



**STATEMENT OF  
ALEX ZHANG, ASSISTANT DIRECTOR  
NATIONAL VETERANS AFFAIRS & REHABILITATION DIVISION  
THE AMERICAN LEGION**

**BEFORE THE**

**SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS  
COMMITTEE ON VETERANS' AFFAIRS  
UNITED STATES HOUSE OF REPRESENTATIVES**

**ON**

**"H.R. 1721, H.R. 1900, H.R. 3122, H.R. 3656, H.R. 3657, AND PENDING  
LEGISLATION"**

**SEPTEMBER 13, 2017**

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Chairman Bost, Ranking Member Esty and distinguished members of the Subcommittee on Disability Assistance and Memorial Affairs, on behalf of National Commander Denise H. Rohan 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 on behalf of The American Legion's positions on the following pending legislation.

**H.R. 1721**

*To direct the Secretary of Veterans Affairs to designate at least one city in the United States each year as an "American World War II City", and for other purposes.*

The provisions in this 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 the 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. 1721.**

**H.R. 1900: National Veterans Memorial and Museum Act**

*To designate the Veterans Memorial and Museum in Columbus, Ohio, as the National Veterans Memorial and Museum, and for other purposes.*

One of the founding principles of The American Legion is: "To preserve the memories and incidents of our associations in the great wars." The Veterans Memorial and Museum in the State of Ohio is currently conducting a campaign to raise money to construct a memorial and museum in Columbus, Ohio in honor of all military veterans. They have currently raised in excess of \$75 million for the design and construction. Construction of the 50,000-square-foot facility started in 2015, and completion is planned for 2018.

This legislation would designate the Veterans Memorial and Museum as the National Veterans Memorial and Museum (NVMM). The NVMM's purpose is to honor the contributions of our nation's veterans, connect civilians and veterans, inspire communities and citizens to honor service in the military, and educate our youth on the value of serving our nation. Senator John Glenn served as the founding chairman of the Veterans Memorial and Museum Advisory Committee and it was his vision to construct this memorial and museum in the heartland of America so more citizens would be able to visit in order to honor those who served this nation in uniform.

Through Resolution No. 88: *National Veterans Memorial and Museum*, The American Legion, the nation's largest wartime veterans service organization, is in favor of honoring veterans with such a memorial.<sup>1</sup>

**The American Legion supports H.R. 1900.**

**H.R. 3122: Veterans Care Financial Protection Act of 2017**

*To protect individuals who are eligible for increased pension under laws administered by the Secretary of Veterans Affairs on the basis of need of regular aid and attendance from dishonest, predatory, or otherwise unlawful practices, and for other purposes.*

A growing number of elderly veterans depend on the assistance of caregivers, family, and friends to complete basic daily activities. The Department of Veterans Affairs (VA) assists any low-income veteran that is not able to care for themselves by assigning them Aid and Attendance benefits (A&A). A&A benefits help pay for assisted living or in-home personal care for veterans who qualify for a VA pension and are housebound or require the aid and attendance of another person. Unfortunately, scam artists have started targeting veterans by charging them fees to obtain A&A benefits even though the application process is free.

Unfortunately, we are seeing an increase in bad actors exploiting assistance programs to veterans and many times these bad actors target elderly veterans because of their unfamiliarity with the VA bureaucracy. Some additional examples of how these scam artists target veterans include:

- Charging a fee with promises to expedite the process, when there is no mechanism for expedited approval;
- Although the veterans net worth is too high to qualify for the benefits, veterans are offered "help" to qualify. Bad actors take control of the veteran's assets and move these assets into an irrevocable trust or an annuity. Many times, these elderly veterans cannot access their funds for many years and are disqualified from other assistance, like Medicaid; and
- Some retirement homes recruit veterans with the promise that the veteran will receive the A&A benefit to cover the cost of the nursing home. If they are denied A&A benefits, the veteran is then responsible for paying out of pocket.

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<sup>1</sup> The American Legion Resolution No. 88 (2017): [National Veterans Memorial and Museum](#)

This legislation is asking for two provisions to protect veterans that might have been susceptible to these financial scams. This legislation would require the VA Secretary to work with other federal, state and outside experts to develop and implement state and federal standards that protect veterans from dishonest, predatory, or otherwise unlawful practices. Additionally, this legislation would direct the U.S. Government Accountability Office (GAO) to conduct a study 18 months after the enactment of the law to determine the extent to which the states, the VA, and any other federal agency have implemented the standards developed. If passed this legislation would help protect veterans from financial scams, especially those most at risk.

Through Resolution No. 57: *Prevent Exploitation of Veterans and Family Members Applying for Benefits, to Include Aid and Attendance*, The American Legion supports any legislative proposal that criminalizes the practice of charging veterans for claims assistance and creating a for-profit business based on these practices.<sup>2</sup>

**The American Legion supports H.R. 3122.**

### **H.R. 3656**

*To amend title 38, United States Code, to provide for a consistent eligibility date for provision of Department of Veterans Affairs memorial headstones and markers for eligible spouses and dependent children of veterans whose remains are unavailable.*

The Department of Veterans Affairs (VA) provides a memorial headstone or marker for eligible individuals or groups deceased while on active duty or veterans whose remains are not recovered or identified or are buried at sea, donated to science, or whose cremated remains have been scattered. The memorial headstone or marker may be placed in a private, military, or veteran cemetery (national or state).

