



THE AMERICAN LEGION LEGISLATIVE POINT PAPER

Toxic Exposures and Burn Pits

Background

When deploying to various locations around the world, servicemembers are often well prepared for the potential physical threats they will face. However, the environmental hazards are not typically at the forefront of their minds. Instead, it is a concern that develops as they are frequently exposed to pesticides, burning materials, encumbered air particles, and tainted water supplies throughout the course of their duties. Unfortunately, it is not a concern that remains in the theater, but rather returns home with them along with potentially new medical complications.

Millions of veterans have been deployed in the Global War on Terror, and a disturbingly high percentage of them have been exposed to airborne toxic hazards during their service as a result of burn pits.¹ The Department of Defense (DoD) is beginning to track locations where it utilized burn pits, but this data is far from exhaustive and many years late.² Regrettably, the conversation on toxic exposures is not a new concept to The American Legion and the Department of Veterans Affairs (VA). The American Legion has for decades fought for service-connected disability benefits for adverse health conditions linked to toxic exposures from a variety of toxic substances.³

As the VA Public Health Department tells us, “Veterans may have been exposed to a range of chemical, physical, and environmental hazards during military service.”⁴ These exposures result in health concerns such as; burn pit related illnesses, Agent Orange related diseases, Gulf War Veterans’ illnesses, radiation-related diseases, vaccinations & medications, etc. Exposure to toxic chemicals may have happened across various wars and operations, including Operations Iraqi, Enduring Freedom, New Dawn, the Gulf War, and Vietnam.

Exposure to toxic chemicals is not limited to wartime operations. Some examples are the Camp Lejeune water contamination issue, Per- and Polyfluoroalkyl Substances (PFAS), nuclear and other radiation exposures, dust, asbestos, lead, and other chemical and biological weapons.

VA has not done sufficient studies to determine illnesses and diseases directly related to the various types of toxic chemicals, nor have they begun to develop a list of presumptive conditions. Veterans who suffer from conditions related to toxic exposure have neither the time, resources, or evidence to make their case, nor is there adequate legislation to support toxic exposure claims. Meaning, this health issue is continuing to burden our nations’ servicemembers and veterans socially, financially, and physically.

¹ <https://www.va.gov/vetdata/docs/SurveysAndStudies/NVSSurveyFinalWeightedReport.pdf>

² <https://www.acq.osd.mil/eie/Downloads/Congress/Open%20Burn%20Pit%20Report-2019.pdf>

³ <https://www.legion.org/magazine/242263/exposure-wars-long-connected-and-continuing-fight-accountability>

⁴ <https://www.publichealth.va.gov/exposures/>



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Key Points

- Generations of veterans were exposed to various toxic and environmental hazards that continue to affect them and their children.
- Veterans exposed to toxicants have been forced to endure a long and arduous journey before receiving healthcare and benefits for diseases stemming from exposure during their military service.
- As many as 3.5 million servicemembers are estimated to have been exposed to burn pits since Sept. 11, 2001.
- Veterans can access more information on military exposure and their health by visiting www.publichealth.va.gov/exposures/index.asp.

What Can Congress Do?

- Reintroduce and pass the Toxic Exposure in the American Military Act of 2020, the “TEAM Act of 2020.”
- Require VA to properly study to understand what chemicals veterans were exposed to, where exposures occurred, and develop a list of health conditions related to various toxic chemicals.

Relevant Resolutions:

Resolution No. 118: Environmental Exposures

Resolution No. 11: Environmental Exposures at Fort McClellan

Resolution No. 19: Burn Pits and Environmental Exposures

Resolution No. 11: Agent Orange and Kidney Disease

Resolution No. 180: Designate Hypertension as a Presumptive Condition for Veterans Exposed to Agent Orange

Resolution No. 35: Agent Orange

Resolution No. 93: Agent Orange



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Improving Care for Women Veterans

Background

Women have served in the U.S. Armed Forces since the American Revolution. They have stood shoulder-to-shoulder with their male counterparts filling roles critical to our country's national security. Women are the fastest growing demographic in the armed forces and veteran community. According to recent Department of Veterans Affairs (VA) data, they are expected to increase by 0.6 percent annually from 2015 on and to reach 2.2 million women veterans by 2045. VA must plan now to account for these demographic shifts and ensure that women veterans are provided high quality care and resources.

With the recent passing of provisions of the *Deborah Sampson Act*, a comprehensive bill that addressed the needs of many women veterans, VA has the opportunity to oversee these programmatic changes, research initiatives, and encourage the creation of a gender-inclusive environment within VA medical facilities. VA must be prepared to serve the gender-specific needs of women veterans now that Congress has given them the tools to do so.

