REPORT OF THE NATIONAL CONVENTION COMMITTEE ON VETERANS AFFAIRS AND REHABILITATION
K. Robert Lewis (CT), CHAIRMAN

The report of the Convention Committee on Veterans Affairs and Rehabilitation to the 88th National Convention of the American Legion was delivered by Mr. K. Robert Lewis, Chairman, on August 30, 2006, in Salt Lake City, Utah. The recommendations of the Committee on Veterans Affairs and Rehabilitation, in the following condensed version, were accepted as follows.

PETER S. GAYTAN, DIRECTOR

89 members of your Committee on Veterans Affairs and Rehabilitation met at 9:00 a.m. on August 27, 2006, in Room 255 A-B, Upper Level, Salt Palace Convention Center, Salt Lake City, Utah, and agreed on the following report, which is respectfully submitted for your consideration.

The Committee was called to order by Peter Gaytan (MD), Liaison Representative appointed by the National Adjutant to act as temporary chairman. Mark Regan (MD), Assistant Director for Program Management, VA&R Commission, acted as temporary secretary and called the roll. A quorum being present, nominations were received for permanent chairman. K. Robert Lewis (CT), Chairman of the Standing National
Veterans Affairs and Rehabilitation Commission, was unanimously elected Chairman of the Convention Committee.

With unanimous consent, the Chairman appointed Pat Phillips (GA), as Committee Secretary; John Hickey (IN), Chairman of the Claims and Rating Subcommittee and Chris Harding (OK), Secretary; R. Michael Suter (NY), Chairman of the Hospital and Medical Services Subcommittee and John McKinney (TX), Secretary.

Subcommittee liaison assignments were as follows: Steve Smithson (MI), Deputy Director, to Claims and Rating and Mark Regan (MD), Assistant Director, to Hospital and Medical Services.

As has been the custom for the 62 previous National Conventions, a Special Department Service Officers Committee on Veterans Affairs and Rehabilitation Resolutions, in a preconvention meeting, screened and grouped the resolutions. A report of their action, with recommendations, was presented to the Convention Committee for consideration.

The Screening Committee conserved the time of the Convention Committee substantially. It was chaired by K. Robert Lewis, Chairman of the Veterans Affairs and Rehabilitation Commission and was composed of the following Department Service Officers:

REGION 1 - Fred C. Stockman (CT)
REGION 2 - Don Mathis (TN)
REGION 3 - Robert C. McBride (DE)
REGION 4 - John W. Hickey, Jr. (IN)
REGION 5 - Eldon L. Jones (WY)

The Convention Committee recommended that such a Committee be appointed for this purpose to serve the Eighty-ninth National Convention Committee on Veterans Affairs and Rehabilitation.

The 106 Veterans Affairs and Rehabilitation resolutions presented for the consideration of this Convention were referred by the Resolutions Assignment Committee. The following action on the resolutions was taken by the Convention Committee:

Approved or Approved w/Amendment 58
Consolidated with Resolutions Approved 23
Referred to the Standing Commission 9
Received and Recorded 6
Rejected 10

A motion was made and seconded to authorize the Chairman and Secretary to sign and deliver the report on the Convention Committee’s behalf.

A report of action taken on the 9 resolutions referred to the Standing National Veterans Affairs and Rehabilitation Commission will be made to the National Executive Committee and to the Adjutant of the Department concerned.

APPROVED RESOLUTIONS OR APPROVED WITH AMENDMENT

RESOLUTION NO.: 30
SUBJECT: Support the Automatic Waiver of Veterans Benefits Administration Debts Of $250 or Less
Origin: Vermont
Submitted by: Veterans Affairs and Rehabilitation

Approved as Amended

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That the Congress of the United States be requested to amend title 38, United States Code, to state that any alleged overpayment in the amount of $250 or less be granted an automatic waiver.

RESOLUTION NO.: 62
SUBJECT: Request Congress Provide the Department Of Veterans Affairs Adequate Funding for Medical and Prosthetic Research
Origin: Michigan
Submitted by: Veterans Affairs and Rehabilitation
RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion support adequate funding for VA biomedical research activities; and, be it finally

RESOLVED, That Congress and the Administration encourage acceleration in the development and initiation of needed research on conditions that significantly affect veterans - such as prostate cancer, addictive disorders, trauma and wound healing, post-traumatic stress disorder, rehabilitation, and others - jointly with the Department of Defense, the National Institutes of Health, other federal agencies, academic institutions and the Department of Veterans Affairs.

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RESOLUTION NO.: 63
SUBJECT: Oppose any Reduction of Eligibility Criteria for Department of Veterans Affairs Per Diem Payments to State Veterans Homes
Origin: Michigan
Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion shall oppose any legislative proposal to reduce the eligibility criteria for VA State Veterans Homes per diem.

