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**TESTIMONY**

**OF**

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AMVETS NATIONAL LEGISLATIVE DIRECTOR**

**FOR THE**

**HOUSE COMMITTEE ON VETERANS' AFFAIRS,**

**SUBCOMMITTEE**

**ON**

**DISABILITY ASSISTANCE**

**&**

**MEMORIAL AFFAIRS**

***U.S. HOUSE OF REPRESENTATIVES***

***ONE HUNDRED FOURTEENTH CONGRESS  
FIRST SESSION***

**LEGISLATIVE HEARING ON:**

**DRAFT LEGISLATION – VETERANS NATIONAL REMEMBRANCE ACT; &  
VETERANS' SURVIVORS CLAIMS PROCESSING AUTOMATION ACT OF 2015;  
HR – 303; 1302; 1338; 1380; 1384; 2001; 2214 & 2605**

**24 JUNE 2015**

Distinguished members of the DAMA Subcommittee, it is my pleasure, on behalf of AMVETS, to offer this testimony concerning the following pending legislation - HR: 303; 1302; 1338; 1380; 1384; 2001; 2214; & 2605, as well as the following draft legislation: the Veterans National Remembrance Act & the Veterans' Survivors Claims Processing Automation Act of 2015.

Since some of the bills being considered today deal with memorial affairs issues, I'd like to bring you up to speed on the National Cemetery oversight visits I've been conducting, on behalf of AMVETS, since 2014. I have had the opportunity to visit 15 veteran cemeteries in 10 states. 13 out of the 15 visits were made to National Cemeteries (Tahoma, WA; Leavenworth, KS; Ft. Bliss & Dallas Ft. Worth, TX; Jefferson Barracks & Jefferson City, MO; Alton, IL; Memphis, AR; Shiloh, TN; Corinth, MS; Florida, Bay Pines, Sarasota, FL). The remaining 2 cemeteries visited were State Veteran Cemeteries (Iowa, IA & Higginsville, MO)

### ***Pending Legislation***

**HR 303, the Retired Pay Restoration Act** – AMVETS supports this legislation which makes veterans eligible for concurrent receipt of both disability compensation and retirement pay. Since both of these forms of remuneration are literally earned by the veteran as a result of his/her service to this country, AMVETS strongly believes they should receive everything they are entitled to.

This has been long-standing AMVETS and Military Coalition legislative goal.

**HR 1302, VA Appeals Backlog Relief Act** – AMVETS does not supports this legislation which gives the VA up to one year to certify a veterans' VA Form 9, Appeal to Board of Veterans' Appeals. It is unclear to us, how this will speed up the appeals process. AMVETS believes that a 90 day timeframe would do more to speed up the appeals backlog.

**HR 1338, the Dignified Interment of our Veterans Act of 2015** – AMVETS believes that every individual is entitled to a dignified burial and that no remains should be stored long term, whether at mortuaries, funeral homes, hospitals, etc. With this in mind, AMVETS supports the intent of this legislation which requires the Secretary of Veterans Affairs to conduct a study related to the issue of unclaimed veterans' remains.

That being said, we also have several reservations surrounding this legislation, including:

1. Over the course of the last year, NCA has taken some positive steps to inform the public about VA burial benefits for unclaimed veteran remains;

2. Some VSOs and other organizations around the country are already involved in identifying unclaimed veteran remains and are initiating the burial arrangement process;

3. AMVETS believes that any study will ultimately indicate that the problem of unclaimed veteran remains is a local, state or regional problem rather than a national one and that once these remains are confirmed to be veterans and are brought to the attention of NCA burial is arranged;

4. No veteran is ever interred in a National or State Cemetery alone. Many time VSOs and community members make an effort to attend these funerals, however, even if no one else attends, NCA personnel gather to honor and recognize each individual;

5. AMVETS also has concerns about who would conduct such a study? What would the qualifications be to perform this study? What questions would be asked? What if funeral directors, etc. refuse to cooperate with the study?; and

6. In this time of funding difficulties, is this the right time and do we have the resources to complete a nationwide study of this nature?

**HR 1380, which expands the eligibility for a headstone medallion furnished by the VA -** AMVETS is very supportive of this legislation which eliminates the current date of death requirement, with one exception – historic headstones. By affixing a modern device to a historic or historically significant headstone, the integrity of that feature is compromised.

Generally buildings, etc. over 50 years are considered historic, so there would have to be agreement between historic preservation professionals, NCA and other pertinent stakeholders.