Additionally, VA should consider the barriers women face when seeking health services. While VA offers Maternity Care Coordinators (MCC) at every VA Medical Center, this program often goes overlooked and underutilized due to VA's lack of promotion. The American Legion urges Congress to extend post-delivery care services for newborns and examine the need for childcare services within VA facilities for the convenience of veterans seeking medical treatment pre- and post-delivery.

Key Points

- Women have voluntarily served in every war since the American Revolution.
- By 2045, the number of women veterans will rise to 2.2 million, doubling the share of veterans who are women from 9 percent to 18 percent.

What Can Congress Do?

- The American Legion urges Congress to diligently oversee the implementation of recently passed VA pilot programs, research initiatives, and policy revisions contained in the *Deborah Sampson Act* passed last December; and
- Additionally, The American Legion encourages expansion of newborn care and gender-specific services at VA.

Relevant Resolutions:

Resolution No. 37 (August 2016): Improvements to Department of Veterans Affairs Women Veterans Programs

Resolution No. 147 (August 2016): Women Veterans



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Telehealth/Rural Health

Background

Accessibility is often a barrier for veterans and caregivers when pursuing health services from VA. A quarter of all veterans, nearly 5 million, live in rural communities and rely on the Department of Veterans' Affairs (VA) Office of Rural Health (ORH) to meet some or all of their healthcare needs. Barriers to receiving care include inadequate internet access, lack of transportation, and physical limitations often related to their time in service. Studies show that 27 percent of veterans residing in rural areas do not have access to internet in their home and 56 percent of rural veterans enrolled in VHA are 65 years or older.

In addition, compared to veterans who reside in urban environments, rural veterans have higher poverty rates, poorer health, and have access to fewer physicians. This can be attributed to insufficient transportation to medical appointments, poor internet infrastructure, and lack of qualified medical personnel and providers nearby. This often forces veterans to commute long distances in hopes of receiving healthcare services. Oftentimes these trips to VA medical facilities take several hours across state lines; discouraging the veteran from routinely seeking the care they need.

The American Legion supports bills and provisions that will ensure veterans and their caregivers have access to consistent, quality access to care, to include reliable telehealth capabilities regardless of their geographic location and accessibility capabilities.

Key Points

- Rural residents are more likely to die from heart disease, cancer, unintentional injury, chronic lower respiratory disease, and stroke than their urban counterparts.
- The ability to recruit and retain physicians, nurses, and all other types of providers—long a challenge in rural America—continues to limit access to care.

What Can Congress Do?

- Provide adequate funding to support the further expansion of broadband capabilities and other services for veterans in remote areas to better meet their needs.
- Support VA's Office of Rural Health initiatives to remove accessibility barriers for rural veterans and those who access telehealth.
- Authorize grants and additional financial support regarding the transportation of veterans in highly rural locations.

Relevant Resolution:

Resolution No. 75 (August 2017): Department of Veterans Affairs Rural Health Care Program



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Addressing the Forever Wars

Background

For almost two decades since the 9/11 terrorist attacks, the primary mission of U.S. military forces has been counterterrorism. The Global War on Terrorism — the “forever war” or “endless war,” as many call it — has been the basis for an ever-expanding range of military actions around the world. The legal basis for these actions is the 2001 and 2002 Authorizations for the Use of Military Force (AUMF). These AUMFs have been read broadly by both Republican and Democratic administrations to justify military action, including airstrikes or operations, in more than a dozen countries in which Congress never specifically authorized any military action. They have essentially functioned as a blank check to the executive branch and Congress has rarely pushed back.

The war in Afghanistan, for example, has spanned a generation. And for some families, the idea of generational war takes on new meaning. Parents who fought in Afghanistan have seen their own children deployed there as well. An entire generation has lived their whole lives during the Global War on Terrorism and its successor campaigns. In fact, since 1945, when the United States assumed the role as global peacekeeper, war has been a way of life.

However, the global security environment the United States faces now has changed significantly with the rise of great power competition and other non-military threats. The Pentagon’s 2018 National Defense Strategy, for example, lays out a world where great-power competition, rather than counterterrorism, will drive the department’s decision-making and force structure. A growing number of foreign policy officials have begun to advocate a drawdown in the Middle East and Central Asia because of what they call the opportunity costs to America’s mission of balancing against the “revisionist powers” of China and Russia. The emphasis on bolstering a deterrent posture in Asia and Europe should have an attendant downward effect on the U.S. military’s activities in the Middle East, Africa, and the Western Hemisphere.