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RESOLUTION NO.: 64
SUBJECT: Support Presumption of Service Connection for Hepatitis C
Origin: Michigan
Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion strongly urge the Department of Veterans Affairs to expeditiously promulgate regulations
providing for presumptive service connection for hepatitis C; and, be it further

RESOLVED, That The American Legion support legislation to provide for a statutory presumption of service connection for hepatitis C under certain conditions in service; and, be it finally

RESOLVED, That the Department of Veterans Affairs provide regular notification to Congress, the veterans service organizations, and veterans on new treatment modalities for hepatitis C.

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RESOLUTION NO.: 65
SUBJECT: The American Legion Policy on Gulf War Veterans Illnesses
Origin: Michigan
Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion encourage the Department of Veterans Affairs to devote the appropriate resources to finding effective medical treatments to alleviate the unexplained physical symptoms of Gulf War veterans; and, be it further

RESOLVED, That the Department of Veterans Affairs fund more scientific studies that exclusively investigate the health of women Gulf War veterans; and, be it further

RESOLVED, That The American Legion encourage the Department of Veterans Affairs to quickly implement any reasonable recommendations contained in Institute of Medicine reports, or recommendations offered by the newly established Research Advisory Committee on Gulf War Veterans Illnesses, regarding its Gulf War veterans programs and research; and, be it further

RESOLVED, That The American Legion encourage the scientific community to focus its efforts on the most likely causes of Gulf War veterans illnesses and to refrain from supporting or encouraging investigations of risk factors
that are not likely related to Gulf War veterans illnesses; and, be it further

RESOLVED, That The American Legion encourage the Department of Defense to not use investigational drugs on U.S. troops without their informed consent; and, be it further

RESOLVED, That The American Legion encourage the Department of Veterans Affairs to closely monitor the implementation of the changes to title 38, United States Code, section 1117, to ensure proper application of the law at the Department of Veterans Affairs regional office level; and, be it further

RESOLVED, That the Department of Veterans Affairs continue to develop the Gulf Registry; and, be it finally

RESOLVED, That The American Legion will continue to consult with medical experts from time to time in order to ensure the effectiveness of its advocacy.

RESOLUTION NO.: 66

SUBJECT: Improve the Disability and Death Pension Program

Origin: Michigan

Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion support amendments to title 38, United States Code, to accomplish the following:

1. Establish the pension rates of surviving spouses at ninety percent of the rate for a veteran without dependents;
2. Establish the pension rate for a surviving child where there is no surviving spouse entitled at ninety percent of the rate of a veteran without dependents;
3. Delete the requirement that the income and corpus of estate of a person legally responsible for the support of a surviving child be counted in the determination of annual income of such child;
4. Provide that when two veterans, who meet the service, disability and income requirements for pension eligibility, are married to one another, each shall be paid at the rate of a single veteran without dependents reduced by the amount of countable family income;

5. Exclude in the determination of annual income payments all proceeds from Government Life Insurance policies;

6. Change the effective date for reduction or discontinuance of pension based on a change of income from the last day of the month in which the change occurred to the last day of the calendar year in which the change occurred.

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RESOLUTION NO.: 67

SUBJECT: The American Legion Policy Regarding Community-Based Outpatient Clinics (CBOCs)

Origin: Michigan

Submitted by: Veterans Affairs and Rehabilitation

Consolidated with this: 251 (CA)

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion affirm its support for the development of Community Based Outpatient Clinics that meet established criteria as a means of improving veterans access to high quality health care services in the most appropriate setting and in a cost-effective manner; and, be it finally

RESOLVED, That The American Legion continue to monitor the incorporation of mental health services as an integral component in the planning, development, and activation of CBOCs to promote reasonable access to services, and to ensure sufficient resources and capacity at CBOCs to meet the mental health needs of the local veteran population.

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RESOLUTION NO.: 130

SUBJECT: Recognize Operations in Lebanon (1958), Grenada (1983) and Panama (1989-1990) as Periods of War for Department of
Veterans Affairs Pension Purposes

Origin: Maryland
Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, That the Congress be urged to include in the definition of “period of war” in title 38, United States Code, sections 101 (11) and 1521, the following periods – the operations in Lebanon in 1958, Grenada in 1983, and Panama in 1989-1990 for the purpose of establishing entitlement to VA pension.

RESOLUTION NO.: 131
SUBJECT: Clarification of “Service in the Republic of Vietnam” for the Purpose Of Agent Orange Presumption

Origin: Maryland
Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion seek legislation to plainly identify and further clarify “service in the Republic of Vietnam beginning January 9, 1962 and ending on May 7, 1975” to include those who served in the territorial waters offshore, as this was clearly the original intent of the statute; and, be it finally

RESOLVED, That those individuals who served in “other locations,” who can show their condition of service-involved duty or visitation in the Republic of Vietnam, shall also be included under the definition of those exposed to Agent Orange and the resultant presumptive conditions.

