil/women/history/>.

¹⁷ U.S. Army, “Women in the United States Army.” Women in the U.S. Army | The United States Army. Accessed July 15, 2020. <https://www.army.mil/women/history/>.

¹⁸ “Latest Employment Numbers,” accessed July 20, 2020, <https://www.dol.gov/agencies/vets/latest-numbers>.

¹⁹ Veterans Benefits Administration Department of Veterans Affairs, “VA.gov: Veterans Affairs,” Veterans Retraining Assistance Program (VRAP), accessed July 20, 2020, <https://www.benefits.va.gov/VOW/education.asp>.

²⁰ “Audit of Veterans Retraining Assistance Program”(Department of Veterans Affairs, Office of Inspector General, September 17, 2013), <https://www.va.gov/oig/pubs/VAOIG-12-04524-321.pdf>.

Most critically, a Department of Labor Inspector General Report²¹ found that standard employment outreach and data collection did not occur, which led to incomplete employment data reported to Congress.

Without verifiable participant employment results, there was no accurate determination as to the return-on-investment of VRAP. This failure was unacceptable and cannot be allowed to happen again. The American Legion supports a veteran retraining program, calls for vigorous executive and Congressional oversight to maximize and catalog the benefits quality to veterans.

The American Legion Resolution No. 542: *National Economic Commission Veterans Employment Policy*²² strongly urges that all efforts for manpower development and retraining be vigorously pursued so that all veterans are gainfully employed in suitable and respectable occupations in which they can make their most significant contributions to their country and their community.

The American Legion supports H.R. 7111 as currently written.

H.R. 2435 – Accelerating Veterans Recovery Outdoors Act

To require the Secretary of Veterans Affairs to establish an interagency task force on the use of public lands to provide medical treatment and therapy to veterans through outdoor recreation.

There is a prevalent and ongoing stigma among servicemembers and veterans regarding mental health for decades.²³ Many veterans are not willing to subject themselves to the emotional strain associated with evidence-based psychotherapies or do not trust VA for their healthcare. There are also concerns about the unintended consequences of pharmaceutical treatment modalities. Although needed in many cases, many benzodiazepines and antidepressants have been found to have dangerous side effects which could ultimately increase one's risk of suicide.²⁴ Numerous studies conducted on adaptive sports and recreation programs for combat veterans have indicated therapeutic potential and participants have shown dramatic improvements in mood disturbance, anger, depression, anxiety, and insomnia.²⁵ Complementary and Alternative Medicine (CAM) and Complementary and Integrative Health Services (CIH) services provide many avenues to treatment which “at-risk” individuals may be more comfortable with.

The American Legion supports providing adaptive sports, outdoor activities, and recreation programs as another option to treat veterans. The American Legion also supports complementary and alternative treatments that are not considered to be standard in the current practice of western

²¹ “DOL Could Have Done More to Improve Controls Over Its VRAP Responsibilities.” Department of Labor Office of the Inspector General, September 2, 2015. <https://www.oig.dol.gov/public/reports/oa/viewpdf.php?r=06-15-001-02-001&y=2015>.

²² “Resolution No. 542: National Economic Commission Veterans Employment Policy.” The American Legion, September 1, 1961. <https://archive.legion.org/handle/20.500.12203/9206>.

²³ “2019 Mental Health Survey Executive Report.” The American Legion, 2019.

<https://www.legion.org/publications/248320/2019-mental-health-survey-executive-report>.

²⁴ The National Center for PTSD, *Benzodiazepines and PTSD*, (2020), Retrieved from: <https://www.ptsd.va.gov/>.

²⁵ Corazon, Sus S.; Sidenius, Ulrik; Poulsen, Dorthe V.; Gramkow, Marie C.; Stigsdotter, Ulrika K. 2019. "Psychophysiological Stress Recovery in Outdoor Nature-Based Interventions: A Systematic Review of the Past Eight Years of Research." *Int. J. Environ. Res. Public Health* 16, no. 10: 1711.

medicine. This bill would establish a task force known as the “Task Force on Outdoor Recreation for Veterans.” This task force would identify opportunities to formalize coordination between VA and other organizations, identify barriers to providing veterans with opportunities for medical treatment and therapy through outdoor recreation, and develop recommendations to facilitate the use of outdoor spaces better. The American Legion Resolution No. 115: *Outdoor And Adaptive Sports Programs For Veterans* urges Congress to increase the budgets for the Departments of Defense and Veterans Affairs to improve outdoor and adaptive sports programs.²⁶

The American Legion firmly believes that traditional mental health treatments should remain the primary form of mental healthcare for veterans. Still, The American Legion recognizes that not all veterans react the same to every treatment. It is necessary to provide alternatives for those veterans who do not want to engage in “traditional” mental healthcare.

