

**STATEMENT OF  
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THE AMERICAN LEGION  
BEFORE THE  
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS  
COMMITTEE ON VETERANS' AFFAIRS  
UNITED STATES HOUSE OF REPRESENTATIVES  
ON  
PENDING AND DRAFT LEGISLATION**

**APRIL 13, 2016**

Chairman Abraham, Ranking Member Titus, and distinguished members of the Subcommittee on Disability and Memorial Affairs (DAMA), on behalf of National Commander Dale Barnett and The American Legion; the country's largest patriotic wartime service organization for veterans, comprising over 2 million members and serving *every* man and woman who has worn the uniform for this country; we thank you for the opportunity to testify regarding The American Legion's position on the pending veterans' legislation.

**H.R. 3715: Final Farewell Act of 2015**

*To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to permit interments, funerals, memorial services, and ceremonies of deceased veterans at national cemeteries and State cemeteries receiving grants from the Department of Veterans Affairs during certain weekends if requested for religious reasons.*

Since World War I, the United States has been providing burial benefits to eligible veterans and servicemembers who are on active duty. This was created as a final tribute to those who have served their country honorably. Today, many veterans' families are faced with extreme hardship in meeting the requirements of a Monday to Friday burial in a national cemetery. By expanding the days of interment for veterans and their spouses in national cemeteries, the inconvenience of added time and funding should be with the Government that drafted the services of these veterans rather than to inconvenience the next-of-kin of veterans' families by delaying interment on weekends.

H.R. 3715 would direct the Department of Veterans Affairs to allow for the interment, funeral, memorial service, or ceremony of a deceased veteran at a national cemetery during weekends, other than federal holiday weekends, upon the request of the veteran's next-of-kin made for religious or cultural reasons. The American Legion believes that the National Cemetery Administration expand its interment schedule to better accommodate the needs of deceased veterans' families.<sup>1</sup>

**The American Legion supports H.R. 3715.**

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<sup>1</sup> American Legion Resolution No. 21 (2001): [Expand The Interment Capability Of The National Cemetery Administration](#)

## **H.R. 3936: The Veterans Engagement Teams Act**

*To direct the Secretary of Veterans Affairs to carry out a pilot program under which the Secretary carries out Veteran Engagement Team events where veterans can complete claims for disability compensation and pension under the laws administered by the Secretary, and for other purposes.*

H.R. 3936 would dramatically help veterans receive the benefits they have earned by addressing the barriers between the Department of Veterans Affairs (VA) and the veterans they serve within the community by sending VA employees into the field to assist with their claims processing. This bill, much like The American Legion's Veterans Benefits Centers (VBC's) established as a result of the VA health care crisis in Phoenix, Arizona would allow VA to provide one-on-one assistance to veterans and their families at community events.

During the VBC's, The American Legion assisted more than 3,000 veterans. Services included resolving problems such as veteran homelessness, long-wait times for VA health care, and aiding veterans who were not able to receive their earned benefits in a timely manner. The American Legion urges VA to address all claims, to include its growing inventory of appeals in an expeditious and accurate manner.<sup>2</sup>

**The American Legion supports H.R. 3936.**

## **H.R. 4087: Fair Treatment for Families of Veterans Act**

*To amend title 38, United States Code, to adjust the effective date of certain reductions and discontinuances of compensation, dependency and indemnity compensation, and pension under the laws administered by the Secretary of Veterans Affairs.*

H.R. 4087 would change a federal law that requires a veteran's family to repay benefits dispensed during the month upon a veterans' death, remarriage, or marriage. Currently, veterans' benefits cease on the last day of the month *before* a veterans death. This bill would extend the veterans benefits to the last day of the month *during* which a veteran dies. This bill addresses a slight change in language with respect to the discontinuance of VA benefits for veterans. The proposed language adjustment would favor the recipient of VA benefits.

The American Legion urges the Department of Veterans Affairs (VA) to address all claims, to include its growing inventory of appeals in an expeditious and accurate manner.<sup>3</sup>

**The American Legion supports H.R. 4087.**

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<sup>2</sup> American Legion Resolution No. 28 (2015): [Department of Veterans Affairs Appeals Process](#)

<sup>3</sup> American Legion Resolution No. 28: (2015): [Department of Veterans Affairs Appeals Process](#)

## **H.R. 4757**

*To amend title 38, United States Code, to expand the eligibility for headstones, markers, and medallions furnished by the Secretary of Veterans Affairs for deceased individuals who were awarded the Medal of Honor and are buried in private cemeteries.*

The Medal of Honor (MOH) is the United States of America's highest military honor, awarded for personal acts of valor above and beyond the call of duty. H.R. 4757 directs the Department of Veterans Affairs (VA) to furnish at a private cemetery, and upon request, a headstone, marker, or medallion that signifies the status of an eligible veteran who served in the Armed Forces on or after April 6, 1917, as a Medal of Honor recipient.