RESOLUTION NO.: 132
SUBJECT: The American Legion Policy on Radiation
Origin: Maryland

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RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion seek legislation to eliminate the radiation dose estimate requirement in claims of veterans who were exposed to ionizing radiation during their military service; and, be it further

RESOLVED, That The American Legion seek legislation to recognize military duty at all DOE nuclear weapons development, testing and manufacturing facilities as a "radiation-risk activity"; and, be it finally

RESOLVED, That The American Legion seek legislation to include in title 38, United States Code, those diseases recognized for benefit purposes under the Radiation Compensation Act of 1990 as amended, including those resulting from exposure to beryllium and silica.

RESOLUTION NO.: 133
SUBJECT: Provide Full Funding for the Department Of Veterans Affairs Construction Program
Origin: Maryland
Submitted by: Veterans Affairs and Rehabilitation

CONSOLIDATED WITH THIS: 298 (MA)

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion urge Congress to annually appropriate sufficient funds for the Department of Veterans Affairs construction program to ensure the continued provision of quality health care to our nation’s veterans and the implementation of the CARES decisions.

RESOLUTION NO.: 134
SUBJECT: The American Legion Policy on Prostate Cancer Research and Treatment

Origin: Maryland

Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, on August 29, 30, 31, 2006, That federal funding for prostate cancer research, treatment, and therapies at the National Institutes of Health, Department of Defense, and Department of Veterans Affairs be significantly increased and that Congress and the Administration re-double their efforts to find a cure for prostate cancer; and, be it finally

RESOLVED, That the Veterans Health Administration increase its investment in prostate cancer clinical research by improving and accelerating clinical trials at VA hospitals and affiliated university medical centers and research programs.

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RESOLUTION NO.: 135

SUBJECT: Support Medicare Reimbursement for The Department of Veterans Affairs

Origin: Maryland

Submitted by: Veterans Affairs and Rehabilitation

Consolidated with this: 226 (SD)

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion advocate to Congress amending title XVIII of the Social Security Act, to allow Medicare Reimbursement for VA on a fee-for-service basis for the treatment of nonservice-connected medical conditions of enrolled, Medicare-eligible veterans; and, be it finally

RESOLVED, That enrolled, Medicare-eligible veterans be authorized to participate in the Medicare Advantage option by choosing VA as their primary health care provider.
RESOLUTION NO.: 136

SUBJECT: Revision of Work-Rate Standards for Department of Veterans Affairs Adjudicators

Origin: Washington

Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion seek legislation to amend title 38, United States Code, to provide that VA regional office adjudicators shall not receive work credit for a claim until the decision in that claim becomes final, meaning that no future action is permitted by statute, either because the claimant has failed to initiate a timely appeal or the Board of Veterans' Appeals has rendered a final decision on the claim.

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RESOLUTION NO.: 138

SUBJECT: Support Legislation to Place Mariner Medal Recipients in Priority Group 3 for Department of Veterans Affairs Health Care

Origin: Washington

Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion support legislation that would place recipients of the Mariner Medal in the priority group 3 enrollment level for Department of Veterans Affairs health care.

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RESOLUTION NO.: 139

SUBJECT: The American Legion Policy on
RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That VA should be required to restore its nursing home care unit capacity as intended by Congress to the 1998 level of 13,391; and, be it further RESOLVED, That VA must create incentives and receive appropriate funding to maintain its nursing home care unit beds rather than abandon them to alternative sources; and, be it further RESOLVED, That VA be prohibited from counting any but their own nursing home care unit beds for the purposes of compliance with the provisions of Public Law 106-117, the Millennium Act; and, be it finally RESOLVED, That Congress should appropriate sufficient funds to support the provisions of the non-institutional long-term care mandates of Public Law 106-117, the Millennium Act, so that VA is not forced to reduce its nursing home care unit capacity in order to comply with said non-institutional care mandates.
RESOLUTION NO.: 141
SUBJECT: The GI Bill of Health
Origin: Convention Committee on Veterans Affairs and Rehabilitation
Submitted by: Convention Committee on Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion support the enactment of the remaining main components of the GI Bill of Health involving Medicare Reimbursement and dependent access to VA health care.

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RESOLUTION NO.: 142
SUBJECT: Amend the Eligibility Requirements and Extend the Eligibility Time Period for Service-Disabled Veterans Insurance
Origin: Washington
Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion shall sponsor and support legislation to amend Sec. 1922(a) of title 38, United States Code, to permit that increases in VA service-connected ratings also provide a service-connected veteran with an eligibility period to apply for VA Service-Disabled Life Insurance in the same manner that ratings for new, original, disabilities presently do, and that the time period of such eligibility be increased from the current two years to a period of at least five years from the date of rating determination and notification.
RESOLUTION NO.: 143

SUBJECT: The American Legion Policy on the State Veterans Home Program

Origin: Washington

Submitted by: Veterans Affairs and Rehabilitation

Consolidated with this: 38 (NE), 75 (VA), 76 (OH), 235 (ND), 275 (NY), 304 (MN), 305 (MN), 308 (OR)

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion support enactment of legislation to require VA per diem payments at a rate of 50% of the national average cost of providing care in a State Veterans Home; and, be it further

RESOLVED, That The American Legion urge Congress to pass legislation that adequately funds the State Veterans Home Construction Grant projects; and, be it further

RESOLVED, That VA should allow for full reimbursement of nursing home care to 70% service-connected veterans or higher, if the veteran resides in a State Veterans Home; and, be it further

RESOLVED, That The American Legion support the receipt of prescription drugs and over-the-counter medication in State Homes by veterans enrolled in the VA health care system who have a VA disability rating of 50% or greater; and, be it finally

RESOLVED, That The American Legion urge the National Association of State Veterans Homes and the Secretary of Veterans Affairs to support mutual planning efforts, enhanced medical sharing agreements, and enhanced-use construction contracts with qualified providers.

