

**ONE HUNDRED AND SECOND NATIONAL CONVENTION
OF
THE AMERICAN LEGION
Phoenix, Arizona
August 31, September 1, 2, 2021**

Resolution No. 21: Extend the Presumptive Period For Service Connection For Gulf War Veterans with Undiagnosed Illnesses

Origin: Minnesota

Submitted by: Convention Committee on Veterans Affairs & Rehabilitation

WHEREAS, The Department of Veterans Affairs (VA) presumes that certain disabilities were caused by military service, because of the unique circumstances of a specific veteran's military service, and if a presumed condition is diagnosed or in certain instances undiagnosed in a veteran in a certain group, they can be awarded disability compensation; and

WHEREAS, Veterans were coming back from service in the Southwest Asia theater of operations, they were experiencing unexplained illnesses and symptoms, as Congress passed S.2358 - Persian Gulf War Veterans Act of 1998 directing VA to administer a presumptive list of illnesses for Gulf War veterans under 38 CFR § 3.317; and

WHEREAS, For VA purposes, the Persian Gulf War refers to service in the Southwest Asian theater of military operations beginning on August 2, 1990, at the present time, the period for the Persian Gulf War extends to December 31, 2021, which means that service members who have served in the Southwest Asia theater of military operations after September 2001 are eligible for benefits under VA's Gulf War presumption; and

WHEREAS, Veterans in the following groups may qualify for "presumptive" disability benefits: former prisoners of war who have a condition that is at least 10 percent disabling; Vietnam Veterans who were exposed to Agent Orange and served in the Republic of Vietnam between Jan. 9, 1962, and May 7, 1975; Atomic Veterans exposed to ionizing radiation and who experienced one of the following, participated in atmospheric nuclear testing, occupied or were prisoners of war in Hiroshima or Nagasaki, served before Feb. 1, 1992, at a diffusion plant in Paducah, Kentucky, Portsmouth, Ohio or Oak Ridge, Tennessee, served before Jan. 1, 1974, at Amchitka Island, Alaska; Gulf War Veterans who served in the Southwest Asia Theater of Operations that have a condition that manifested to a level of at least 10 percent disabling for a period of 6 months or longer by Dec. 31, 2021; and

WHEREAS, The only presumptive period which VA administers that has a sunset date is the Gulf War era, stating conditions must manifest to a level of 10% disabling for a period of 6 months or longer by December 31, 2021, for a veteran to receive service-connected disability compensation; now, therefore, be it

RESOLVED, By The American Legion in National Convention assembled in Phoenix, Arizona, August 31, September 1, 2, 2021, That the Department of Veterans Affairs amends 38 CFR § 3.317, removing the Gulf War presumptive sunset date and make it indefinite.