The American Legion supports H.R. 2435 as currently written.

H.R. 7287

To clarify the licensure requirements for contractor medical professionals to perform medical disability examinations for the Department of Veterans Affairs.

For many veterans living in rural areas, it can often be difficult to travel to distant VA facilities or hospitals to get a disability exam, and the COVID-19 pandemic has only made it more complicated. Currently, VA allows physicians to conduct appointments across state lines, but other healthcare providers who could potentially conduct exams are unable to do so.

This legislation will provide greater flexibility for veterans to receive disability exams by expanding those eligible to operate across state lines to include physician assistants, nurse practitioners, audiologists, and psychologists. These specialized care providers must have a current unrestricted license and not be barred from practicing in any state.

Veterans should not be prevented from receiving disability examinations due to a lack of healthcare providers within their state. The practice of allowing veterans to have examinations conducted by physicians across state line should be replicated with other healthcare specialists. This will provide access to more timely examinations closer to a veterans residences.

²⁶ “Resolution No. 115: Outdoor and Adaptive Sports Programs for Veterans.” The American Legion, August 1, 2018. <https://archive.legion.org/handle/20.500.12203/9897>.

The American Legion, through Resolution No. 22: *Public/Private Partnership with the Department of Veterans Affairs to Expand Reach with Local Hospitals*, supports efforts to combat the physician shortage in the VA healthcare system.²⁷ By clarifying licensure requirements for contract providers operating across state lines Congress can ensure VA has a pool of qualified professionals to care for our veterans.

The American Legion supports this draft legislation *as currently written*.

H.R. 3228 – VA Mission Telehealth Clarification Act

To amend title 38, United States Code, to authorize health professional trainees to provide treatment via telemedicine, and for other purposes.

VA's transformational "Anywhere to Anywhere VA Health Care" initiative, which heavily utilizes telehealth, has allowed veterans greater access to care than ever before.²⁸ The VA Mission Act of 2018 authorized the telemedicine section to grant veterans greater access to VA services by allowing VA covered practitioners to provide telehealth services across state lines.²⁹ However, as currently written, this legislation only authorizes VA covered doctors to provide telehealth services and omits a large portion of VA health providers such as students, interns, residents, or fellows. This technicality is critical for those seeking to become full-time doctors because they cannot get experience in telehealth at VA until they become fully licensed.

The American Legion strongly supported VA's "Anywhere to Anywhere VA Health Care" initiative. The American Legion continues to support any legislation that utilizes telecommunication technologies to overcome barriers to providing health services. This legislation is designed to improve telehealth training at VA health centers by allowing students, interns, residents, or fellows to learn and assist with telehealth services while under the direct supervision of approved VA staff. Secondly, this legislation grants veterans greater access to telehealth services by increasing the number of authorized health providers. The American Legion Resolution No. 75: *Department of Veterans Affairs Rural Health Care Program* urges Congress to allow VA health professionals to practice telemedicine across state lines if they are qualified and practice within the scope of their authorized federal duties.³⁰

With evolving advancements in telemedicine, legislation too must keep up and allow for the nation's largest healthcare system to be correctly postured with the proper tools to harness and take advantage of all technological innovations. This bill corrects an oversight in The VA

²⁷ American Legion. National Executive Committee, "Resolution No. 22: Public/Private Partnership with the Department of Veterans Affairs to Expand Reach with Local Hospitals," Home, May 1, 2017, <https://archive.legion.org/handle/20.500.12203/6490>.

²⁸ "VA Telehealth Services Fact Sheet." Department of Veterans Affairs, n.d.

https://www.va.gov/anywheretanywhere/docs/Telehealth_Services_factsheet.PDF.

²⁹ Isakson, Senator Johnny. "Text - S.2372 - 115th Congress (2017-2018): VA MISSION Act of 2018." Congress.gov, June 6, 2018. <https://www.Congress.gov/bill/115th-Congress/senate-bill/2372/text>.

³⁰ "Resolution No. 75: Department of Veterans Affairs Rural Health Care Program." The American Legion, August 1, 2017. <https://archive.legion.org/handle/20.500.12203/6926>.

MISSION Act of 2018, by ensuring an omitted group of VA health providers most likely to come in contact with telemedicine technologies are allowed to learn and assist with telehealth services while under the supervision of approved VA staff.