Even so, from global pandemics to weak and fragile states, America faces an unprecedented number of complex global threats that cannot be solved by military power alone. Too often the use of military force is considered the primary instrument of national power as opposed to diplomacy. Addressing the root causes of violent conflict overseas through development and diplomacy would help protect Americans and reduce the need to send our servicemembers into harm’s way.

Therefore, The American Legion urges a renewal of a proper constitutional balance to American foreign policy decision-making by encouraging Congress to renew their proper war-making oversight role beginning with repealing or replacing the outdated post-9/11 AUMFs and by properly funding and staffing the nation’s civilian tools of diplomacy and development to address the complex global threats that cannot be solved by military power alone. A strong and effective International Affairs Budget will help reduce the need to send our servicemen and women into



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harm's way.

Key Points

- The post-9/11 AUMFs have been in effect for over twice as long as the 1964-1971 Gulf of Tonkin Resolution which gave President Lyndon B. Johnson authorization, without a formal declaration of war by Congress, for the use of conventional military force in Southeast Asia.
- Two-thirds of U.S. veterans and majorities of military families and the general U.S. public support a full withdrawal of U.S. troops from Afghanistan and Iraq, according to recent polling.
- Polling has also shown that when asked about diplomatic versus military approaches to address Iran, pluralities across all three groups were in favor of more diplomacy, with very little support for increasing military action.
- Our servicemembers accomplished their original objectives in Afghanistan long ago at great cost — psychological, physical, and spiritual.

What Can Congress Do?

- Repeal and/or replace the existing authorizations for the use of military force in Afghanistan and Iraq.
- Properly fund and staff the nation's civilian tools of diplomacy and development.

Relevant Resolution:

Resolution No. 22 (October 2020): Addressing the "Forever War"



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Citizenship for Honorable Service

Background

Non-U.S. citizens have served in our military since the Revolutionary War. Some of these servicemembers, such as Alfred Velazquez Rascon, even became celebrated war heroes. Today, about 8,000 immigrants enlist each year. Military service has provided a pathway to American citizenship for more than 760,000 immigrant service members over the last century.

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 hundreds or 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 United States Citizenship and Immigration Services (USCIS) to begin the process of establishing citizenship for the servicemember. As such, some servicemembers are unaware of the need to begin the process through USCIS and the individual service branches have failed to inform the servicemembers while on active duty.

The American Legion believes that non-citizen servicemembers should receive citizenship before leaving the military. Congress must also ensure that Immigrant veterans who are honorably discharged and have not convicted with felonious or heinous crimes should receive the citizenship they were promised as a result of their honorable service.

Key Points

- Since September 11, 2001 alone, over 100,000 members of the Armed Forces have attained their citizenship through honorable service.
- Roughly 35,000 non-citizens are serving in active duty military and about 8,000 join each year.

What Can Congress Do?

- The USCIS Naturalization at Basic Training Initiative must be reinstated to provide onsite immigration resources and staff to support recruits beginning the naturalization process.
- The Department of Defense (DoD) and USCIS should provide training to the military chain of command about the naturalization process for servicemembers.
- DoD and the Department of Homeland Security should be required to report to Congress on an annual basis the number of non-citizens serving at that time in the US armed forces; the numbers of naturalization applications filed by active duty US servicemembers; the results of those applications; and the number of Veterans deported.

Resolution No. 15 (October 2018): Expedited Citizenship Through Military Service

Resolution No. 10 (October 2018): Expedited Citizenship Applications for Deported Veterans



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Pay our Coast Guard

Background

On a daily basis our brave Coast Guard personnel carry out missions that are vital to our national security, yet they are the only military branch working without pay during a government shutdown. The repeated and ubiquitous threat of government shutdowns brings severe hardship on our Coast Guard men and women who do not have the same assurances of being paid as the members of the other armed services.

This situation came to a head in January 2019 during the 35-day federal government shutdown. During that time, in an effort to help junior enlisted personnel with children at home make ends meet, The American Legion issued more than \$1 million in expedited Temporary Financial Assistance grants.⁵ The American Legion's TFA program provides a single onetime non-repayable grant of up to \$1,500 to qualifying active-duty or veteran families. This attempt to ameliorate the financial hardship of our servicemembers, while welcomed, was not enough to assist all those in need.

In order to conduct operations as normal, Coast Guard members need to understand that they will receive pay and allowances during government shutdowns. This assurance will ensure that servicemember charged with securing out homeland can concentrate on the task at hand.

