EXECUTIVE SUMMARY OF
VERNA JONES, DIRECTOR
NATIONAL VETERANS AFFAIRS AND REHABILITATION COMMISSION
THE AMERICAN LEGION
ON
PENDING LEGISLATION

MARCH 29, 2012

<table>
<thead>
<tr>
<th>BILL</th>
<th>POSITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>HR 4114</td>
<td>The American Legion supports</td>
</tr>
<tr>
<td>HR 4142</td>
<td>The American Legion does not support as presently written</td>
</tr>
<tr>
<td>HR 2051</td>
<td>The American Legion supports</td>
</tr>
<tr>
<td>HR 2498</td>
<td>The American Legion supports</td>
</tr>
<tr>
<td>HR 2377</td>
<td>The American Legion supports the intent but questions the necessity of</td>
</tr>
<tr>
<td></td>
<td>this bill</td>
</tr>
<tr>
<td>HR 2717</td>
<td>The American Legion has no position on this bill</td>
</tr>
<tr>
<td>HR 4168</td>
<td>The American Legion supports</td>
</tr>
<tr>
<td>HR 4213</td>
<td>The American Legion does not support</td>
</tr>
</tbody>
</table>
Chairman Runyan, Ranking Member McNerney and distinguished Members of the Subcommittee:

Thank you for this opportunity to submit The American Legion’s views on the legislation being considered by the Subcommittee today. We appreciate the efforts of this Subcommittee to address the different needs of the men and women who are currently serving and those who served during past conflicts.


HR 4114 provides for a Cost of Living increase for veterans receiving disability at the conclusion of 2012. HR 4142 would provide an automatic Cost of Living adjustment annually directly linked to the Cost of Living adjustment provided to those receiving Social Security.

The American Legion recognizes that veterans, like many American citizens, have seen rising costs in the household and supports annual cost of living adjustments (or COLA). The American Legion has by resolution opposed an automatic, direct correlation of veterans’ COLA to Social Security, because of concerns that a direct correlation would not take into account individual requirements of veterans. Such a correlation would also leave veterans more vulnerable to political maneuvering and budgetary legerdemain directed at overall cost cutting. Veterans have earned, through their sacrifice, unique consideration.

It is important to understand how COLA increases occur, and why The American Legion remains concerned about direct correlation to Social Security. COLA increases are tied to a Consumer Price Index (CPI-W) and should the CPI rise, then the COLA will reflect this increase. This has been a source of much confusion as, in recent years, the CPI has not resulted in a positive number and therefore despite the passage of COLA legislation, veterans did not receive an actual adjustment of their disability pay for several years. Given that those veterans had seen their household costs rise over that period of time, it felt insulting and confusing to be
told by the government that their costs had not gone up; therefore they would have to make do at the previous rate.

As talk circulates in Washington to tying COLA increases for large portions of the budget such as Social Security to the so-called “Chained CPI”, which has an even lower rate of increase, disabled veterans can expect an even lower likelihood of increase in their disability income, in many cases the only source of income for their families.

America has already seen the unique challenges faced by veterans in increased unemployment rates. COLA increases affect two main classifications of veterans: those veterans who have been disabled by service to their country; and veterans receiving pension who are unable to work and otherwise destitute. In both cases, there are often substantial medical concerns not reflected adequately in the standard CPI-W model. Furthermore, the standard CPI-W model reflects the “average urban wage earner” yet a growing number of veterans are located in more rural areas and may face other challenges such as greater fuel and shipping needs to meet basic requirements of daily living.

Veterans deserve a CPI that reflects their unique challenges. While, to the best of our research there is no model specifically designed for them, there is an experimental CPI that does reflect the increased medical costs of a community that may be a better reflection of the challenges faced by disabled veterans. The CPI-E is an experimental CPI that reflects the increased health care costs faced by the elderly. Disabled veterans, like the elderly, often suffer from multiple, ongoing conditions, and a Consumer Price Index that reflects this is perhaps a better measure of what their households may expect in terms of rising costs.

The American Legion supports a one-time COLA increase this year, as we have each year it has been passed before. We must ensure veterans are getting some relief from rising costs. However, before long term measures are considered, we urge Congress to reflect on the unique considerations those disabled in our nation’s service merit.

H.R. 4142 is admirable in intent. With the passage of legislation similar to this, veterans would no longer be dependent on the whims and mood of Congress to pass legislation annually to adjust their disability payments. Disabled veterans could take solace in knowing there would be an automatic mechanism to take into account their increased challenges and adjust their disability pay accordingly. However, before The American Legion can support this legislation, we urge Congress to consider modifying the legislation to be unique to veterans and their challenges, and not simply to attach our service disabled veterans to the coat tails of Social Security, to rise and fall with the fortunes of the larger group and devoid of consideration of their unique sacrifices.

The American Legion supports H.R. 4114, but cannot support H.R. 4142 as written.

**H.R. 2051 – Veterans Missing in America Act of 2011**

This bill directs the Secretary of the Department of Veterans Affairs (VA) to work to identify unclaimed remains nationwide while also expressing a sense of the Congress recognizing the work done by the Missing in America Project (MIAP) in this area.
The Missing in America Project (MIAP) is a collection of little-heralded heroes working to ensure none of our nation’s defenders go forgotten. This organization, working entirely through private donations and the extraordinary efforts of their membership seek to identify unclaimed remains and cremains (cremated remains) at funeral homes throughout the United States. Where the remains are identified to be veterans they are escorted with full military honors and interred in the manner befitting their service. Since being launched in 2007, MIAP has visited over 2,200 funeral homes and identified nearly 2,000 veterans’ cremains out of nearly 14,000 cremains found overall.

