



**STATEMENT OF
CHANIN NUNTAVONG, DIRECTOR
NATIONAL VETERANS AFFAIRS & REHABILITATION DIVISION
THE AMERICAN LEGION**

BEFORE THE

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

ON

**"H.R. 1199, H.R. 1200, H.R. 1126, H.R. 1628, H.R. 1826, A DRAFT BILL, AND H.R. 299
AMENDED"**

MAY 1, 2019

**STATEMENT OF
CHANIN NUNTAVONG, DIRECTOR
VETERANS AFFAIRS AND REHABILITATION DIVISION
THE AMERICAN LEGION
BEFORE THE
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
HOUSE COMMITTEE ON VETERAN'S AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES
ON
H.R. 1126, H.R. 1200, H.R. 1199, H.R. 1628, H.R. 1826, A DRAFT BILL, AND H.R. 299
Amended**

May 1, 2019

Chairwoman Luria, Ranking Member Bost and distinguished members of the Subcommittee on Disability Assistance and Memorial Affairs (DAMA); on behalf of National Commander Brett P. Reistad and The American Legion, the country's largest patriotic wartime service organization for veterans, comprising nearly 2 million members and serving every man and woman who has worn the uniform for this country, we thank you for the opportunity to testify on behalf of The American Legions positions on the following pending and draft legislation.

H.R. 1126 – Honoring Veterans' Families Act

To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide inscriptions for spouses and children on certain headstones and markers furnished by the Secretary.

Under current law, veterans honorably discharged from military service are authorized a government-issued headstone or marker in a National Cemetery Administration (NCA) cemetery or a privately-owned cemetery. Further, veterans' spouses and eligible children buried in an NCA cemetery can receive a headstone or marker. However, current law does not allow the Department of Veterans' Affairs (VA) to add information about spouses and/or children to the gravestone or marker of a veteran buried with a government-furnished headstone or marker in a non-VA cemetery.

The American Legion strives to ensure veterans and their family members receive the support and recognition they deserve. Including family information on a headstone or marker is a standard custom in society, and the families of veterans should not be any different. H.R. 1126, *The Honoring Veteran Families Act*, alters current law by allowing, if feasible and upon request, VA to make inscriptions on a veteran's headstone or marker regarding their spouse and/or children. It would also allow VA to replace a veteran's headstone or marker to add such an inscription if the veteran predeceased their spouse and/or dependent child and already has a government-issued headstone or marker.

Through American Legion Resolution No. 377: *Support for Veterans Quality of Life*¹, we support authorizing the Secretary of VA to add an inscription to a government-issued headstone or marker for a veteran's eligible spouse and/or children buried in all cemeteries with the veteran. This common-sense legislation would allow the VA Secretary to provide, if feasible and upon request, these inscriptions for individuals who died on or after October 1, 2018.

The American Legion supports H.R. 1126.

Draft Legislation – To permit the Secretary of Veterans Affairs to establish a grant program to conduct cemetery research and produce educational materials for the Veterans Legacy Program.

To permit the Secretary of Veterans Affairs to establish a grant program to conduct cemetery research and produce educational materials for the Veterans Legacy Program.

In 2017, the National Cemetery Administration (NCA) established the Veteran Legacy Program (VLP), a grant-based partnership between NCA and academic institutions to conduct research on the lives of veterans interred in NCA cemeteries. The research illuminates how those buried in NCA cemeteries contributed to their country as servicemembers and to their community as veterans. VLP makes information available to the public through informative materials such as interactive maps to educate visitors.²

There is currently no law that authorizes a grant program to conduct cemetery research. This draft legislation permits cemetery research and educational material production, as well as identification of eligible recipients including institutions of higher learning, local agencies, non-profit organizations, and other eligible recipients as determined by the Department of Veteran Affairs (VA) secretary. The legislation also permits the establishment of appropriate utilization of funds for research and educational material to promote community engagement for Fiscal Year 2020 under grant authority. The American Legion supports memorializing those who served our great nation.

