REDEFINE “WARTIME SERVICE” PERIODS

Membership eligibility in The American Legion is determined by Congress through the establishment of specific dates of declared hostilities in which U.S. military personnel were activated. Since its founding in 1919, membership in The American Legion has been open to veterans of World War I, World War II, Korean War, Vietnam War, Lebanon/Grenada, Panama and Gulf War/War on Terrorism.

The American Legion, a congressionally chartered organization comprised of veterans of wartime service in the defense of liberty has among its great purposes:

1. to preserve the memories and incidents of the two World Wars and other great hostilities fought to uphold democracy;
2. to cement the ties and comradeship born of service; and
3. to consecrate the efforts of its members to mutual helpfulness and service to their country.

Congress, usually through a Declaration of War or Authorizations for the Use of Military Force, has often designated the beginning dates of a wars or armed conflicts while end dates have been traditionally designated via Presidential proclamation or Congressional legislation. In some instances, additional legislation extended the official timelines of war or armed conflict, as to broaden the eligibility of veteran benefits.

The American Legion and its nearly two million members, has identified fundamental shortcomings in the U.S. government’s wartime service designation and calls on Congressional leaders to reassess and expand the timeline and characterization of “wartime service.” Between these official periods, and during so-called “peacetime eras,” the U.S. military has been involved in frequent known armed hostilities resulting in nearly 1,600 U.S. personnel combat deaths and wounds.

There are at least 12 known combat operations that required an activated military personnel, such as the Cold War, Libyan Conflict and Persian Gulf Conflicts, and resulted in about 1,600 U.S. military men and women casualties. However, because these operations are unrecognized by the U.S. government as a period of war, those who served during these timeframes are not eligible for membership in The American Legion. Yet, their service, sacrifice, and dedication to duty remain unrecognized as “wartime service” because said armed hostile events fall outside the U.S. government’s few distinct official periods of war or armed conflict.

The American Legion has aided, assisted, and comforted those selfless men and women (and families) who were called into service or volunteered to serve during all of the unrecognized armed hostile events, and to this day, we continuously provide support and aide to veterans regardless of wartime or peacetime service era.
Many veterans of both wartime and peacetime eras have approached The American Legion and Congress, asking for greater inclusion within our membership ranks, subsequent to a reassessed and expanded timeline that recognizes the services borne during armed hostile events not fitting within the government’s current designated periods of war and armed conflict. These men and women wish only to stand counted and to join their fellow brothers and sisters-in-arms in continued service to our country as American Legionnaires.

Likewise, and in accordance with the charter, history, tradition, and purposes of The American Legion, we believe it is fair, proper, and reasonable that all military personnel who served on active military duty during all unrecognized armed hostilities be recognized in accordance with the U.S. government’s reassessed and expanded designation of wartime service era.

**What Can Congress Do?**

- Congress should pass S. 504, the Let Everyone Get Involved in Opportunities for National Service Act (LEGION Act), a bill aimed at authorizing The American Legion to determine the requirements for membership in The American Legion.
- Congress should declare that the United States has been continuously engaged in a state of war from December 7, 1941 to such date in the future as the United States government may determine that there has been an end to armed hostilities.

**Key Points**

- Title 38, Part 3, Section 3.2 of the Code of Federal Regulations, dealing with the Department of Veterans Affairs lists official beginning and termination dates for most war periods from the Indian Wars to the present to be used in determining the availability of veterans’ benefits.
- The American Legion recognizes the nearly 1,600 casualties of the U.S. Armed Forces in service to the nation during Unrecognized Armed Hostilities.
- Current officially recognized war eras:

<table>
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<th>War Era</th>
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<tr>
<td>WORLD WAR I</td>
<td>APRIL 6, 1917 TO NOVEMBER 11, 1918</td>
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<td>WORLD WAR II</td>
<td>DECEMBER 7, 1941 TO DECEMBER 31, 1946</td>
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<td>LEBANON/GRENADA</td>
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<td>*AUGUST 2, 1990 TO TODAY</td>
<td>GULF WAR/ WAR ON TERRORISM</td>
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SUPPORT VA’S SUICIDE-PREVENTION EFFORTS

Background

Regardless of suicide rates or the number of cases, The American Legion believes one life lost to suicide is too many. Most of the veterans ending their own lives every day have no relationship with critical VA support services.

Particularly concerning is the situation encountered by the newest era of combat veterans. Data from the Department of Veterans Affairs (VA) indicate an increased suicide rate among 18-24-year-old veterans since the beginning of the Global War on Terrorism. Suicidal behavior is multifactorial – Traumatic Brain Injury (TBI) and Post-Traumatic Stress Disorder (PTSD) play a significant role in the high suicide rate. As our nation endures the effects of nearly two decades of conflict, the need for mental health services for our veterans will continue to increase in the years to come.

According to DoD, at least 370,688 service members were medically diagnosed with TBI(s) between 2000 and 2017. The RAND Corporation reports that at least 20 percent of Iraq and Afghanistan veterans have PTSD and/or depression. Service members may not show apparent physical injuries, but many return home with the invisible wounds of war.

Suicidal behavior is complex. There is no single cause. The American Legion remains deeply concerned by the high suicide rate and is committed to finding a way to help end this crisis. To ensure that all veterans are properly cared for at the Department of Defense (DoD) and VA medical facilities, The American Legion created a Suicide Prevention Program, which is aligned with the TBI/PTSD Committee. The Committee reviews methods, programs, and strategies aimed at reducing veteran suicide – which will influence legislation and operational policies that can improve treatment and reduce suicide among veterans, regardless of their service era.

Progress by the Department of Veteran Affairs

VA leads the effort to reduce veteran suicide – they expanded the Veterans Crisis Line, increased outreach to veterans at risk, created a campaign to destigmatize mental illness, and hired mental health professionals that specialize in suicide prevention. There is still more to be done and it is

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1 U.S. Department of Veteran Affairs. Suicide Among Veterans and Other Americans 2001-2014, 2017
3 Defense and Veterans Brain Injury Center (DVBIC). DoD Worldwide Numbers for Traumatic Brain Injury. 2017
The American Legion’s priority to ensure VA programs are adequately staffed and securely funded.

**VA Initiative**

Despite VA’s most recent hiring initiative, many hospitals and clinics still struggle with severe staffing shortages. Tedious hiring processes, high employee turnover rates and reduced recruitment, retention and relocation budgets contribute to hiring and staffing shortages. These shortages subsequently lead to overworked staff, poor patient experience, and a lower quality of care. Exemplary patient experience is key to keeping veterans in the VA care network, which significantly decreases risk of suicide.