If the VA furnished a headstone, marker, or medallion for a deceased veteran that does not signify his or her status as a Medal of Honor recipient, the VA shall upon request replace that headstone, marker, or medallion with one that signifies the deceased's status as a Medal of Honor recipient. The American Legion fully appreciates the service of those awarded the Medal of Honor and supports any legislation that would expand the benefits to Medal of Honor recipients.<sup>4</sup>

**The American Legion supports H.R. 4757.**

## **H.R. 4758**

*To amend title 38, United States Code, to authorize the award of the Presidential Memorial Certificate to certain deceased members of the reserve components of the Armed Forces and certain deceased members of the Reserve Officers' Training Corps.*

In March 1962, President John F. Kennedy began administering Presidential Memorial Certificates (PMC's) and this program has been continued by all subsequent Presidents. The PMC is a gold-embossed paper certificate bearing the official signature of the President of the United States. It honors the memory of a deceased honorably discharged veteran and expresses the country's grateful recognition of his or her service in the Armed Forces.

H.R. 4758 would amend Title 38, United States Code, Section 112 (a) entitled *Presidential Memorial Certificate Program* by including any member of a Reserve component of the Armed Forces, and any member of the Army or Air National Guard, whose death occurs under honorable conditions while such member is hospitalized or undergoing treatment and the expense of the United States, for injury or disease contracted or incurred under while such member is performing active duty training.<sup>5</sup>

The American Legion urges Congress and the Department of Defense to extend allowances and privileges to the National Guard and Reserves involved in homeland security and other missions so as to more closely approximate those of the active force.<sup>6</sup>

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<sup>4</sup> American Legion Resolution No. 17 (2015): [Honoring Those Who Have Earned the Medal of Honor](#)

<sup>5</sup> 38 U.S. Code § 2402 - [Persons eligible for interment in national cemeteries](#)

<sup>6</sup> American Legion Resolution No. 182 (2014): [Support for Military Quality of Life Standards](#)

**The American Legion supports H.R. 4758.**

**H.R. 4759**

*To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to pay costs relating to the transportation of certain deceased veterans to veterans' cemeteries owned by a State or tribal organization.*

Currently, the Secretary may pay, in addition to any amount paid pursuant to Title 38, U.S.C., Section 2302 or 2307, the cost of transportation of the deceased veteran described in subsection (b) for burial in a national cemetery. Such payment shall not exceed the cost of transportation to the national cemetery nearest the veteran's last place of residence in which burial space is available.<sup>7</sup> Nevertheless, this statute limits the payment to the transportation of veterans to those being buried in National Cemeteries and The American Legion supports action to provide, when an eligible veteran dies in a state veterans hospital or nursing home, the Secretary of Veterans Affairs shall pay for the cost of transporting the remains to the place of burial determined by the family.<sup>8</sup> This legislation expands payment to those eligible veterans who are buried in State or tribal cemeteries.

**The American Legion supports H.R. 4759.**

**H.R. 4782: The Veterans' Compensation Cost-of-Living Adjustment Act of 2016**

*To increase, effective as of December 1, 2016, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.*

H.R. 4782 will provide a Cost of Living Allowance (COLA) effective December 1, 2016. Disability compensation and pension benefits awarded by the Department of Veterans Affairs (VA) are designed to compensate veterans for medical conditions due to service or who earn below an income threshold. With annual increases to costs of living, it is only appropriate that veterans' benefits increase commensurate with those increases.

For nearly 100 years, The American Legion has advocated on behalf of our nation's veterans, to include the awarding of disability benefits associated with chronic medical conditions that manifest related to selfless service to this nation. Annually, veterans and their family members are subjects in the debate regarding the annual cost of living adjustment (COLA) for these disability benefits. For these veterans and their family members, COLA is not simply an acronym or a minor adjustment in benefits; instead, it is a tangible benefit that meets the needs of the increasing costs of living in a nation that they bravely defended.