RESOLUTION NO.: 145

SUBJECT: The American Legion Policy on Department of Veterans Affairs National Service Life Insurance

Origin: Connecticut
RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion sponsor and support legislation to amend title 38, United States Code, to provide for the reopening of the National Service Life Insurance program for a minimum of one year for all disabled veterans within underwriting criteria similar to that of the Veterans Reopened Program of 1965-1966, to include a similar reopened period for the service-disabled insurance program for those veterans in good health except for their service-connected disabilities, regardless of the date of their service-connected rating, and that such reopened issues be at a maximum optional face value at a level that appropriately reflects current inflationary experience.

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RESOLUTION NO.: 146
SUBJECT: The American Legion Policy on Department Of Veterans Affairs Pharmacy Benefits
Origin: Connecticut
Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion oppose significant pharmacy co-payment increases at the expense of veteran beneficiaries, in lieu of seeking alternative funding sources, such as Mandatory Funding and Medicare Reimbursement, that would generate and provide VA with more adequate system-wide funding; and, be it finally

RESOLVED, That The American Legion support the provision of VA Pharmacy Benefits to enrolled veterans only when prescribed by an authorized VA physician or provider in the course of providing them medical care.

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RESOLUTION NO.: 147
SUBJECT: Open-Ended Presumptive Period for
Undiagnosed Illnesses for Gulf War Veterans

Origin: Connecticut

Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion urge that legislation be enacted to extend the presumptive period for service connection of Gulf War veterans with undiagnosed illnesses indefinitely.

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RESOLUTION NO.: 148

SUBJECT: The American Legion Policy on the Mental Health Services

Origin: Connecticut

Submitted by: Veterans Affairs and Rehabilitation

Consolidated with this: 170 (ID)

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion shall monitor the efficiency and effectiveness of the Mental Health Strategic Plan; and, be it further

RESOLVED, That The American Legion urge Congress to annually appropriate sufficient funds for the Department of Veterans Affairs to ensure comprehensive mental health services are available to veterans; and, be it finally

RESOLVED, That The American Legion urge Congress to provide annual oversight of VA's mental health services.

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RESOLUTION NO.: 149

SUBJECT: The American Legion Position on Attorney Representation Before the Department of Veterans Affairs
RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That although The American Legion does not oppose the concept of attorney representation or the lifting of current restrictions on attorney representation in the VA system, The American Legion is opposed to any such measure that does not include adequate safeguards, including, but not limited to, fee limits, training requirements and or competency/proficiency certification requirements and strict agency oversight, to ensure the protection of the claimant.

RESOLUTION NO.: 150
SUBJECT: The American Legion Policy on Opening The Federal Supply Schedule for Pharmaceuticals to Medicare and Medicaid

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion oppose any Federal legislation that would open the Federal Supply Schedule for Pharmaceuticals to Medicaid, Medicare Part D, or any other entity or program not now specifically authorized to purchase on the Federal Supply Schedule for Pharmaceuticals.

RESOLUTION NO. 214
SUBJECT: Include War War II Veterans in Priority Group 6 For Department of Veterans Affairs Health Care

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion oppose any Federal legislation that would open the Federal Supply Schedule for Pharmaceuticals to Medicaid, Medicare Part D, or any other entity or program not now specifically authorized to purchase on the Federal Supply Schedule for Pharmaceuticals.
RESOLVED: By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion support legislation to amend Title 38 USC to give VA the authority to enroll WWII veterans in "Priority Group 6" for the purpose of receiving VA health care services.

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RESOLUTION NO.: 218
SUBJECT: The Establishment of Amyotrophic Lateral Sclerosis (ALS) as a Gulf War Presumptive Disease
Origin: Wyoming
Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion pursue specific legislation to establish ALS as a condition presumed to be service-connected when incurred by veterans of the Gulf War.

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RESOLUTION NO.: 219
SUBJECT: The American Legion Policy on the Correction of Military Records
Origin: Wyoming
Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That appropriate action be taken in support of legislation to amend title 10, United States Code, section 1552, so as to eliminate all time limitations restricting when a claimant may petition the Boards for Correction of Military Records for relief of an error or injustice.