VA’s hiring process needs updated to facilitate increased public interest. VA also struggles with high employee turnover rate. In order to discover the root cause of the human resources inefficiencies, The American Legion recommends that Congress commission a nationwide VA climate survey of mental health professionals.

The American Legion urges Congress to pass legislation that would improve VA’s tedious hiring process as well as increase VA’s recruitment, retention, and relocation budget. This will allow VA to retain quality mental health providers, incentivize exemplary performance, and increase employee morale.  

**Dangerous Drugs**

In 2010, VA clinical practice guidelines cautioned providers against the use of benzodiazepines, a psychoactive drug prescribed for anxiety and insomnia. Growing evidence shows the potential risk of adverse side effects, including an increase of PTSD symptoms, risk of suicidal thoughts and the risk of accidental overdose. VA healthcare providers prescribe harmful and deadly medications to over 25% of newly diagnosed veterans with PTSD, despite the known severe risks.

The American Legion supports mechanisms to track and monitor possible toxic and dangerous prescription drug combinations that veterans receive. An automatic flagging system would alert providers and their supervisors of potential fatal prescription drug combinations. In addition, The American Legion urges VA to properly disclose any negative effects of benzodiazepines and gain the consent of the individual veteran before initiating treatment.

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5 Resolution No. 377: Support for Veteran Quality of Life
7 Resolution No. 165: Traumatic Brain Injury and Post Traumatic Stress Disorder Programs
Lack of access to alternative treatments may cause an increase in patient dropouts and the rise in prescription drug trends. The American Legion commends VA for establishing its integrative health and wellness pilot program. Many veterans reported great success with veteran-centric treatments such as acupuncture, yoga, meditation, martial arts, and other forms of complementary and alternative therapies. It is our responsibility to our nation’s veterans to expand successful programs and ensure all those in need have access.

The American Legion believes all healthcare possibilities should be explored and considered to find the appropriate treatments, therapies and cures for veterans suffering from TBI and PTSD that are based on individual veteran needs. Rather than merely treating a veteran’s symptoms independently, VA should strive to provide personalized, empowering, holistic, and patient-driven healthcare.

These treatments should be accessible to all veterans; if alternative treatments and therapies are deemed effective, make them also available and integrated into veterans’ current healthcare models. The American Legion requests that Congress provide VA the necessary funding to make complementary and alternative therapies part of its healthcare treatment plan for veterans suffering from injuries such as TBI, PTSD, and other mental health conditions.

**Specific American Legion Effort**

The American Legion actively monitors veterans’ healthcare at the Departments of Defense and Veterans Affairs medical facilities. In 2017, The American Legion established a Suicide Prevention Program and aligned the program under the TBI/PTSD Committee to review methods, programs, and strategies used to reduce veteran suicide.

**Supporting Resolutions:**
No. 20: Suicide Prevention Program  
No. 377: Support for Veteran Quality of Life  
No. 165: Traumatic Brain Injury and Post Traumatic Stress Disorder Programs
IMPLEMENT, OVERSEE NEW LAWS

Background

The Constitution says nothing about congressional investigations and oversight, but the authority to conduct investigations is implied, since Congress possesses “all legislative powers.” The Supreme Court determined that the framers intended for Congress to seek out information when crafting or reviewing legislation. While the power to investigate is broad, the Supreme Court has since ruled that Congress must confine itself to “legislative purposes” and avoid the strictly private affairs of individual citizens.

In the veterans’ legislative space, Congressional Hearings are most commonly held to investigate issues that may require legislation in the future, as well as investigate and oversee federal programs associated with the Department of Veterans Affairs (VA).

The House Committee on Veterans’ Affairs Subcommittee on Oversight and Investigations and the United States Senate Committee on Veterans’ Affairs have oversight and investigative jurisdiction over veterans’ matters generally. These committees provide oversight on programs and operations of VA, as well as those of other federal agencies that pertain to veterans. In carrying out their responsibilities, the committees conduct hearings, site visits, and investigations nationwide.

During the 116th, the Congress will use its investigatory privileges to conduct oversight and implementation of bills and reforms passed during the 115th. Congress will hold many hearings to learn how VA is implementing and designing the numerous programs the President signed into law. Support for Congressional Oversight and Implementation of recently passed veteran-centric legislation is critical.

Veteran-Centric Legislation

During the 115th Congress, many veteran-centric bills were deliberated on, passed, and signed into law, aiming to make VA better for all veterans. The American Legion supports congressional oversight of the implementation of the following critical bills:

- The VA Accountability and Whistleblower Protection Act;
- The Veteran Appeals Improvement and Modernization Act of 2017;
- The Harry W. Colmery Veterans Educational Assistance Act; and
- The VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act (VA MISSION ACT) of 2018.
Specific American Legion Effort

The American Legion actively monitors the design and implementation of programs created from the recently passed veteran-centric legislation. Looking ahead, The American Legion will continue to participate in Congressional hearings to help review the laws with the best interest of veterans in mind. The hearings will focus on the quality of the new programs, and ensure the executive branch’s execution adheres with legislative intent.

Supporting Resolutions:
No. 3: Department of Veterans Affairs Accountability
No. 372: Oppose Closing or Privatization of VA Health Care System
No. 318: Ensuring the Quality of Servicemember and Veteran Student’s Education at Institutions of Higher Education
FULLY FUND A SUPERIOR NATIONAL DEFENSE

New Defense Strategy Won’t Work Under Budget Caps
The Pentagon’s 2018 National Defense Strategy (NDS) lays out a world where great-power competition, rather than counterterrorism, will drive the Department of Defense’s decision-making and force structure. According to the NDS, the United States is emerging from a period of strategic atrophy and should be aware that our competitive military advantage has been eroding. Today’s global security environment is more complex and volatile than at any point in history.

The National Defense Authorization Act of 2019 authorizes $717 billion in defense spending which reverses the effects of sequestration and exceeds the defense spending caps set by the Budget Control Act of 2011. However, according to an outline done by the Pentagon in early 2018, the planned trajectory of the defense budget will not be enough to rebuild the military and create separation between the United States and its strategic competitors.

The American Legion supports strengthening the U.S. military in these uncertain times, in personnel and supportive equipment. The President, leaders at the Pentagon and Members of Congress must do everything possible to ensure our nation, its citizens and our allies are protected.