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<sup>7</sup> 38 U.S. Code § 2308 - [Transportation of deceased veteran to a national cemetery](#)

<sup>8</sup> American Legion Resolution No. 22 (2014): [National Cemetery Administration](#)

H.R. 4782 is designed to allow for a COLA for VA disability benefits. During The American Legion's National Convention in August 2014, The American Legion adopted Resolution No. 18. Within this resolution, The American Legion supports legislation "*to provide a periodic cost-of-living adjustment increase and to increase the monthly rates of disability compensation.*"<sup>9</sup>

Within Section 2 of the bill, it is noted that "*each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.*" The American Legion does not support the rounding down of any benefit; through rounding down the benefit, the veterans' benefits are diluted.

**In order for The American Legion to support H.R. 4782, The American Legion asks for Congress to remove Section 2 of the bill and allow for veterans to receive the full benefits awarded due to their service.**

### **Discussion Draft: Medal of Honor Legacy Act**

*To direct the Secretary of the Army to reserve a certain number of burial plots at Arlington National Cemetery for individuals who have been awarded the Medal of Honor, and for other purposes.*

The Medal of Honor (MOH) is the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States. Generally presented to its recipient by the President of the United States of America in the name of Congress. The MOH was created as a Navy version in 1861 named the "Medal of Valor", and an Army version of the medal named the "Medal of Honor" was established in 1862 to give recognition to men who distinguished themselves "conspicuously by gallantry and intrepidity" in combat with an enemy of the United States. Since then there have been 3,497 recipients of the MOH.

Arlington National Cemetery is the country's most sacred shrine representing an embodiment of the ultimate sacrifices that were made to uphold our nation's ideals and freedoms. It is the final resting place for more than 400,000 active duty servicemembers, veterans, and their families.

The *Medal of Honor Legacy Act*, would hold 1,000 of the remaining 60,000 burial plots to be exclusively assigned to MOH recipients. This would allow those who have received the highest military honor to continue to have a place at the nation's most hallowed burial place.

The American Legion urges Congress to codify eligibility criteria for burial at Arlington National Cemetery and that such burial be restricted to our most decorated veterans.<sup>10</sup>

**The American Legion supports the Medal of Honor Legacy Act.**

### **Discussion Draft: Love Lives On Act of 2016**

*To amend title 38, United States Code, to modify the definition of "surviving spouse" for purposes of the laws administered by the Secretary of Veterans Affairs, and for other purposes.*

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<sup>9</sup> American Legion Resolution No. 18 (2014): [Department of Veterans Affairs Disability Compensation](#)

<sup>10</sup> American Legion Resolution No. 164 (2014): [Codify Burial Eligibility for Arlington National Cemetery](#)

Dependency and Indemnity Compensation (DIC) is a tax free benefit that is paid monthly to eligible survivors of military servicemembers who died in the line of duty or eligible survivors of veterans whose death resulted from a service-related injury or disease. Currently, the law discourages widow spouses of servicemembers from remarrying. *The Love Lives on Act of 2016* focuses on allowing the spouse to continue on with their lives by removing the disincentive to marriage. This draft bill directly applies to modifying statutory language that governs spousal benefits. The language in question intends to no longer disqualify surviving spouses in the event of remarriage. Currently, as the law stands, a surviving spouse is disqualified from DIC and various other benefits if they remarry.

**The American Legion supports the Love Lives On Act of 2016.**

### **Discussion Draft**

*To amend title 38, United States Code, to improve the consideration of evidence by Board of Veterans' Appeals.*

This draft bill intends to expedite the processing of claims in the event of newly submitted evidence, by imposing a statutory deadline for the agency of original jurisdiction (Regional Office) of not more than 180 days. There is no current time limit upon which new evidence submitted in an appealed case must be reviewed by the Agency of Original Jurisdiction (AOJ). The lack of any time limit, contributes to the already arduous and prolonged appeal life cycle. The establishing of time limits will directly address appealed claims languishing at the AOJ, and will expedite the processing overall. The American Legion urges the VA to address all claims, to include its growing inventory of appeals in an expeditious and accurate manner.<sup>11</sup>

**The American Legion supports the discussion draft.**

### **Conclusion**

As always, The American Legion thanks this subcommittee for the opportunity to explain the position of the over 2 million veteran members of this organization. Questions concerning this testimony can be directed to Warren J. Goldstein in The American Legion's Legislative Division at (202) 861-2700 or [wgoldstein@legion.org](mailto:wgoldstein@legion.org).

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<sup>11</sup> American Legion Resolution No. 28 (2015): [Department of Veterans Affairs Appeals Process](#)