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RESOLUTION NO. 220
SUBJECT: Support for Enhanced Department of Veterans Affairs Rural Health Care

Origin: Wyoming

Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion urge VA to improve access to quality primary and specialty health care services, using all available means at their disposal, for veterans living in rural and highly rural areas.

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RESOLUTION NO.: 221

SUBJECT: All Veterans Receive “Wartime” Benefits For Active Military Service Between February 28, 1961, and August 5, 1964

Origin: Wyoming

Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, That The American Legion shall seek legislation to establish February 28, 1961, as the beginning date of the Vietnam War for VA benefit purposes.

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RESOLUTION NO.: 238

SUBJECT: Exempt Certain Income from VA Pension Rate Determination

Origin: Illinois

Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion shall sponsor and support legislation to exempt income received from jury duty and
income from service as an election judge in determining the VA pension rate under PL 95-588.

RESOLUTION NO.: 239
SUBJECT: Exempt Purple Heart Recipients from VA Prescription Co-Payment
Origin: Illinois
Submitted by: Veterans Affairs and Rehabilitation
Approved as Amended
Consolidated with this: 31 (VT)

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion shall sponsor and support legislation to exempt all those who were awarded the Purple Heart and are enrolled in the VA health care system, from any co-payment for prescription drugs.

RESOLUTION NO.: 240
SUBJECT: Increase the Maximum Coverage under the Service-Disabled Veterans Insurance Program
Origin: Illinois
Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion shall sponsor and support legislation to increase to $50,000 the maximum coverage a service-connected disabled veteran can purchase under the Service-Disabled Veterans insurance program.

RESOLUTION NO.: 242
SUBJECT: Remove the Specific Date to Award Dependency and Indemnity Compensation
RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion shall sponsor and support legislation to amend section 1318 of title 38, United States Code, to remove the date of September 30, 1999, and substituted "who died any time after discharge from active duty and who were rated totally disabled for over one year."

RESOLUTION NO.: 243
SUBJECT: Allow Beneficiaries to Retain $90 of Their Benefits while in Medicaid-Covered Nursing Homes
Origin: Illinois
Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion shall sponsor and support legislation to authorize veterans in receipt of VA compensation, or a helpless child in receipt of VA pension or DIC, or a surviving parent in receipt of VA Parents' DIC, to keep up to $90 of their monthly VA benefits for incidental expenses while in a Medicaid-covered nursing home.

RESOLUTION NO.: 244
SUBJECT: Reduce the Number of Years of One-Hundred Percent (100%) Service Connection Required for Dependency and Indemnity Compensation Purposes
Origin: Illinois
RESOLUTION NO.: 245

SUBJECT: Amend Title 38, United States Code, to Increase the Special Monthly Compensation (K) Award

Origin: Illinois

Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion support an increase in the SMC (k) award, under title 38, USC, section 1114(k) from $87 to $598.

RESOLUTION NO.: 252

SUBJECT: Extend the Filing Period of an Appeal Notice to the Court of Appeals for Veterans Claims

Origin: California

Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion shall support legislation to extend the Court of Appeals for Veterans Claims Notice of Appeal filing period to one year following BVA final denial of an appeal.

Submitted by: Veterans Affairs and Rehabilitation
RESOLUTION NO.:  253

SUBJECT:   VA Role in National Emergency Preparedness

Origin:   California

Submitted by:  Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That implementation of the CARES decision must take into consideration and sustain VA’s ability to perform its fourth mission as a back up to the Department of Defense; and, be it further

RESOLVED, That The American Legion urge the Secretary of Veterans Affairs to continue to take an active role in the development and implementation of plans to enhance federal homeland security initiatives; and, be it finally

RESOLVED, That The American Legion strongly urge the President and Congress to provide VA with the funding necessary to further enhance its capacity to act as a back-up to the Department of Defense in times of war and to the Federal Emergency Management Agency (FEMA) in responding to national emergencies.

RESOLUTION NO.: 254

SUBJECT:   The American Legion Policy on Assured Funding for VA Medical Care

Origin:   California

Submitted by:  Veterans Affairs and Rehabilitation

Consolidated with this: 51 (NE), 55 (CO), 166 (ID)

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That Congress designate assured funding for VA medical care; and, be it further

RESOLVED, That Congress continue to provide discretionary funding required to fully operate other
programs within the Veterans Health Administration’s budgetary jurisdiction; and, be it finally

RESOLVED, That Congress provide, if necessary, supplemental appropriations for budgetary shortfalls in VHA’s mandated and discretionary appropriations to meet the health care needs of America’s veterans.

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RESOLUTION NO.: 255

SUBJECT: The American Legion Policy on VA Compensation

Origin: California

Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion vigorously oppose any proposal that would subject VA disability compensation benefits to taxation; and, be it further

RESOLVED, That The American Legion oppose any administrative or legislative proposal to dilute or eliminate any provision of the disability compensation program; and, be it further

RESOLVED, That The American Legion support legislation to amend title 38, United States Code, section 1114, to provide a periodic COLA increase and to increase the monthly rates of disability compensation; and, be it finally

RESOLVED, That The American Legion oppose any legislative effort to automatically index such cost-of-living adjustments to the cost-of-living adjustment authorized for Social Security recipients, nonservice-connected disability recipients and death pension beneficiaries.