What Can Congress Do?
• Pass a FY2020 budget commensurate with the expressed needs of the Department of Defense to fulfill the Secretary of Defense’s 2018 National Defense Strategy.

Key Points
• The FY19 budget reflects the Administration’s priorities of ending the defense sequester, rebuilding our military readiness, and modernizing our Armed Forces for the future.
• The U.S. must meet the re-emergence of long-term strategic competition between nations.
• After significant increases of $81.2 billion in 2018 and of $7.9 billion in 2019, the administration’s first five-year budget, the Future Years Defense Program, incorporates only inflationary-level growth from 2020 onward.
• Both the Secretary of Defense and Chairman of the Joint Chiefs of Staff have expressed to Congress that our current military capabilities would require growth necessary range of between 5 and 7 percent when combined with the projected inflation rate.
• Ensuring the long-term viability of the All-Volunteer Force by improving the quality of life of the men and women of the total force to include Active Duty, National Guard and Reserves, their families, and DOD civilian personnel is essential to ensure the force of tomorrow.
IMPROVE HEALTHCARE FOR WOMEN VETERANS

Background

Women veterans are the fastest growing demographic population serving in the U.S. military. Since FY03, women veterans receiving healthcare from the Department of Veterans Affairs (VA) have nearly doubled. These numbers will continue to grow due to the increasing numbers of women serving in the military that will be eligible for VA healthcare after transition from the Department of Defense (DoD) to VA.

Women veterans face remarkably different experiences than their male counterparts while in the military, during their transition, and as a veteran. Focused VA effort shaped significant advancements in women veterans' VA healthcare with the establishment of awareness training programs, but there is still room for improvements. The American Legion wants every veteran who walks through the doors of a VA medical facility to feel welcome and receive quality healthcare, regardless of their gender.

Women Veterans & The VA

As women make up nearly 11.6 percent of OEF/OIF/OND veterans, The American Legion System Worth Saving (SWS) Task Force has focused attention on women veterans' healthcare during nationwide site visits. The American Legion works with VA to address the needs of the current and future women veteran populations.

The American Legion has identified many challenges women veterans face when receiving VA health care, which includes:

- Many women veterans do not identify themselves as veterans;
- Many women veterans do not know or understand what benefits they are entitled to receive;
- VA medical facilities across the system do not have adequate baseline plans to close the gender gaps and improve use of facilities and services for women;
- Additional research is needed to determine the purpose, goals, and effectiveness of VA women models of care on overall outreach, communication and coordination of women veterans’ health services;
- Many VA facilities do not offer inpatient/residential mental health care programs for women veterans; and

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8 Department of Veterans Affairs: Women Veterans in the Veterans Health Administration, FY 2012
9 Department of Veterans Affairs: Women Veterans Health Care, FY 2018
10 American Legion System Worth Saving Report on Women Veterans Health Care (2013)
Many VA facilities do not offer child care services for veterans seeking health care appointments, which disproportionately impacts women veterans. As these challenges still exist for our nation’s female veterans, The American Legion urges Congress to pass legislation to support the healthcare needs of women veterans at all VA medical facilities.

The American Legion supports legislation for improved access to VA medical care for women veterans at VA medical centers. When the VA is unable to meet their needs, we support legislation authorizing the VA Secretary to employ contracts, as may be necessary, to provide the services required for women veterans. Based on the increasing demands and the standards for quality healthcare, as well as the projected growth of the need for such services, The American Legion stands ready to ensure women veterans receive the gender-specific care and benefits they deserve.

**Specific American Legion Efforts**

As the number of women veterans increases, The American Legion is resolved through Resolution No. 147 to ensure VA:

- Creates an environment where all women veterans receive quality gender-specific healthcare;
- Educates employees about the changing roles of women in the military, their combat-related exposures, and Military Sexual Trauma (MST) sensitivity;
- Significantly increases the amount of outreach to women veterans through awareness campaigns, benefits education, and community organizations;
- Dedicate resources at the Veterans Integrated Service Network level to analyze data on women veterans and to help women veteran program managers conduct outreach;
- Conducts long-term studies in order to show the impact of combat on women veterans; and
- Furnishes gender-specific prosthetic appliances, orthotics, and services and eliminates the male-only approach to treatment of all injuries and illnesses.

**Supporting Resolution:**
No. 147: Women Veterans
EXPAND AGENT ORANGE BENEFITS
For
Blue Water Navy Veterans

Background

The U.S. Armed Forces used a variety of chemical defoliants to clear dense jungle land during the Vietnam war. Agent Orange (named for the orange-colored identifying stripes on the barrels) was by far the most widely used herbicide by U.S. forces. Many Vietnam-era veterans believe that their exposure to Agent Orange caused them to contract several diseases and caused certain disabilities, including birth defects in their children, and now their grandchildren.

The Department of Veterans Affairs (VA) received the first claims asserting conditions related to Agent Orange in 1977. Since then, Vietnam-era veterans have sought relief from Congress and through the judicial system. Beginning in 1979, Congress enacted several laws to determine whether exposure to Agent Orange in Vietnam was associated with possible long-term health effects and certain disabilities. The Veterans’ Health Care, Training and Small Business Loan Act (P.L. 97-72) elevated Vietnam veterans’ priority status for health care at VA facilities by recognizing a veteran’s own report of exposure as sufficient proof to receive medical care, absent evidence to the contrary. The Veterans’ Health Care Eligibility Reform Act of 1996 (P.L. 104-262) completely restructured the VA medical care eligibility requirements for all veterans. Under P.L. 104-262, a veteran does not have to demonstrate a link between a certain health condition and exposure to Agent Orange; instead, medical care is provided unless the VA determines that the condition did not result from exposure to Agent Orange. This authority was permanently authorized by the Caregivers and Veterans Omnibus Health Services Act of 2010 (P.L. 111-163).

Likewise, Congress passed several measures to address disability compensation issues affecting Vietnam veterans. The Veterans’ Dioxin and Radiation Exposure Compensation Standards Act of 1984 (P.L. 98-542) required the VA to develop regulations for disability compensation to Vietnam veterans exposed to Agent Orange. In 1991, the Agent Orange Act (P.L. 102-4) established a presumption of service connection for diseases associated with herbicide exposure. P.L. 102-4 authorized the VA to contract with the Institute of Medicine (IOM) to conduct scientific reviews of the evidence linking certain medical conditions to herbicide exposure. Under this law, the VA is required to review the reports of the IOM and issue regulations, establishing a presumption of service connection for any disease for which there is scientific evidence of a positive association with herbicide exposure. Based on these IOM reports, currently 15 health conditions are presumptively service-connected.