Key Points

- In January of 2019, over 41,000 active-duty Coast Guard servicemembers experienced a 3-week long pay gap
- The American Legion's Temporary Financial Assistance (TFA) program was able to provide more than \$1 million in non-repayable grants to approximately 1,713 Coast Guard families with 3,170 children.
- The American Legion distributes one-time cash grants of up to \$1,500 to the minor children of eligible active-duty military and American Legion members in need.

What Can Congress Do?

- Reintroduce and pass legislation, such as the Pay Our Coast Guard Act and Pay Our Coast Guard Parity Act of 2019, which would ensure that the Coast Guard is paid in the event of a government shutdown.

Relevant Resolutions:

Resolution No. 23, *Support for the Department of Homeland Security and Coast Guard*

⁵ <https://www.legion.org/dispatch/244719/1-million-american-legion-assistance-aided-coast-guard-families>



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Close the 90/10 Loophole

Background

The American Legion has fought to provide post-service career opportunities for veterans since its formation. The original GI Bill, passed in 1944, granted rights, education benefits, and loans for homes and businesses. The investment in our veterans helped fuel America's rise to an economic superpower over the last 70 years. The original GI Bill offered comprehensive benefits, such as low-cost mortgages, low-interest loans to start small businesses, and payments for tuition at universities and colleges. However, the comprehensive nature of the bills has declined as new GI Bills are drafted after each war.

The passage of the Harry W. Colmery Veterans Educational Assistance Act – the “Forever GI Bill” – has provided the most substantial improvement in veterans' education in a decade. The American Legion is now focused on ensuring that student-veterans and their families receive the highest quality education when using their GI Bill benefits. Unfortunately, some unscrupulous schools and programs have been successful at recruiting veterans through misleading advertising and market saturation. While there are many reasons why these schools are poor choices for veterans, there is one overriding reason why veterans have been aggressively recruited: the 90-10 loophole.

The American Legion worked diligently to not only create a strong foundation on with the GI Bill as we know it today stands upon but to create it in such a way that it can be maximized in the best interest of the nation and of the GI Bill recipient. Therefore, the American Legion supports legislation that would expand GI Bill benefits to serve as a means to access more diverse education and entrepreneurship endeavors.

Key Points

- 24% of for-profit schools are out of compliance with the 90-10 rule with GI Bill and DoD benefits factored.⁶
- In 2019, the Federal Trade Commission reached a \$191 million settlement with the for-profit University of Phoenix to resolve charges that the school falsely promoted its educational benefits and used deceptive marketing materials that “targeted active-duty servicemembers, veterans, and military spouses.”⁷

⁶ https://www.brookings.edu/wp-content/uploads/2019/01/ES_20190116_Looney-90-10.pdf

⁷ <https://www.ftc.gov/news-events/press-releases/2019/12/ftc-obtains-record-191-million-settlement-university-phoenix>



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What Can Congress Do?

- Reintroduce and pass *Protect Veterans' Education and Taxpayer Spending Act*, to close the 90/10 loophole that counts VA and DoD educational funds as private dollars instead of taxpayer funds.
- Call on the Department of Education to coordinate data sharing with the Department of Veterans Affairs, Department of Defense, CFPB, Office of Federal Student Aid, and the Commissioner for Education Statistics to better understand and improve student veteran outcomes.

Relevant Resolutions:

Resolution No. 327: Support Further Assessment and Evaluation of Institutions of Higher Learning to Enable Veterans to Make Informed Education Choices

Resolution No. 15: Support Greater GI Bill Outcomes by Closing 90-10 Loophole



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Review of Military Awards for Minority Veterans

Background

For every US conflict after 1941, Congress and the Department of Defense have reviewed the military's process for awarding valor medals to ensure minority veterans were treated justly. In 2013, Congress established the United States World War One Centennial Commission to review the awards of minority veterans that served in WWI. The Commission aimed to rectify past wrongs and ensure WWI heroes are no longer forgotten.

America has a sacred bond with those who swore to defend her, and there is no more powerful manifestation of that covenant than the Medal of Honor. The gravity of these awards means their rarity must be jealously safeguarded; they can never be diluted in the name of making a political point. That is why the American Legion firmly believes that every hero from the First World War and all other subsequent conflicts whose deeds warrant the award receives it, regardless of the circumstances of their birth, their beliefs, or the color of their skin.