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RESOLUTION NO.: 256

SUBJECT: Presumptive Medical Care for Persian Gulf War Veterans
RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion encourage Congress to enact legislation to give VA the authority to include ill Gulf War veterans in Priority Group 6; and, be it finally

RESOLVED, That VA continue to provide appropriate medical examinations and treatment, including follow-up treatment, to all veterans of the Gulf War who report signs or symptoms that may be associated with diseases endemic to that war region and other conditions related to the experience.

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RESOLUTION NO.: 257

SUBJECT: The American Legion Policy on Former Prisoners of War

Origin: California

Submitted by: Veterans Affairs and Rehabilitation

Approved as Amended

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion shall support legislation to amend section 1112 of title 38, United States Code, so as to provide presumptive service connection for the following conditions in the absence of demonstrable intercurrent disease or injury:

1. Hepatitis or other infectious diseases of the liver;
2. Arthritis, including osteoporosis;
3. Chronic pulmonary disease (where there is a history of forced labor in mines during internment);
4. Chronic liver disease;
5. Adult-onset diabetes;

and, be it further

RESOLVED, That The American Legion seek legislation to be enacted to rescind the requirement in 38 U.S.C. § 1112(b) that a POW must be held in captivity for at least 30 days to receive benefits and compensation for any presumptive disabilities, specified in that section, that were incurred in captivity; and, be it finally

RESOLVED, That The American Legion shall support any and all efforts on the part of the United States government to alleviate and ameliorate social, economic, and physical disabilities experienced by former POWs where such disabilities can reasonably be attributed to the effects of internment by the enemies of the United States.

RESOLUTION NO.: 262

SUBJECT: The American Legion Policy on Agent Orange
RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion continue to urge the completion of the scientific study mandated by Public Law 96-151; and, be it further

RESOLVED, That The American Legion vigorously support the liberalization of the rules relating to the evaluation of studies involving exposure to dioxin and the adjudication of claims based on Agent Orange exposure; and, be it further

RESOLVED, That The American Legion continue to closely monitor the development of all ongoing research on the long-term effects of Agent Orange exposure and point out to the proper officials any perceived deficiencies or discrepancies in these projects; and to ensure that government committees charged with review of such research are composed of impartial members of the medical and scientific community; and, be it further

RESOLVED, That veterans reporting to VA medical care facilities claiming exposure to Agent Orange be provided examinations and treatment which are thorough and appropriate, and that VA physicians demonstrate compassion in responding to the medical needs of these veterans; and, be it further

RESOLVED, That The American Legion seek legislation to amend title 38, United States Code, section 1116, to provide entitlement to these presumptions for those veterans who were exposed to Agent Orange while serving in areas other than the Republic of Vietnam where Agent Orange was tested, sprayed, or stored; and, be it finally

RESOLVED, That The American Legion seek legislation to amend title 38, United States Code, Chapter 18, to provide entitlement to spina bifida benefits for the child or children of any veteran who was exposed to Agent Orange as the result of service in the Republic of Vietnam or in other locations where Agent Orange was tested, sprayed, or stored.
SUBJECT: Oppose Legislation Authorizing Legion-Accredited Representatives To Develop Claims

Origin: New York

Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion adamantly oppose any federal legislation requiring an American Legion-accredited representative to develop claims for VA.

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RESOLUTION NO.: 270

SUBJECT: Exempt VA Benefits and Services from Pay-Go Provisions

Origin: New York

Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion support legislation to exempt VA benefits and services provided to service-connected disabled veterans, their dependents and survivors from the Pay-As-You-Go (PAY-GO) provision of the Budget Enforcement Act.

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RESOLUTION NO.: 272

SUBJECT: Oppose Increased Co-Payments and an Enrollment Fee for Priority Groups 7 and 8 Veterans to Receive VA Health Care

Origin: New York

Submitted by: Veterans Affairs and Rehabilitation

Consolidated with this: 224 (SD), 225 (SD)
RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion adamantly oppose any effort to increase co-payments or impose an enrollment fee for Priority Groups 7 and 8 veterans to receive VA health care.