Under current regulations, a servicemember must have actually set foot on Vietnamese soil or served on a craft in its rivers (also known as “brown water” veterans) to be entitled to the presumption of exposure to Agent Orange. Those who served aboard deep-water naval vessels...
(commonly referred to as “Blue Water Navy” veterans) do not qualify for presumption of service connections for herbicide-related conditions unless they can prove that the veteran’s service included duty or visitation within the country of Vietnam itself, or on its inland waterways.

Currently, Blue Water Veterans must have physically set foot on the land of Vietnam or served on its inland waterways between January 9, 1962 and May 7, 1975 to be presumed to have been exposed to herbicides when claiming service-connection for diseases related to Agent Orange exposure.

Blue Water Veterans who did not set foot in Vietnam or serve aboard ships that operated on the inland waterways of Vietnam must show, on a factual basis, that they were exposed to herbicides during military service in order to receive disability compensation for diseases related to Agent Orange exposure. These claims are decided on a case-by-case basis.

We are aware the Department of Veteran Affairs previously asked the National Academy of Sciences' Institute of Medicine (IOM) to review the medical and scientific evidence regarding Blue Water Veterans’ possible exposure to Agent Orange and other herbicides. IOM's report, “Blue Water Navy Vietnam Veterans and Agent Orange Exposure” was released in May 2011. The report concluded that "there was not enough information for the IOM to determine whether Blue Water Navy personnel were or were not exposed to Agent Orange."

However, Vietnam veterans who served on the open sea now have health problems commonly associated with herbicide exposure. Just as those who served on land were afforded the presumption because it would have placed an impossible burden on them to prove exposure, Congress should understand the injustice of placing the same burden on those who served offshore. Clearly, all the toxic wind-blown, waterborne, and contamination transfer stemming from aircraft, vehicle, and troop transfer makes it impossible to conclude that Agent Orange-dioxin stopped at the coastline.

**Blue Water Navy in the 115th Congress:**

In 2018, Congress, as a whole, failed to pass H.R. 299, the Blue Water Navy Vietnam Veterans Act, which would finally restore VA benefits to roughly 90,000 veterans exposed to Agent Orange. A last-ditch effort to pass H.R. 299 passed in the House of Representatives, but failed in the Senate at the conclusion of the Session. Senator Kirsten Gillibrand, D-N.Y., asked her Senate colleagues for unanimous consent to pass the legislation. Unanimous consent can precipitate the passage of a bill, but it can also be stopped if just one senator objects. In response to Sen. Gillibrand’s request, Senator Mike Enzi, R-Wyo., objected, due to concerns over cost, halting the passage of the bill.
Blue Water Navy in the 116th Congress:

On January 8, 2019, House Veterans Affairs Committee Chairman Mark Takano reintroduced H.R. 299, the Blue Water Navy Vietnam Veterans Act of 2019, to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes. The bill currently has 206 cosponsors, and more are being sought.

Blue Water Navy in the courts: Procopio v. Wilkie

The Court of Appeals for the Federal Circuit ruled 9-2 in favor of Alfred Procopio Jr., 73, who served on the USS Intrepid during the Vietnam War. The court’s ruling reverses the decision in Haas, a previous decision from the Court of Appeals for Veterans Claims, which upheld the denial because Procopio could not show direct exposure to Agent Orange.

The new court ruling states, “Mr. Procopio is entitled to a presumption of service connection for his prostate cancer and diabetes mellitus. Accordingly, we reverse.” Judge Kimberly Moore, writing on behalf of the majority, added: “We find no merit in the government’s arguments to the contrary.” Further, the court determined “territorial seas” should be included in the definition of “Republic of Vietnam,” a point the government disputed.

The government may seek a review of the case from the U.S. Supreme Court.

Legion Position:

Through American Legion Resolution No. 246: Blue Water Navy Vietnam Veterans, we support H.R. 299, which will expand the presumption of Agent Orange exposure to any military personnel who served on any vessel during the Vietnam War that came within 12 nautical miles of the coastlines of Vietnam.

Please encourage your Member of Congress to join H.R. 299 as a co-sponsor. There is still a need for Congress to pass the bill, for the veterans’ eligibility to be written explicitly in law and not left up to future courts to interpret.
PROGRAMS TO END VETERAN HOMELESSNESS

BACKGROUND

In 2010, then-VA Secretary Eric Shinseki pledged to end veteran homelessness by the end of 2015. Despite the robust goal, much work remains to be accomplished. Former Department of Veterans’ Affairs (VA) Secretary David Shulkin, and now-Secretary Robert Wilkie stated that eliminating veteran homelessness to functional zero, nationwide, remains a top priority of the Department. The American Legion, in tandem with Congress and VA, continues to tirelessly work to ensure resources in affordable housing and supportive services programs to help more veterans and their families are available and receive adequate funding. According to the Department of Housing and Urban Development’s (HUD) Point-in-Time (PIT) Count, it is estimated that in December 2018, just over 30,000 veterans (or just over 6 percent of homeless adults) on a single night were experiencing homelessness. Two in three homeless veterans (66 percent) were staying in emergency shelters, transitional housing programs, while one in three (33 percent) were found in places not suitable to human habitation.

The number of homeless veterans increased by 585 between 2016 and 2017. Since 2009, veteran homelessness has dropped considerably, with 45 percent (or 33,311) fewer veteran experiencing homelessness in 2017 than in 2009. Veteran homelessness decreased both among those in shelters and those found in unsheltered locations. Between 2009 and 2017, the number of unsheltered veterans decreased by 49 percent (or 14,592 fewer veterans), and by 43 percent (or 18,719 fewer veterans) among those staying in shelters. The 2016-2017 increase was driven entirely by an 18 percent increase in the number of veterans experiencing homelessness in unsheltered places (2,229 more veterans). Partly offsetting the increase in unsheltered veterans, the number of sheltered veterans decreased by 1,714 people (or 7 percent).

A full continuum of care - housing, employment training and placement, healthcare, substance abuse treatment, legal aid, and follow-up case management - depends on many organizations working together to provide services. The availability of homeless veteran services, and continued community and government support for them, depends on vigilant advocacy and public education efforts on the local, state, and federal levels. The complexity of issues affecting all homeless veterans range from the extreme shortage of affordable housing, livable income, and access to healthcare. As well as the fact that a large number of displaced and at-risk veterans live with the effects of Post-Traumatic Stress Disorder (PTSD), substance abuse, and a lack of family and social support networks. These varying circumstances in turn require a vast network of resources for VA and organizations tasked with assisting homeless veterans.