Servicemembers of all races, religions, and backgrounds fought in WWI, but the Medal of Honor was patently denied to minority veterans until the 1990s. We cannot erase the discrimination minority servicemembers faced, but we can make sure their heroic deeds are acknowledged and honored. More than 367,000 African American troops served in WWI in 1917 and 1918. Those included soldiers in the 369th Infantry Regiment, also known as the "Harlem Hellfighters", which completed more combat days and suffered more casualties than any other American regiment, according to the World War One Centennial Commission. Yet none of these soldiers received the Medal of Honor. Securing the deserved honors for past victims of discrimination is not just about righting the wrongs of history, it's also telling those who are serving today that they will not be forgotten.

Key Points

- While the United States military conducted a review of Medal of Honor minority awards from WWII, Korean War, Vietnam War and all subsequent wars, no such systematic review was ever made of minority award of the Medal of Honor during WWI and past reviews may have been inadequate.

What Can Congress Do?

- Congress should pass legislation to lift statutes of limitations and other obstacles that may impede proper investigation and appropriate actions for minority veterans of all wars and conflicts who may deserve the Medal of Honor or any other military medal.

Relevant Resolution:

Resolution No. 17: Support for Review of Minority Awards of Medal Of Honor WWI and Subsequent Wars/Conflicts



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Peer Support

Background

Servicemembers become a member of something larger than themselves when they join the military. They become a member of a diverse family that provides around the clock emotional and social support. When servicemembers transition out of the military and back to the civilian world they can feel isolated. The series of emotional and environmental changes that accompany transition may cause mental health issues, substance abuse, and even financial insecurity.

Veteran Service Organizations (VSO) serve as the connective tissue between veterans, the Department of Veterans Affairs (VA), and the community. This is why the Legion proudly facilitates “Buddy Check Week” among our members and all veterans who wish to participate. This peer-to-peer outreach week creates an opportunity to have an open and candid dialogue with someone who has shared similar experiences. The American Legion urges Congress to pass legislation similar to the S. 4657 “Buddy Check” bill that was introduced in the 116th Congress which would require VA to designate one week each year as "Buddy Check Week" for the purpose of outreach and education on peer wellness checks for veterans.

Key Points

- Peer support programs can provide a network of support during turbulent times and can take many forms.
- VA has recognized the value of these networks and in response has implemented Peer Support Programs at various facilities across the nation, but not at all VA facilities.
- VSOs bridge the gap and connect veterans with the community and the services that they have earned.

What Can Congress Do?

- Pass legislation similar to S. 4657 “Buddy Check Week” bill which would require VA to designate one week each year as "Buddy Check Week" and provide educational opportunities on how to conduct peer wellness checks.
- Encourage VA and VSO collaboration to ensure the needs of veterans are addressed and met with the veteran chooses to use VA services or not.
- Reintroduce and pass the *PFC Joseph P. Dwyer Peer Support Program Act*, which would create a pilot program that provides grants to place peer support specialists in local posts.

Relevant Resolution:

Resolution No. 364 (August 2016): Department of Veterans Affairs to Develop Outreach and Peer to Peer Program for Rehabilitation



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Amend the U.S. Flag Code

Background

Appropriate care and respect for the flag of the United States has been a leading mission of The American Legion since our inception. In June 1923, the Americanism Commission called the first National Flag Conference in Washington, DC. There, representatives from the Legion, Daughters of the American Revolution, the Boy Scouts, Knights of Columbus, the American Library Association, and more than 60 other patriotic, fraternal, civic and military organizations gathered to draw together one standard set of guidelines relating to the flag from the many traditions and variations rampant in the country at that time. President Warren G. Harding addressed attendees. A second National Flag Conference was held in June 1924. After both conferences, the Legion printed and distributed the results nationwide.

Congress made the U.S. Flag Code public law in 1942. Amended several times in the decades since its adoption, the Code is an advisory guide with no penalties built in for violations. Minor changes have been made, but Congress has never made comprehensive changes to the code.

Key Points

- The United States Flag Code, Title 4, United States Code, Chapter 1, Subsections 1-10, is a codification of existing rules and customs pertaining to the display and use of the flag of the United States of America.
- Practices and customs have been modified in the past few years regarding certain display procedures.
- The Flag Code needs to reflect current, accepted patriotic practices.

What Can Congress Do?

- The American Legion urges Congress to approve changes to the U.S. Flag Code to codify multiple customs and practices pertaining to the display and use of the flag of the United States of America.
- The American Legion Resolution No. 19: *Flag Code Amendment*, lists eight specific updates to be made to the Flag Code. These changes include additional times and occasions where the flag should be displayed at half-staff, how other flags should be flown when accompanying the US Flag and allowing for a flag patch to be worn on the uniforms of military personnel, first responders, and members of patriotic organizations.

Relevant Resolution:

Resolution No. 19: Flag Code Amendment