The American Legion supports H.R. 3228 as currently written.

H.R. 6141 – Protecting Moms Who Served Act

To amend title 38, United States Code, to improve maternity care coordination provided by the Department of Veterans' Affairs, and for other purposes

The American Legion has been a constant supporter of improving women's healthcare. The American Legion has also testified on numerous occasions in support of maternal care. Our members are persistent in the fight to provide women veterans with quality gender-specific care by introducing and passing Resolution No. 37: *Improvements to Department of Veterans' Affairs Women Veterans Programs*³¹ and Resolution No. 147: *Women Veterans*.³² Currently, the Department of Veterans Affairs (VA) offers: full exams after the first positive pregnancy test, prenatal education, screenings, ultrasounds, genetic testing, specialty consultations, and necessary medication and supplements, such as prenatal vitamins. These services are all offered to ensure a safe and successful birth for the veteran mother. VA's additional services include the first seven days of newborn care, breastfeeding support, social services, and mental health services.

Studies show that women veterans are at a higher risk for major depression, PTSD, urogenital issues, and hormone imbalance, which may lead to infertility or miscarriage. VA subsequently offers services in cases of miscarriage or stillbirth.³³ There is a gap in research about maternal mortality within the women veteran population and even less research on women veterans of color. There is a shortage of women providers as care coordinators for veterans who choose to obtain maternity care from VA.

The American Legion strongly supports the allocation of additional funds to improve maternity care coordination for women veterans. We also recommend further research into women veterans' exposure to potentially harmful substances during service, race and ethnicity statistics, maternal death rates, maternal death causes, and other correlations.

The American Legion supports H.R. 6141 as currently written.

³¹ "Resolution No. 37: Improvements to Department of Veterans Affairs Women Veterans Programs" The American Legion. August 30, 2016 <https://hdl.handle.net/20.500.12203/5701>.

³² "Resolution No. 147: Women Veterans" The American Legion. August 30, 2016 <https://hdl.handle.net/20.500.12203/5488>.

³³ Gawron, L., Mohanty, A., Kaiser, J., & Gundlapalli, A. (2018). Impact of Deployment on Reproductive Health in U.S. Active-Duty Servicewomen and Veterans. *Seminars in Reproductive Medicine*, 36(06), 361-370. doi:10.1055/s-0039-1678749

Draft Legislation - Veterans Benefits Fairness and Transparency Act of 2020

To amend title 38, United States Code, to improve the ability of veterans to access and submit disability benefit questionnaire forms of the Department of Veterans Affairs.

The provisions of this draft bill fall outside the scope of established resolutions of The American Legion. As a large, grassroots organization, The American Legion takes positions on legislation based on resolutions passed by our membership. With no resolutions addressing the provisions of the legislation, The American Legion is researching the material and working with our membership to determine the course of action that best serves veterans.

The American Legion has no position on this draft legislation.

Discussion Draft – USERRA Protections for State Active Duty

To amend title 38, United States Code, to extend certain employment and reemployment rights to members of the National Guard who perform State active duty.

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) seeks to ensure that members of the uniformed services are entitled to return to their civilian employment upon completion of their service. Servicemembers should be reinstated with the seniority, status, and rate of pay they would have obtained had they remained continuously employed by their civilian employer. The law also protects individuals from discrimination in hiring, promotion, and retention based on present and future membership in the armed services. USERRA applies to voluntary as well as involuntary call to service, in peacetime as well as wartime. However, USERRA currently does not apply to state or local government recalls of personnel for disaster relief, riots, and other civil disturbances.

As the United States continues to develop its response to the COVID-19 pandemic, thousands of members of the National Guard have been activated to help deal with the threat. As states assess how to use the National Guard to assist with the current state of emergency, servicemembers will be called on to serve in increasing numbers. This draft legislation would amend current law to include protections for these servicemembers of the uniformed services that are called to duty for “State active duty orders.”

The American Legion Resolution No. 315: *Support Employment and Reemployment Rights of National Guard and Reservists Returning from Deployment* supports amending and strengthening USERRA to ensure that National Guard and Reservists receive the employment and reemployment rights afforded to them through their dedicated service to the country and as required under law.³⁴

The American Legion supports this draft legislation *as currently written*.

³⁴ “Resolution No. 315: Support Employment and Reemployment Rights of National Guard and Reservists Returning from Deployment.” The American Legion. August 30, 2016.
<https://archive.legion.org/handle/20.500.12203/5631>.