As 2019 begins, The American Legion believes in continuing adequate funding for programs dedicated to battling veteran homelessness. If in 2019, VA and nongovernmental organizations accomplish bringing veteran homelessness to functional zero, funding must remain. Veteran
homelessness is often temporary, thus organizations in a post-functional zero continuum should direct resources towards ensuring the experience of new homeless veterans is short lived.

Since the inception of the Mayors’ Challenge to End Veteran Homelessness in 2014, more than 1,000 mayors, governors, and other state and local officials have answered the call. At the present time, 66 communities, including the entire states of Connecticut, Delaware, and Virginia, have proven that ending veteran homelessness is possible and sustainable. As documented through federal criteria and benchmarks, urban, suburban, and rural communities across all 50 different states have proven that they can drive down the number of veterans experiencing homelessness to as close to zero as possible, while also building and sustaining systems that can effectively and efficiently address veterans’ housing crises in the future.

**WHAT CAN CONGRESS DO**

Congress can continue to appropriate funds and permanently re-authorize the Supportive Services for Veteran Families program (SSVF). SSVF funds have been used effectively by community organizations to prevent many veterans from becoming homeless, and to quickly re-house veterans who need nothing more than short-term rental assistance and limited case management in order to get back on their feet. SSVF funds can also be used to pay for employment services, utility assistance, child care costs, and other housing-related expenses. Congress can also continue support for VA’s Grant and Per Diem (GPD) Program. This critical program provides short-term housing help to homeless veterans, allowing them to get connected with jobs, supportive services, more permanent housing, and ultimately to become self-sufficient. Promising new models for using grant and per diem funds, including allowing veterans to remain in their GPD housing unit once support from the program ends and new programs focused on women veterans, are helping to ensure that GPD continues to meet the ever changing needs of returning veterans and their families.

Congress must also increase appropriations for Homeless Veterans Reintegration Program (HVRP), and continue fully funding the program through the foreseeable future. The HUD-VASH Program has also proven a useful tool in addressing veteran homelessness, thus permanently authorizing the program is a step Congress can take to address the issues. Congress must also provide funding for dental care and legal services for homeless veterans.

The American Legion continues to lead communities by volunteering, fundraising, and advocating for programs and resources to help homeless veterans. In addition, The American Legion directly provides housing for homeless veterans and their families, including facilities in Connecticut and Pennsylvania. One of the goals of The American Legion is to help bring federal agencies, nonprofit organizations, faith-based institutions and other stakeholders to the table to discuss best practices, along with funding opportunities, so homeless veterans and their families can obtain the necessary care and help to properly transition from the streets and shelters to gainful employment.

**Resolution No. 324 (Sept. 2016): Support Funding for Homeless Veterans**
RE-EMPLOYMENT RIGHTS FOR VETERANS

BACKGROUND

The Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994, 38 United States Code (U.S.C.) §§ 4301-4334, was signed into law on October 13, 1994. USERRA prohibits discrimination in employment based on an individual’s prior service in the uniformed services, current obligations as a member of the uniformed services, or intent to join the uniformed services. USERRA also provides re-employment rights with the pre-service employer following qualifying service in the uniformed services. In general, the protected person is to be re-employed with the status, seniority, and rate of pay as if continuously employed during the period of service. USERRA applies to all private employers operating internally and externally of the United States, the federal government, state and local governments.

Nearly two decades of war has created record high deployment rates of citizen soldiers, who have the responsibility of maintaining civilian employment while waiting for the call to serve their country. Servicemembers should not come home from a military leave of absence to find they have no job or discover their seniority vanished. A servicemember should never be forced to choose between serving their nation in the National Guard or Reserve, and keeping their civilian employment.

The American Legion is concerned with employers’ behavior in not re-employing servicemembers after deployment(s), thus working to ensure servicemembers’ rights under USERRA are protected. With the rising numbers of USERRA cases across the country, circumstances are more complex and frequently involve multiple issues. This is due to longer and more frequent deployments of National Guard and Reserve members.

SECTION 4311(a) OF USERRA

"A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in the uniformed services shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, performance of service, application for service, or obligation."

SECTION 4311(c) OF USERRA

"An employer may not discriminate in employment against or take any adverse employment action against any person because such person has taken an action to enforce a protection afforded any person under this chapter, has testified or otherwise made a statement in or in connection with any proceeding under this chapter, has assisted or otherwise participated in an investigation under this chapter, or has exercised a right provided for in this chapter."
Millions of servicemembers depend on USERRA protections while they are called to serve their country. USERRA was created to prohibit discrimination against and eliminate the disadvantages faced by deployed servicemembers. The American Legion recommends strengthening the enforcement of USERRA. There needs to be effective consequences for non-compliance or proactive regulation of this Act to ensure that veterans are not disadvantaged or unable to return to their previous jobs, due to their honorable service to our Nation.

Employers are increasingly utilizing arbitration clauses in their employment contracts, effectively usurping servicemembers’ rights under USERRA. In 2016, Lt. Kevin Ziober, USN, was recalled to active duty to Afghanistan. After informing his employer of his duty, Lt. Ziober’s employer terminated him from employment effective Lt. Ziober’s last day. Lt. Ziober attempted to sue his employer under the protections of USERRA, but because Lt. Ziober’s employment contract had included an arbitration clause, the employer argues Lt. Ziober could not sue. The 9th Circuit ruled that because of the Federal Arbitration Act of 1925 (FAA), it could not uphold USERRA as superseding the arbitration clause. There is ambiguity as to whether or not Congress intended for USERRA to supersede arbitration clauses.

**WHAT CAN CONGRESS DO**

The courts have deferred to Congress the responsibility of stating whether USERRA supersedes the FAA and arbitration clauses relating to matters under USERRA are permissible. The court has stated that Congress must, in the black letter of the law, express its intent. Therefore, Congress should introduce legislation that accomplishes two things: 1). establishes USERRA as superseding any arbitration clauses, including the FAA (9 U.S.C. Ch. 1), and 2). expressly prohibits employers from usurping servicemembers rights under USERRA by binding them through arbitration clauses.

**Resolution No. 85**: Support Employment and Reemployment Rights of National Guard and Reservist Returning from Deployment
ACCESS TO BUSINESS CAPITAL VIA G.I. BILL

The American Legion has fought to provide post-service career opportunities for veterans since its formation. The original GI Bill passed in 1944 provided rights, education benefits and loans for homes, businesses and farms. The investment in our veterans helped fuel America’s rise to an economic superpower over the last 70 years.