Through American Legion Resolution No. 377: *Support for Veterans Quality of Life*³, we support the Secretary of the Department of Veterans Affairs in establishing a grant program to conduct cemetery research and produce educational materials for the Veteran Legacy Program. The American Legion urges Congress to enact legislation and programs within VA that will enhance, promote, restore or preserve benefits for veterans and their dependents, including final resting places in national shrines and with lasting tributes that commemorates their service.

The American Legion supports this draft legislation *as currently written*.

¹ The American Legion Resolution No. 377 (2016): [Support for Veteran Quality of Life](#)

² [Veteran Legacy Program](#)

³ The American Legion Resolution No. 377 (2016): [Support for Veteran Quality of Life](#)

H.R. 1200: Veterans' Compensation Cost-of-Living Adjustment Act of 2019

To increase, effective as of December 1, 2019, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

This bill will provide a Cost of Living Allowance (COLA) effective December 1, 2019. Disability compensation and pension benefits awarded by the Department of Veteran Affairs (VA) are designed to compensate veterans for medical conditions due to service or those who earn below a designated income threshold. H.R. 1200 appropriately recognizes annual increases to costs of living and increases benefits commensurate with those cost increases.

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

The American Legion is pleased to support this bill, in part because it does not include two mechanisms we are resolved to oppose, Consumer Price Indexing and "round down" provisions. The American Legion opposes using any Consumer Price Index that would reduce the annual cost-of-living adjustment for military retirees, veterans receiving Social Security benefits, or VA beneficiaries.⁴ Similarly, The American Legion also appreciates this bill does not include "round-down" provisions, where veterans' benefits would be rounded-down to the next whole dollar to save money. Rounding down is a slippery slope that dilutes the value of future benefits. Veterans should never have their benefits "round down" to provide legislative fiscal ease to help offset the cost of creating or expanding additional benefits elsewhere under Title 38.

The American Legion supports legislation to provide a periodic cost-of-living adjustment increase and to increase the monthly rates of disability compensation.⁵

The American Legion supports H.R. 1200.

H.R. 1199: VA Website Accessibility Act of 2019

To direct the Secretary of Veterans Affairs to conduct a study regarding the accessibility of websites of the Department of Veterans Affairs to individuals with disabilities.

20 USC 794d § 508 (Section 508), of the Rehabilitation Act, establishes requirements for electronic and information technology developed, maintained, procured, or used by the Federal

⁴ American Legion Resolution No. 164: [Oppose Lowering of Cost-of-Living Adjustments](#)

⁵ American Legion Resolution No. 187: [Department of Veterans Affairs Disability Compensation](#)

government. Section 508 requires federal electronic and information technology to be accessible to people with disabilities, including employees, and members of the public. An accessible information technology system is one that operates in a variety of ways and does not rely on a single sense or ability of the user.

The VA Website Accessibility Act of 2019, is not proposing any changes to Section 508. H.R. 1199 requires Department of Veterans Affairs (VA) to examine all websites (including attached files and web-based applications) of VA to determine whether such websites are accessible to individuals with disabilities in accordance with section 508. Further, H.R. 1199 requires VA to compile a complete list of non-compliant websites and submit a plan to Congress to make these websites compliant with the requirements of Section 508.

The provisions of this bill fall outside the scope of established resolutions of The American Legion. As a large, grassroots organization, The American Legion takes positions on legislation based on resolutions passed by the membership or in meetings of the National Executive Committee. However, The American Legion believes access to accurate and relevant information is essential to making informed decisions. This is especially true for disabled veterans who must make critical daily decisions about their health and the health and welfare of their dependents. We support efforts to identify the challenges. The American Legion believes that all veterans should have access to VA and VA's resources.

With no resolutions addressing the provisions of the legislation, The American Legion is researching the material and working with our membership to determine the course of action, which best serves veterans.