RESOLUTION NO.: 273
SUBJECT: Project 112/Operation "Shipboard Hazard and Defense (SHAD)
Origin: New York
Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That DOD consider all new information that surfaces and disclose any new developments related to Project 112/SHAD in a timely manner; and, be it further

RESOLVED, That The American Legion urge VA to ensure that all of the 5,842 participants involved in the tests receive prompt notification of their entitlement to benefits and health care for any ailment that may have resulted from their exposures; and, be it further

RESOLVED, That The American Legion urge VA to keep an organized account of claims from Project 112/SHAD participants in order to monitor any trends in ailments and to keep abreast of the number of claims granted for SHAD-related ailments; and, be it further

RESOLVED, That The American Legion recommend that VA routinely disseminate all declassified information pertaining to Project 112/SHAD, especially long-term health consequences of exposure to various agents used in SHAD, names of participants identified as well as ships and units involved, to all department medical facilities and regional offices responsible for processing disability benefit claims; and, be it further

RESOLVED, That The American Legion urge VA to conduct thorough health assessments of participants as they are located, as well as the records of those deceased, to establish guidelines to be used in examining participants of
SHAD and awarding appropriate compensation; and, be it further

RESOLVED, That The American Legion recommend that VA and any government agency that conducts health or mortality studies on SHAD participants disclose their findings to the public; and, be it finally

RESOLVED, That VA be urged to reopen all cases involving veterans of identified units to determine any long-term health effects from exposure to chemical and biological agents during these tests and, when supported by medical and scientific evidence, that these veterans be granted compensation and benefits for disabilities associated with their participation in Project SHAD and associated tests.

RESOLUTION NO.: 274
SUBJECT: The American Legion Policy on Tobacco-Related Disabilities

Origin: New York
Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion support legislation to restore entitlement to service connection for disability, or death, related to the veteran’s use of tobacco products during the period of active military service from June 9, 1998, the date of the enactment of Public Law 105-178, the "Transportation Equity Act for the 21st Century;" and, be it finally

RESOLVED, That The American Legion also support congressional appropriation of sufficient funds to pay compensation benefits for tobacco-related illness claims.

RESOLUTION NO.: 299
SUBJECT: Oppose Lump-Sum Payments of VA Disability Compensation

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RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion oppose any recommendation, legislative or otherwise, to establish lump-sum payments of VA disability compensation.

RESOLUTION NO.: 310
SUBJECT: Protect Disability Rating after Ten Years
Origin: Oregon
Submitted by: Veterans Affairs and Rehabilitation

Consolidated with this: 300 (MN)

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion recommend that section 110 of title 38, United States Code, be amended to provide that disability evaluations continuously in effect at that same evaluation rate be protected after a period of ten years.

RESOLUTION NO.: 311
SUBJECT: Extend Presumptive Period for Amyotrophic Lateral Sclerosis (ALS) To Seven Years
Origin: Oregon
Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion urge that legislation be enacted to extend the current presumptive period for service connection
of Amyotrophic Lateral Sclerosis from one year to seven years from the date of separation from active duty.

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RESOLUTION NO.: 312

SUBJECT: VA Involvement in the Department of Homeland Security

Origin: Oregon

Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion urge Congress and the Administration to include VA in all strategic planning of the Department of Homeland Security, and, be it finally

RESOLVED, That Congress take into account any additional requirements of VA as a result of involvement in Homeland Security obligations when developing VA’s annual budget.

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RESOLUTION NO.: 313

SUBJECT: The American Legion Policy on the National Cemetery Administration

Origin: Oregon

Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion support the establishment of additional national and state veterans cemeteries and columbaria wherever a need for them is apparent and petition Congress to provide required operations and construction funding to ensure VA burial in a national or state veterans cemetery is a realistic option for veterans and their eligible dependents; and, be it further

RESOLVED, That The American Legion support restoration of a veterans burial allowance and an increase in the burial benefit; along with restoration of the pre-1990 Omnibus Budget Reconciliation Act criteria to provide eligibility
for a government-furnished headstone or marker allowance and restoration of the burial plot allowance for all honorably discharged veterans; and, be it finally

RESOLVED, That The American Legion support action to provide that 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 as determined by the Secretary of Veterans Affairs.

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RESOLUTION NO.: 314
SUBJECT: Restore and Increase Burial and Plot Allowance
Origin: Oregon
Submitted by: Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion shall sponsor and support legislation to return the burial allowances and burial plot allowance to all veterans who served during a time of war or conflict; and, be it further

RESOLVED, That the burial allowance for veterans now eligible under 38 United States Code (USC) §§ 2302 and 2303 be increased from $300 to $1135; and, be it further

RESOLVED, That the burial allowance for veterans who died as a result of a service-connected condition as set forth in 38 USC § 2307 be increased from $2000 to $3712; and, be it further

RESOLVED, That the burial plot allowance be increased from $300 to $670; and, be it finally

RESOLVED, That VA be required to annually adjust burial allowances and burial plot allowance for inflation by tying the increased allowances to the Consumer Price Index.

