

**NINETY-SIXTH NATIONAL CONVENTION
OF
THE AMERICAN LEGION
Charlotte, North Carolina
August 26, 27, 28, 2014**

Resolution No. 36: Department of Veterans Affairs Child Care Program

Origin: Kentucky

Submitted by: Convention Committee on Veterans Affairs & Rehabilitation

WHEREAS, The Department of Veterans Affairs' (VA) mission is to provide for those who have borne the battle; and

WHEREAS, The veteran should not be penalized in receiving access to health care because they have children; and

WHEREAS, In 2010, the VA was granted authority under the Caregivers and Veterans Omnibus Health Services Act of 2010, Public Law 111-163, Section 205, to carry out a two-year pilot program to assess the provision of care for the children of qualified veterans; and

WHEREAS, The program was officially launched in October 2011 at three VA Medical Centers in Buffalo and Northport New York and American Lake (Tacoma), Washington; and

WHEREAS, Upon completion of the pilot program a report will be submitted to Congress on the finding, recommendations, and conclusions for the continuation of the program; and

WHEREAS, The VA would need Congress to provide an extension of authority in order to continue providing child care services beyond the two-year pilot; and

WHEREAS, A memorandum VAOPGCADV 7-2009, from the VA Office of The General Counsel provided a legal opinion on the authority to provide child care for Veterans Health Administration (VHA) patients, which addressed the legal barriers that prevent VA from providing child care for VHA patients when the patients have appointments at a VHA facility; and

WHEREAS, The VA is not authorized to operate child care facilities for VHA patients; and

WHEREAS, VA may provide child care services in VHA facilities only if Congress expressly granted that authority to VA and/ or if child care is "included by necessary implication" in the authority granted VA; and

WHEREAS, Currently, no statute authorizes VHA or VA in general to provide child care at VHA facilities; and

WHEREAS, However, Congress has authorized VA to operate child care centers to benefit VA employees and Federal government employees such as The Department of Defense stated; and

WHEREAS, Under 38 U.S.C. 1701 (6) the words "medical services" includes inter alia, examination, treatment, rehabilitative services, and other services such as surgical, dental, optometric, and preventive health services; and

WHEREAS, Hospital care is defined as medical services rendered in the course of the hospitalization of any veteran; and

WHEREAS, Hospital care also includes other supplies or services as the Secretary of Veterans Affairs determines to be reasonable and necessary; and

WHEREAS, Under 1701 (6) (F) medical services is directly related to the medical care of the veteran such as wheelchairs and clothing to accommodate prostheses; and

WHEREAS, The memorandum concluded that it would be unreasonable to conclude that child care may constitute a service that the Secretary of Veterans Affairs could make available; now, therefore, be it

RESOLVED, By The American Legion in National Convention assembled in Charlotte, North Carolina, August 26, 27, 28, 2014, That The American Legion urge Congress to pass legislation to provide child care services to veterans with children in order for the veteran to receive access to the quality care that they have earned.