**HR 1384, the Honor America's Guard/Reserve Retirees Act – I,** personally have been working on this legislation since it was first introduced, and this issue has been a long-standing goal of both AMVETS and the Military Coalition.

Here's the example I like to use when I discuss this issue – is it right that I am considered a veteran because I spent 3 years on active duty and someone who spent 20+ years in the Guard or Reserve is not? It's hard to justify when you think about it.

AMVETS believes that this is the right thing to do, because:

- this legislation is cost-neutral;
- it doesn't grant any additional benefits; and
- our Guard and Reserve retiree's wore the same uniform and performed many of the same tasks as those of us on active duty.

**HR 2001, the Veterans 2<sup>nd</sup> Amendment Protection Act** – AMVETS supports this legislation which seeks to protect veterans, who are incorrectly or indiscriminately labeled mentally defective by the VA from being placed in the FBI's National Instant Criminal Background Check System.

**HR 2214, the Disabled Veterans' Access to Medical Exams Improvement Act** – AMVETS fully supports this important piece of legislation which should help shorten the claims process by extending thru 31 December 2017, the authority of the VA to provide for licensed and approved contractors to conduct medical disability exams of applicants for VA benefits at any location in any state, etc.

AMVETS sees multiple benefits, including:

- exam location flexibility should make it easier on veterans to get to the exam location;
- by continuing to utilize approved contractors to perform exams, as well as VA employees, greater numbers of veterans should have timely access to exams and hopefully quicker decisions as well; and
- this is a logical way to expedite part of the VA claims process.

**HR 2605, the Veterans' Fiduciary Reform Act of 2015** – AMVETS is not currently prepared to take a position on this legislation due to my extended absences due to health issues and the complex nature of the bill.

**HR 2691, the Veterans' Survivors Claims Processing Automation Act of 2015** – AMVETS supports this legislation which would take the burden of filing a claim for benefits from the surviving spouse of a recently deceased veteran and, if there is sufficient evidence in the record to warrant such payment, would automatically pay those benefits.

**HR 2706, the Veterans National Remembrance Act** – While AMVETS appreciates the passion behind this legislation, we would not currently support it, because the established and well-grounded NCA policy which requires a veteran density of 80,000 within a 75-mile radius is working well and serving veterans at a rate of about 90%. If and when this formula is no longer effective, then NCA should explore other options.

This concludes my testimony at this time and I thank you again for the opportunity to offer our comments on pending legislation. I will be happy to answer any questions the committee may have.



## **Diane M. Zumatto**

### **AMVETS National Legislative Director**



Diane M. Zumatto of Spotsylvania, VA joined AMVETS as their National Legislative Director in August 2011. Zumatto a native New Yorker and the daughter of immigrant parents decided to follow in her family's footsteps by joining the military. Ms. Zumatto is a former Women's Army Corps/U.S. Army member who was stationed in Germany and Ft. Bragg, NC, was married to a CW4 aviator in the Washington Army National Guard, and is the mother of four adult children, two of whom joined the military.

Ms. Zumatto has been an author of the *Independent Budget* (IB) since 2011. The IB, which is published annually, is a comprehensive budget & policy document created by veterans for veterans. Because the IB covers all the issues important to veterans, including: veteran/survivor benefits; judicial review; medical care; construction programs; education, employment and training; and National Cemetery Administration, it is widely anticipated and utilized by the White House, VA, Congress, as well as, other Military/Veteran Service Organizations.

Ms. Zumatto regularly provides both oral and written testimony for various congressional committees and subcommittees, including the House/Senate Veterans Affairs Committees. Ms. Zumatto is also responsible for establishing and pursuing the annual legislative priorities for AMVETS, developing legislative briefing/policy papers, and is a quarterly contributor to '*American Veteran*' magazine. Since coming on board with AMVETS, Ms. Zumatto has focused on toxic wounds/Gulf War Illness, veteran employment and transition, military sexual trauma, veteran discrimination and memorial affairs issues.

Zumatto, the only female Legislative Director in the veteran's community, has more than 20 years of experience working with a variety of non-profits in increasingly more challenging positions, including: the American Museum of Natural History; the National Federation of Independent Business; the Tacoma-Pierce County Board of Realtors; The Washington State Association of Fire Chiefs; Saint Martin's College; the James Monroe Museum; the Friends of the Wilderness Battlefield and The Enlisted Association of the National Guard of the United States. Diane's non-profit experience is extremely well-rounded as she has variously served in both staff and volunteer positions including as a board member and consultant. Ms. Zumatto received a B.A. in Historic Preservation from the University of Mary Washington, in 2005.

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