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RESOLUTION NO.: 363
RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That Social Security benefits and veterans' disability benefits are and should remain totally separate and subject to separate rules because Social Security benefits are the result of insurance premiums which constitute part of the Social Security tax and veterans' benefits are earned for taking up the burdens of the Nation, subjecting themselves to the mental and physical hazards, as well as the economic and family detriments, which are peculiar to military service; and, be it further

RESOLVED, That the National Commander in furtherance of the traditional goal of The American Legion of protecting and enhancing veterans' benefits, is hereby authorized and directed to take all appropriate actions, with other organizations or singly, up to and including authorizing litigation to ensure that the Veterans' Disability Benefits Commission or any other entity does NOT attempt to make veterans' benefits subject to the rules and laws pertaining to the Social Security system or similar rules allowing the end of benefits because the veteran has found a job, offset veterans' benefits with Social Security disability payments or turn veterans' benefits into a transitional assistance program; and, be it finally

RESOLVED, That The American Legion is further authorized to work with the Disabled American Veterans and any other organization with a common goal, jointly or separately as appropriate, to accomplish The American Legion's traditional goal of preserving, protecting and enhancing veterans' benefits and preventing the erosion or destruction of such benefits.

1. Boone v Lightner 319 U.S. 561, 635 S.ct. 1223, 87L.Ed. 1587 (1943)

RESOLUTION NO.: 364
SUBJECT: VA Compliance with Existing Security Information Protection Laws
Origin: Convention Committee on Veterans Affairs And Rehabilitation
Submitted by: Convention Committee on Veterans Affairs and Rehabilitation

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion urge more intense Congressional oversight of VA’s compliance with security protection laws; and, be it further

RESOLVED, That VA put into place a comprehensive plan to ensure that VA employees fully understand and comply with all agency requirements and procedures involving individual responsibilities concerning security and the protection of sensitive data; and, be it further

RESOLVED, That The American Legion urge VA to keep its original commitment to have veterans and all effected persons receive free credit monitoring for at least one year if they so choose; and, be it finally

RESOLVED, That veterans or their dependents be fully compensated if they suffer any loss due to identity theft.

RESOLUTION NO.: 365
SUBJECT: Indiana-Ohio Center for Traumatic Amputation Rehabilitation
Origin: Convention Committee on Veterans Affairs and Rehabilitation
RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, August 29, 30, 31, 2006, That The American Legion provide public endorsement for the efforts of Indiana-Ohio Center researchers; and, be it further

RESOLVED, That The American Legion provide input to highlight issues relevant to war amputees; and, be it further

RESOLVED, That The American Legion disseminate information (i.e. via publications and the website) about the war amputation research project to the membership in an effort to solicit participation from eligible Vietnam War veterans who may be interested in providing information for the databank; and, be it finally

RESOLVED, That The American Legion provide support for efforts of Indiana-Ohio Center researchers to collect information that would improve the knowledge of the long-term effects of traumatic amputations, at no direct cost to The American Legion.

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THE FOLLOWING RESOLUTIONS ARE BEING REFERRED TO THE STANDING COMMISSION FOR STAFF STUDY OR APPROPRIATE ADMINISTRATIVE DISPOSITION

RECEIVED AND RECORDED RESOLUTIONS

7 LA Appreciation to John D. Church, Jr., Director, New Orleans VA Medical Center

54 CO Support of Rural Department of Veterans Affairs Health Care Facilities

56 CO Support for Legislation Barring Protest at Veterans Funerals

156 NJ Support Legislation to Protect the Sanctity of the Funeral Services of Servicemen and Women

171 ID Increase Department of Veterans Affairs Beneficiary Travel
189 MX Urge the Department of Veterans Affairs to Publish and Circulate Spanish Language Pamphlets

REFERRED RESOLUTIONS

8 LA Support Authorization and Full Funding for the Construction of a New VA Medical Center in New Orleans

53 CO Support for a National Veterans Cemetery in the Pikes Peak Region of Colorado

137 WA Licensing and Credentialing of VA-Employed and Contracted Medical Practitioners

144 CT Department of Veterans Affairs Medical Center West Haven, CT Parking Garage

154 NJ Increase the Maximum Department of Veterans Affairs Pension Benefits

227 SD Reinstate Overnight Travel for the Vet Center Counselors

237 IL Sensitizing VA Records to Prevent Identity Theft

263 NY Exclude Blind Annuity Payments as Income in the Calculation of Veterans’ Benefits

271 NY Include Pension and Death Pension as Exclusions to the Minimum Active Duty Statute

REJECTED RESOLUTIONS

21 MT Continue Oversight of Project 112/Operation Shipboard Hazard and Defense (SHAD)

33 NE Support Legislation to Grant Merchant Mariners a Monthly Compensation

49 NE A National Trust Fund for Asbestos Illness Compensation
| 157 ME | Preclude Dependent Benefits to Emancipated Children |
| 167 ID | Eliminate Co-Payments for Department of Veterans Affairs Medications |
| 168 ID | Use Median Salary for Department of Veterans Affairs Compensation |
| 249 IL | Support Legislation to Pay Interest on Claims Granted by the Board of Veterans’ Appeals |
| 264 NY | Establish Deadlines for the Board of Veterans’ Appeals to Adjudicate Claims |
| 276 FL | Sponsor and Support the Veterans Detoxification Project |
| 316 CA | Support Legislation for WWII Merchant Mariner Benefits |

Respectfully submitted:

K. Robert Lewis (CT)  
Chairman

Pat Phillips (GA)  
Secretary