With the passage of the Harry W. Colmery Veterans Educational Assistance Act in 2017, our veteran and military servicemembers right to education has been secured for future generations. However, as times change, so must the GI Bill. For veteran entrepreneurs, access to capital for starting, purchasing or expanding a small businesses is a serious obstacle. The American Legion supports legislation that would expand GI Bill benefits to serve as a mean to access capital for a small business.

The original GI Bill offered comprehensive benefits, such as low-cost mortgages, low interest loans to start a small businesses, and payments for tuition at universities and colleges. However, as new GI Bills are drafted after each war, the comprehensive nature of the bills has declined.

CHALLENGES TO ACCESSING SMALL BUSINESS CAPITAL

According to the Federal Financial Institutions Examination Council, the number of commercial banks has been in steady decline since the 1980s. The U.S. lost over 2000 commercial banks since 2009, and new banks are not forming. The banking industry is consolidating under financial industry giants. The problem arises in that large financial institutions avoid small business lending because small loans are time intensive for their amount, hard to securitize, and expensive to underwrite and service, which is why community and regional banks form the backbone small business lending. With the decline in small community and regional banks, veterans are running into obstacles when attempting to secure capital for their small business. Over 62% of veteran-owned small businesses bootstrap their ventures with personal or family savings, therefore highlighting the reality that access to capital remains an issue for the veterans' community.

WHAT CONGRESS CAN DO

The American Legion thanks Senator Moran and Senator Tester for their leadership in the Senate on this issue. Senator Moran and Senator Tester introduced S. 1870, the Veterans Entrepreneurship Transition Act (VET Act) in order to establish a pilot program for 250 G.I. Bill eligible veterans over the course of 3 years. The American Legion also thanks the leadership of Congressman Fortenberry in the House of Representatives for his leadership on the issue. Representative Fortenberry introduced H.R. 3248 as the companion bill to the one introduced in the Senate.
Members of Congress can once again take leadership on the issue by reintroducing legislation similar to that introduced by Senator Moran, Senator Tester, and Representative Fortenberry. The American Legion is able and willing to assist the efforts of any Member of Congress who introduces such legislation.

**Resolution No. 150**: Expanding Post-9/11 GI Bill for Entrepreneurship
CITIZENSHIP FOR HONORABLE SERVICE

BACKGROUND

Non-U.S. citizens have served in our military since the Revolutionary War. The Lodge Act of 1950 permitted non-citizen Eastern Europeans to enlist between 1950 and 1959, and in the late 1940s the United States recruited Filipinos to enlist in the Navy. Today, about 5,000 legal permanent resident aliens (green card holders) enlist each year. Under a July 2002 Executive Order, military branches have worked closely with the U.S. Citizenship and Immigration Services (USCIS) to streamline citizenship processing for servicemembers since September 11, 2001. Between 2009 and 2016, over 10,400 non-citizens joined the United States Armed Forces under the Military Accessions Vital to the National Interest Program. As a result of these efforts, over 109,250 members of the Armed Forces have attained their citizenship by serving the United States in uniform.

Over the last few years, various reports from citizenship organizations, national and local news sources, and firsthand accounts from Members of Congress have confirmed the deportation of thousands of veterans. Many of those interviewed were led to believe that citizenship was automatically conferred during their service. In reality, the branches of the Armed Services must work with USCIS to begin the process of establishing citizenship for the servicemember. As such, the servicemember was unaware of the need to begin the process through USCIS and the individual service branches failed to inform the servicemember while on active-duty.

Many of the veterans deported are as a result of minor, non-violent, and/or substance related crimes. According to the Texas Civil Rights Project and the Department of Veterans Affairs, substance abuse is highest amongst veterans. The substance abuse is often related to post-traumatic stress disorder (PTSD) and other mental health concerns resulting from military service. The American Legion believes that non-citizen veterans who are honorably discharged and have not been charged and/or convicted with felonious and/or heinous crimes should be guaranteed the promise they were made.

WHAT CAN CONGRES DO

In the 115th Congress, Congressman Vincente Gonzalez (D-TX) introduced the Repatriate Our Patriots Act. In the 116th Congress, he has once again reintroduced the legislation. The American Legion urges Members of Congress to support legislation in a bipartisan manner to guarantee the promises made to non-citizen veterans. The American Legion further urges Congress to implement measures within the Department of Defense to ensure the process of naturalization through honorable military service is completed prior to discharge, and no non-citizen honorably discharged veteran ever has to experience deportation again.

Resolution No. 15 (October 2018): Expedited Citizenship Through Military Service
REPEAL UNFAIR VA OFFSETS

DISABLED VETERANS TAX

Background

The Disabled Veterans’ Tax (also known as concurrent receipt) references the practice which bars certain retired veterans from receiving both their full military retired pay and their full service-connected disability compensation benefit pay.

Prior to the National Defense Authorization Act (NDAA) of 2004, all veterans who received disability compensation from the Department of Veterans Affairs (VA) would have their military retired pay reduced by an "offset", preventing these retired warriors from receiving their full retired pay as earned by their military service. With the passage of that law, a phased progression was put in place to work downwards from 100 percent service-disabled veterans to 50 percent service-disabled veterans to allow the more severely disabled veterans to receive both their earned benefits in full. This phase-in provided for the addition of levels of disabilities at a rate of approximately 10 percent per year and was fully implemented in 2014.

The American Legion worked hard for this law. However, The American Legion will not rest until all of our retired, service-disabled warriors receive both of the benefits they earned due to their selfless sacrifice and duty to our nation. Today, our federal government still takes money away from veterans receiving 40 percent or lower rates of service-connected disability compensation (VA service-connected disability compensation is divided into rates at 10 percent intervals: 0 percent, 10 percent, 20 percent, etc.) and the financial discrimination against these retired warriors of ‘offsetting’ their military retired pay against their service-connected disability compensation dollar-for-dollar must end!

The American Legion calls this unfair practice by our federal government the ”Disabled Veterans’ Tax”, and we adamantly oppose this unfair ‘tax’ on our wounded, injured, and ill retired veterans who suffered their disabilities because of their military service to this country.

In addition, those servicemembers medically retired without 20 years of service (Chapter 61 retirees) have never been included in relief from this offset, as the phased offset is intended only for 20-year military retirees.