Many states have already begun to pass legislation to better facilitate this mission, so it is only natural that the federal government be enlisted to further this end.

Many American Legion members volunteer with MIAP, and The American Legion has long worked closely with this organization and supported their efforts. Increasing a governmental role in supporting this worthy task is important. The work begun by MIAP is only the beginning. While the work of volunteers is strong, and will continue with the same fervor, adding the departmental heft of the VA can help increase the scope with which this mission is carried out nationally. No veteran who has served this nation should languish forgotten and unclaimed in the back room of a funeral home.

**The American Legion supports this bill.**

**H.R.2498 – Veterans Day Moment of Silence Act**

*This bill encourages a nationwide “two minutes of silent reflection” every Veterans Day.*

The American Legion is deeply committed to fostering a spirit of American patriotism and dedication to the men and women who have served this nation in times of war and in times of peace and prosperity. While The American Legion works toward an America where all citizens would stop to reflect on a daily basis of the service and sacrifice of our nation’s veterans, this perfect state need not be the enemy of the good notion presented here in this legislation. We wholeheartedly support attempts to increase our country’s reflection on those who have borne the battle for this great nation.

**The American Legion supports this bill.**

**H.R. 2377 – RAPID Claims Act**

*This bill codifies expeditious treatment for claims determined to be fully developed.*

While The American Legion supports fast tracking claims which are presented fully developed, to expedite service for veterans whose claims do not require extensive legwork and research above and beyond the material already presented by the veteran, we question the necessity and impact of additional legislation to achieve this goal.
As we speak, VA has already initiated the most important aspects of this bill of their own volition. Additional legislation may impact the delivery of this service, causing an unnecessary ripple in a procedure that is already moving forward in a generally satisfactory manner. The American Legion recognizes the important intent behind the creation of this legislation, and the aims of this legislation are certainly admirable; however, it would seem time and events may have overtaken this worthy proposal, obviating further need of legislation. Furthermore The American Legion remains concerned the changing of statute necessary to implement this bill may potentially have a negative impact on the procedures already in place and delivering expedited service to veterans who submit fully developed claims.

The American Legion supports the aims, but questions the necessity of this bill.

**H.R. 2717 – American World War II Cities**

*This bill would annually designate one U.S. city as an “American World War II City” beginning with Wilmington, NC, in recognition of the deep contributions made by those cities during the World War II era.*

While the spirit of recognition of the sacrifices and efforts made by American cities in World War II, and indeed in every era of American history is admirable, The American Legion has no position on the necessity of designation of cities as “American World War II Cities” at this time.

The American Legion has no position on this bill.

**H.R. 4168 – Caring for the Fallen Act**

*This bill would transfer responsibility of Clark Veterans Cemetery in the Philippines to the American Battle Monuments Commission to provide for ongoing maintenance and care.*

Clark Veterans Cemetery in the Philippines is sometimes tragically referred to as “The Cemetery America Forgot.” The American Legion remains dedicated to ensuring that name is a misnomer. For over two decades now since the United States relinquished control of the Air Base, the cemetery has languished, tarnishing the memory of those interred there, both American and Filipino. The American Battle Monuments Commission is justly recognized as exemplary in their stewardship of American war dead in foreign lands. The American Legion supports transfer of stewardship of this important resting place of our nation’s fallen to the American Battle Monuments Commission. It is past time to ensure these fallen heroes’ resting place is restored to the top standard they deserve.

The American Legion supports this bill.

**H.R. 4213 – To amend title 38, United States Code, to require judges of the United States Court of Appeals for Veterans Claims to reside within fifty miles of the District of Columbia, and for other purposes.**
This bill would amend residency requirements for judges on the United States Court of Appeals for Veterans Claims.

The American Legion believes the primary driving focus of providing judges to the Court of Appeals for Veterans Claims (CAVC) should be their dedication to jurisprudence and their ability to manage the workload to avoid contributing to backlogs so prevalent in areas related to veterans’ claims appeals. When legislation was initially enacted for some courts to require judges to live within a certain geographic proximity, modern advancements in electronic communication did not exist at present levels. Every case to appear before the CAVC is encoded in an electronic format. Given modern technology, there is no reason judges should be hampered in the performance of their duties based solely on geographic location. It is the understanding of The American Legion further that the Court is not responsible for travel expenses for judges, therefore if judges choose to incur greater travel expenses by living outside the Beltway in Washington, DC that is within their rights. It does not, to our knowledge, add any additional burden to the taxpayer, nor should this be the primary concern.

The primary concern in staffing the Court should be getting the best possible judges to fill the benches and ensuring the benches stay filled with productive judges. Adding outside perspectives from regions outside the inner circle of the DC Beltway could even be productive, reflecting better understanding of regional offices across the country. One of the complaints often registered about VA Central Office is a lack of understanding of what transpires outside the boundaries close to the flagpole in Washington, DC.

The American Legion remains dedicated to putting the absolute best possible candidates on the bench of the CAVC to rule justly over the cases of the veterans who pursue their claims to this level. In the modern, technological electronic world, geography simply does not represent the challenge it once did, and quality of applicant is a far more important criteria.

The American Legion does not support this bill.

The American Legion appreciates the opportunity to comment on the bills being considered by the Subcommittee.