H.R. 7445

To amend title 38, United States Code, to expand eligibility for home loans from the Secretary of Veterans Affairs to certain members of the reserve components of the Armed Forces.

Recently, National Guard servicemembers across the country have been put under unprecedented pressure in 2020 to support both the coronavirus pandemic response and supporting law enforcement in the wake of nationwide protests against the killing of George Floyd. At one point in June, over 120,000 of the Guard's 450,000 personnel were mobilized.

Despite these servicemembers answering our nation's call of duty at home and abroad, too often they receive second-class benefits compared to their active-duty counterparts. Currently, members of the National Guard and Reserve are only eligible for the VA home loan program if they have had 90 consecutive days of active service under orders authorized by Title 10, or completed six years of honorable service.

With many COVID-19 activations limited to under 30 days on Title 32 orders – and often “daisy-chained” back-to-back – entire National Guard units get cheated out of eligibility for a VA home loan. H.R. 7445 would amend V.A. Home Loan eligibility to meet the challenges and honor the service of our National Guard today by expanding VA loan benefits to Guard and Reserve troops activated by Governors under Title 32 orders.

Resolution No. 329: *Support Home Loan Guaranty Program* supports any administrative and legislative efforts that will improve and strengthen the Loan Guaranty Service's ability to serve America's veterans.³⁵

The American Legion supports H.R. 7445 as currently written.

Draft Legislation - Burial Equity for Guards and Reserves Act of 2020

To amend title 38, United States Code, to ensure that grants provided by the Secretary of Veterans Affairs for State veterans' cemeteries do not restrict States from authorizing the interment of certain deceased members of the reserve components of the Armed Forces in such cemeteries, and for other purposes.

The provisions of this draft bill fall outside the scope of established resolutions of The American Legion. As a large, grassroots organization, The American Legion takes positions on legislation based on resolutions passed by our membership. With no resolutions addressing the provisions of the legislation, The American Legion is researching the material and working with our membership to determine the course of action that best serves veterans.

The American Legion has no position on this draft legislation.

³⁵ “Resolution No. 329: Support Home Loan Guaranty Program.” The American Legion. August 30, 2016. <https://archive.legion.org/handle/20.500.12203/5646>.

Discussion Draft – Justice for Servicemembers Act

To amend title 38, United States Code, to clarify the scope of procedural rights of members of the uniformed services with respect to their employment and reemployment rights, and for other purposes.

As currently drafted, the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) fails to support military personnel returning to civilian employment adequately. Countless employers violate rules outlined in U.S.C. Title 38. This draft legislation explicitly states that USERRA supersedes the Federal Arbitration Act of 1924, so servicemembers cannot be blocked from using the court system by forced arbitration agreements, strengthening the protections in current law to ensure servicemembers' employment and reemployment rights are effectively enforced under the USERRA.

Employers in the past have relied on arbitration clauses in the terms and conditions of employment to contractually compel servicemembers to waive their employment rights and USERRA protections. Forced arbitration violates the 7th amendment, hides abusive practices from legal scrutiny, and creates a barrier to justice. Companies prefer it because it benefits companies - not the employee or consumer.

Servicemembers struggle daily to balance their dual military and civilian lives, only to return and find their employers did not uphold the same balance. This legislation is a critical improvement to ensure a remedy for heroes that return to the workforce and are denied the protections they deserve. Through Resolution No. 85: *Support Employment and Reemployment Rights of National Guard and Reservists Returning from Deployment*, The American Legion supports amending and strengthening USERRA to ensure the National Guard and reservists receive the employment and reemployment rights afforded to them through their dedicated service to the country and as required under the law.³⁶ The American Legion supports explicitly stating USERRA supersedes the Federal Arbitration Act of 1924, so servicemembers cannot be blocked from utilizing the court system by arbitration agreements.

The American Legion supports this draft legislation *as currently written*.

CONCLUSION

Chairman Takano, Ranking Member Roe, and distinguished members of the subcommittee, The American Legion thanks you for your leadership on this matter and for allowing us the opportunity to explain the positions of our nearly two million members. Questions concerning this testimony can be directed to Ms. Melissa Bryant, Legislative Director of The American Legion's Legislative Division at (202) 861-2700, or mbryant@legion.org.

³⁶ "Resolution No. 85: Support Employment and Reemployment Rights of National Guard and Reservists Returning from Deployment." The American Legion. August 1, 2017. <https://archive.legion.org/handle/20.500.12203/6937>.