Let us be clear, military retired pay is compensation for longevity of honorable military service. VA service-connected disability compensation is payment for medical conditions incurred or
aggravated while on active duty. These two earned benefits to a retired veteran are thus made for two very distinct and very different reasons.

**Disabled Veterans Tax bills in the 116th Congress**

On January 8, 2019, Representative Gus Bilirakis (R-FL) and Representative Tulsi Gabbard (D-HI) introduced H.R. 303, the *Retired Pay Restoration Act*, to amend title 10, United States Code, to permit additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their service-connected disability and their retired pay by reason of their years of military service or Combat-Related Special Compensation. H.R. 303 currently has 20 cosponsors.

On January 8, 2019, Representative Sanford Bishop (D-GA) introduced H.R. 333, the *Disabled Veterans Tax Termination Act*, which amends federal military retired pay provisions to: (1) permit veterans with a service-connected disability of less than 50 percent to receive concurrent payment of both retired pay and veterans’ disability compensation and (2) extend eligibility for concurrent receipt to chapter 61 disability retirees with less than 20 years of retirement-creditable service. H.R. 333 currently has no cosponsors.

On January 24, 2019, Senator Jon Tester (D-MT) and Senator Lisa Murkowski (R-AK) introduced S. 208, the *Retired Pay Restoration Act*, to permit certain retired members of the uniformed services who have a service-connected disability to receive compensation from the Department of Veterans Affairs and either retired pay by reason of their years of military service or Combat-Related Special Compensation. His bill currently has fifteen cosponsors.

All bills are assigned to their respective Armed Services Committees for action.

**Legion Position**

The American Legion’s support for full Concurrent Receipt is based upon Resolution No. 224 and support also comes from Resolution 85, which supports our mandate for Military Quality of Life Standards. It is essential The American Legion continue to make the case for fairness and equity for our nation’s warriors. In this case, retired pay and disability compensation are two entirely different types of earned benefit payments, and our federal government must not discriminate against these retired warriors by taking their money away from them.

Currently in law, a veteran may receive, in part, or in full, other federal and non-federal benefits, in addition to VA service-connected disability compensation. For example, a veteran can receive service-connected disability compensation—without offsets, reductions, or limits—-with:

- Unemployment Compensation;
- Social Security;
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- Federal Civil Service pay;
- Private sector job pay;
- Federal civil service retirement (including disability retirement);
- Retirement pension from non-federal employment; and,
- Federal workers compensation (benefits for work-caused disability or illness provided under FECA).

Thus, in part, The American Legion position is simply that because veterans can earn income from all those other sources listed above without offset, as a matter of law and public policy, as well as fairness, then service-connected disabled retired veterans must be able to earn their military retired pay without it being offset as well.

Equitable economic justice is one reason to end the Disabled Veterans’ Tax. Military retirees are the ONLY federal employees who must offset their retired pay with their VA service-connected disability compensation.

Another more important reason to end this discriminatory practice, and The American Legion believes must be argued, is that, in the interests of our national security and given the unique nature of military service with its sacrifices and hardships, our nation must respect those military retirees, who served twenty or more years of their life in uniform and suffered because of that service. These warriors became wounded, ill, or injured during their military service, their disabilities are recognized by our government, and they must receive both benefits because a grateful nation respects their long term, selfless service and sacrifice for this country.

VA service-connected disability compensation is awarded for physical and mental disabilities incurred or aggravated while in military service. These disabilities cannot be equated with disabilities incurred in civilian life. Military service rendered in defense, and on behalf of the Nation deserves special consideration in determining public policy toward benefit offsets. It is a moral and ethical responsibility to award equitable treatment to these veterans, given their sacrifices and hardships incurred during their honorable military service.

The American Legion urges Congress to complete the repeal of the prohibition on receiving the earned payments from both these programs.

WIDOW’S TAX

Under current federal law, if the surviving spouse of a military retiree is eligible to receive the monthly Survivor Benefit Program (SBP) annuity payment and is also awarded a monthly Dependency and Indemnity Compensation (DIC) benefit by the Department of Veterans Affairs (VA), the SBP annuity is offset, dollar-for-dollar, by the amount of DIC received. This offset is
commonly referred to as the “Widows’ Tax”. The American Legion believes this offset is an injustice to surviving spouses of America’s heroes. Our support for this legislation is mandated by Resolution 85, Support for Military Quality of Life Standards.

Retired servicemembers are eligible to participate in the Survivor Benefit Program. SBP is an optional annuity insurance plan designed to pay an eligible surviving spouse a monthly payment to help make up for the loss of military retirement income. Those military retirees who choose to enroll in SBP have deductions made from their military retired pay to purchase their survivor’s annuity. Under the plan, upon the military retiree’s death, the annuity is paid monthly to eligible beneficiaries.

Among the earned benefits awarded by VA to service-connected disabled veterans and their survivors is the Dependency and Indemnity Compensation program. DIC is an earned benefit awarded monthly to the eligible surviving spouse of a service-connected disabled veteran by a grateful nation. DIC is a tax-free benefit (like service-connected disability compensation) for the surviving spouse and dependent children. VA also adds a transitional benefit of $250 to the surviving spouse's monthly DIC if there are children under age 18. The amount is based on a family unit, not individual children. It is paid for two years from the date that entitlement to DIC commences, but is discontinued earlier when there is no child under age 18 or no child on the surviving spouse's DIC for any reason.

Clearly, SBP is a personal financial decision made by a military retiree to provide a degree of financial security for the surviving military spouse; whereas, DIC is an earned benefit awarded for a veteran’s death due to a service-connected medical condition. The American Legion believes the VA indemnity compensation should be added to the SBP that the military retiree paid for with personal funds, and not be subject to the dollar-for-dollar offset.

SBP and DIC are two distinct and independent programs with unique eligibility criteria. SBP is optional for military retirees and mandates personal financial contributions from that individual retiree, whereas DIC is awarded only to survivors of service-connected disabled veterans.

**Widow’s Tax in the 116th Congress**

On January 15, 2019, Representative Joe Wilson (R-SC) introduced H.R. 553, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan for military surviving spouses to offset the receipt of veterans dependency and indemnity compensation, and for other purposes. H.R. 553 has 115 cosponsors.
PROTECT THE AMERICAN FLAG

“The American Legion continue to urge the Congress of the United States to propose and approve an amendment to the U.S. Constitution that would allow the Congress to prohibit the physical desecration of the Flag of the United States” — Resolution No. 303

Background

In 1989, Supreme Court case Texas v. Johnson 491 US 397 (1989) held that the physical desecration of the Flag of the United States was “protected speech.” The decision struck down existing laws in all 48 states and the District of Columbia that prohibited the desecration of Old Glory. The American Legion believes the Supreme Court misinterpreted the Constitution by protecting flag desecration under the first amendment as “free speech”, as acts of physical desecration are conduct, not speech. The Court’s imprudent decision overturned over a century of American tradition. The American Legion believes acts of flag desecration should not be recognized and protected as “speech” by the First Amendment.