The American Legion has no current position on H.R. 1199.

H.R. 1628: Enewetak Atoll Clean-Up Radiation Study Act

To direct the Secretary of Veterans Affairs to seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to conduct a study on radiation exposure relating to the cleanup of Enewetak Atoll, and for other purposes.

Servicemembers cleaning various nuclear testing sites, including the Marshall Islands, during the 1970s and 1980s were exposed to significant radiation because of their duties. Servicemembers who participated in cleaning up these nuclear testing sites suffer from high rates of cancers due to their exposure to radiation and nuclear waste. These servicemembers are currently unable to receive the same treatments and service-related disability presumptions that other "radiation-exposed veterans" receive from the Department of Veterans Affairs. The American Legion believes these veterans deserve the same benefits that U.S. law guarantees to other servicemembers exposed to dangerous radiation and nuclear waste. The American Legion believes VA should be responsible for the care of these atomic cleanup veterans.

The American Legion would like to see servicemembers impacted by toxic exposures receive the same treatments and service-related disability presumptions, this legislation would help establish further evidence to support these veterans' claims.

The American Legion supports H.R. 1628.

H.R. 1826: Veterans VOW Act

To amend title 38, United States Code, to provide payment of Medal of Honor special pension under such title to the surviving spouse of a deceased Medal of Honor recipient, and for other purposes.

The provisions of this bill fall outside the scope of established resolutions of The American Legion. The American is a resolution based, grassroots organization that takes positions on legislation based on resolutions passed by the membership or in meetings of the National Executive Committee. The American Legion has no current position on H.R. 1826. With no resolutions addressing the provisions of the legislation, The American Legion is researching the material and working with our membership to determine the course of action which best serves veterans.

The American Legion has no current position on H.R. 1826.

H.R. 299: 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.

Veterans who served on open sea ships off the shore of Vietnam during the Vietnam War are called "Blue Water Veterans." 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 (VA) 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.

On February 27, 2019, our National Commander testified before a joint hearing of the Senate and House Veterans' Affairs Committee urging VA to provide care and benefits to our Veterans exposed to herbicides such as agent orange during the Vietnam War. He called upon Congress to pass H.R. 299, the Blue Water Navy Veterans Act, and thereby amend Title 38, U.S. Code, to presume exposure to agent orange for military personnel who served during the Vietnam War on any vessel that came within 12 nautical miles of the Vietnam coastline.

In this year's landmark *Procopio* decision, the U.S. Court of Appeals for the Federal Circuit determined service in the Vietnam War includes anyone within the 12 nautical mile territorial waters of the Republic of Vietnam.⁶ The science is also settled, as a 2002 Australian study concluded that "personnel on board ships were exposed to biologically significant quantities of dioxins," and Australia began granting disability benefits to its former sailors in 13 years ago.⁷

With the expansion of care available resulting from *Procopio* and potential changes from this pending legislation, The American Legion supports this proposed legislation with amendments. The American Legion will support this legislation contingent upon the inclusion of additional language requiring VA to engage in a robust and comprehensive educational campaign. This education campaign must work in concert with DoD to make all Guard, Reserve members, and Purple Heart recipients aware of increased benefits as a result of this statute and interpretation. Additionally, all active duty and reserve members must be made aware of the removal of the cap on Jumbo Loans.

Through Resolution No. 246: *Blue Water Navy Vietnam Veterans*, The American Legion supports legislation to 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.⁸

The American Legion supports H.R. 299 with Amendments.

⁶ *Procopio v. Wilkie*, 913 F.3d 1371

⁷ Report to the Department of Veteran Affairs, Australia titled "Examination of the potential exposure of Royal Australian Navy (RAN) personnel to polychlorinated dibenzodioxins and polychlorinated dibenzofurans via drinking water"

⁸ American Legion Resolution No. 246 (Sept. 2016): [Blue Water Navy Vietnam Veterans](#)