Memorial headstones and markers may also be furnished in national, military post/base or state veterans cemeteries to eligible spouses and dependent children whose remains are unavailable for interment, whether or not they predecease the eligible veteran.

The current applicability date for spouses is after November 11, 1998 and dependent children after December 22, 2006. Congress first established eligibility for spouses in PL 105-368 section 401(a), which passed on November 11, 1998. Congress then extended eligibility for dependent children in 2006 as part of P.L. 109-461 section 401 on December 22, 2006. Since P.L. 109-461 did not extend eligibility retroactively, only dependent children whose remains are unavailable after December 22, 2006, are eligible for a marker.

H.R. 3656 would make the eligibility date for dependent children the same as the date for spouses. VA requested this legislative change in their latest budget submission and costs associated with this proposal are expected to be insignificant. Furthermore, this proposed change would simplify the process and reduce confusion for veterans and their families.

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<sup>2</sup> The American Legion Resolution No. 57 (2016): [Prevent Exploitation of Veterans and Family Members Applying for Benefits, to Include Aid and Attendance](#)

**The American Legion supports H.R. 3656.**

**H.R. 3657**

*To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide headstones and markers for the graves of spouses and children of veterans who are buried in tribal cemeteries.*

The Department of Veterans Affairs (VA) currently provides, on request, a headstone or marker for eligible spouses or dependent children who are buried or interred in a national, military post/base or state veterans cemeteries. Spouses and dependents are not eligible for a government-furnished headstone or marker if they are buried in a private or tribal cemetery.

H.R. 3657 would ensure that veterans' spouses and children who are buried at tribal veterans cemeteries are provided government-furnished headstones or markers, the same as family members buried at national and state veterans cemeteries.

Native American veterans have earned and deserve the same rights, privileges and honor that other veterans receive. The American Legion Resolution No. 146 calls on Congress to ensure that veterans benefits are provided equitably and consistently for all.<sup>3</sup> This legislation, by correcting an inequity, is consistent with the intent of this resolution.

**The American Legion supports H.R. 3657.**

**Draft Bill: Veterans Fair Debt Notice Act of 2017**

*To direct the Secretary of Veterans Affairs to require the use of certified mail and plain language in certain debt collection activities.*

The Department of Veteran Affairs (VA) reported issuing improper payment to beneficiaries totaling approximately \$5.5 billion during Fiscal Year 2016. If the beneficiaries were not entitled to the payment, a debt would be created and sent to the Department of Veterans Affairs Debt Management Center (DMC) for collection action. In an attempt to collect the debt, DMC will begin communicating with the beneficiary through written correspondence. If the beneficiary fails to respond to the notifications and is actively receiving benefits, VA will garnish any future benefit to recover the debt. If the beneficiary is not actively receiving VA benefits, VA will refer the debt to the Treasury Department for collection.

The American Legion has heard from many beneficiaries that they never received *any* correspondence letters from VA. Many times, the address on file is not correct. Beneficiaries move and forget to update their address with VA. Additionally, many beneficiaries do update their address with the Veterans Health Administration (VHA) but because VHA and the Veterans Benefits Administration (VBA) have two systems that are not integrated, the updated address is not shared with VBA. Once a notification letter is mailed out by DMC, if they do not

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<sup>3</sup> Resolution No. 146 (2016): [Veterans Receive Same Level of Benefits](#)

hear from the beneficiary within 60 days they will take action to garnish the benefit or transfer the debt to the Department of the Treasury.

The American Legions is concerned that the DMC and VA do not verify that the beneficiary has received, understood, and is aware of how to remedy the collection process before the debt is referred to collections or benefits garnished. DMC's lack of confirming that the notification has been received can cause further harm to the beneficiary and possibly place them in a financial burden. Failure to receive the notification can also cause the beneficiary to miss important deadlines such as requesting a waiver which must be made within 30 days of the first notification letter. Additionally, The American Legion is also concerned that the notification letters do not clearly state how the debt originated.

This legislation, if enacted, would require the DMC to implement two initiatives in order to ensure that their notification letter is received and understood by the beneficiary. First, it would require that certified mail is used by the DMC when making a demand to a debtor. Second, it would require the DMC to clearly explain why the debtor owes money and all available options. If passed this legislation would ensure that written correspondence from the DMC to debtors is received and understood before taking action to garnish their benefit or forward the debt to the Treasury Department for collection action.

Through Resolution No. 377: *Support for Veteran Quality of Life*, The American Legion supports any legislative proposal that urges Congress and the Department of Veterans Affairs to enact legislation and programs within the VA that will enhance, promote, restore or preserve benefits for veterans and their dependents, including, but not limited to the following: timely access to quality VA health care; timely decisions on claims and receipt of earned benefits; and final resting places in national shrines and with lasting tributes that commemorate their service.<sup>4</sup>

**The American Legion supports the Draft Bill titled: Veterans Fair Debt Notice Act of 2017.**

### **Conclusion**

As always, The American Legion thanks this subcommittee for the opportunity to elucidate the position of the over 2 million veteran members of this organization. For additional information regarding this testimony, please contact Mr. Derek Fronabarger, Deputy Director of The American Legion's Legislative Division at (202) 861-2700 or [dfronabarger@legion.org](mailto:dfronabarger@legion.org).

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<sup>4</sup> The American Legion Resolution No. 377 (2016): [Support for Veteran Quality of Life](#)