President Abraham Lincoln once remarked, “…if the policy of the government on vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court the people will have ceased to be their own rulers...” The American people intend to return flag protection authority to Congress where it belongs and not allow the Supreme Court to have the final say.

The American Legion believes the Supreme Court should not have the authority to outdo the will of the People, as expressed through the Congress and the 50 state legislatures. All 50 state legislatures have passed memorializing resolutions asking Congress to pass this proposed amendment and send it to the states for ratification. The proposed amendment returns the power to protect Old Glory to the People. This is the true essence of the amendment and why it must prevail.

Discussion

The American Legion believes the flag is a symbol of our nation’s freedom and all that we hold in common as Americans. Therefore, The American Legion continues to urge Congress to approve an amendment to the U.S. Constitution empowering Congress to prohibit the physical desecration of the American flag. Our constitutional freedom of speech is to enable the political discussion necessary for a self-governing citizenry to remain free and united. The political deliberative purpose of our freedom of speech is why it must include the freedom to criticize current officials but not the right to attack a symbol of national unity.

Our belief is not to silence those who protest perceived injustices. Americans have every right to voice their views in respectful ways. Rather than fearing such a constitutional amendment, Members of Congress concerned about supporting the amendment should embrace it. The
proposed flag protection amendment is no infringement on the Bill of Rights; instead, it restores the traditional meaning of the First Amendment and is a wonderful exercise in the popular sovereignty the Bill of Rights was designed to protect.

The American Flag in the 116th Congress

House of Representatives: In the first session of the 116th Congress, Representative Steve Womack (R-AR) intends to reintroduce a House Joint Resolution (H.J. Res.), proposing a constitutional amendment supported by The American Legion and the Citizens Flag Alliance (CFA). The resolution will then be referred to the House Judiciary Committee, Subcommittee on Constitution, Civil Rights and Civil Liberties. As such, The American Legion urges Chairman Nadler and Chairman Cohen to hold hearings on the resolution. Representative Womack has led the efforts over the last Congress, therefore please urge your representative to join as a cosponsor of this common sense measure.

U.S. Senate: Per tradition, Senator Steve Daines (R-MT) plans to reintroduce a senate companion to the above House bill, on Flag Day 2019, Friday, June 14th. The Senate Joint Resolution will then be referred to the Senate Judiciary Committee, Subcommittee on the Constitution, chaired by Senator Lindsey Graham, and Senator Ted Cruz respectively. Senator Graham and Senator Cruz both have previously cosponsored Senator Daines resolution. Please urge your senators to sign on as a cosponsor to this American-centric legislation.
SUPPORT FOR GOLD STAR FAMILIES

Overview
Servicemembers do not serve alone. There are more than 1.5 million family members who served alongside their Active Duty servicemember. While every servicemember raises their hand and swears and oath to make the ultimate sacrifice to defend their national if needed, there seems to be a disconnect between the military community and surviving family members.

The American Legion is serious about its obligation to our servicemembers and their families and wants to ensure that the surviving families receive the highest level of support as they face tough decisions upon being notified. Every branch of service should have an effective Gold Star Family program that ensures the families have all the support they need from the moment they are informed, through the voyage to their final resting place, and ensuring the families are aware of all benefits they are entitled to.

There are reports of surviving parents and siblings not having access to grave sites of their servicemembers who died during service because the grave site was located on a military installation. In many cases, those family members may have little knowledge of the military system and a Gold Star coordinator located on installations to assist and ensure they receive access and all the support they are entitled to, is needed.

What Can Congress Do?
Establish a program within the Department of Defense (DoD) that ensures Gold Star Families receive the benefits they are entitled to and the support they need.

Ensure that Gold Star Families are provided access to appropriate installations in order to visit buried loved ones, attend Gold Star events, and visit Family Readiness offices to receive grief counselling services. Families must always be made aware of the support available to them from DoD and nonprofit organizations as they deal with one of the darkest times in their lives. When troops are killed in training accidents, these do not qualify as combat deaths. Access to installations for visiting deceased loved ones graves should also be provided to these families.

Key Legislation
The BRAVE Act of 2019- H.R. 497

Background
According to the National Funeral Directors Association, the national median cost of a funeral in 2017 was $8,508. Over the past decade, the median cost of an adult funeral in the United States has increased 28.6 percent and Department of Veterans Affairs (VA) benefits have not kept up with the pace of inflation. For instance, in 1973, the benefit for a veteran with no next-of-kin and
a non-service connected death would have been 22 percent of the national average, versus the 2 percent it covers today.

Currently, VA burial benefit provides: $300 for non-service-connected deaths and for veterans who have passed without a next-of-kin; $749 if a veteran passes away in a VA facility, and; $2,000 if a veteran passes away from a service-connected disability. The Burial Rights for America’s Veterans’ Efforts (BRAVE) Act would update the current funeral and burial benefit system to ensure all non-service connected deaths are treated equally, regardless of where the veteran passes away. Veterans with no next-of-kin that pass away in a VA facility are currently afforded greater funds to cover the costs of their funerals and burials than veterans who pass away in a private home or other facilities.

**Legion Position**

The BRAVE Act will increase the $300 for non-service connected deaths to $749 to equal the benefit received if a veteran passes away in a VA facility. The BRAVE Act additionally indexes for inflation both the non-service and service-connected passing funeral benefits, thereby eliminating the need for Congress to make further readjustments. The American Legion supports these provisions recognizing existing non-service connected and service-connected burial allowances benefits have been significantly eroded by inflation as they now only cover a small fraction of the actual cost of a burial.

Additionally, The American Legion urges The BRAVE Act be amended to reflect American Legion Resolution No. 181: *National Cemetery Administration*, passed by our membership, to increase the burial allowance for service connected causes from the current $2,000 amount to $4,000. This will enhance the quality of life for veterans’ survivors to increase the value of these benefits, especially during their greatest hour of need.

**Key Points**

- Increases the amounts payable from $300 to $749 through VA for burial and funeral expenses of veterans, and expenses in connection with a veteran’s death due to a service-connected disability.
- Increases amount payable each fiscal year.