NINETY-EIGHTH NATIONAL CONVENTION
OF
THE AMERICAN LEGION
Cincinnati, Ohio
August 30, 31, September 1, 2016

Resolution No. 2: Reinstate Enrollment of Priority Group 8g Veterans into the Department of Veterans Affairs' Patient Enrollment System
Origin: Alaska
Submitted by: Convention Committee on Veterans Affairs & Rehabilitation
(Consolidated with Resolution No. 382 (VA&R))

WHEREAS, Title 38, United States Code, section 101, defines a veteran as a person who served in the active military, naval, or air service, and who was discharged or released there from under conditions other than dishonorable; and

WHEREAS, The VA Health Care Eligibility Reform Act of 1996, Public Law 104-262, required the Department of Veterans Affairs (VA) to establish an annual patient enrollment system and created 7 distinct priority groups; and

WHEREAS, Public Law 104-262, further required the Secretary of Veterans Affairs to manage the enrollment of veterans in accordance with the 7 priority groups; and

WHEREAS, On January 23, 2002, Congress enacted Public Law 107-135, the VA Health Care Programs Enhancement Act of 2001, which created an additional priority group, priority group 8; and

WHEREAS, Public Law 104-262, further established a Geographic Means Test (GMT), which is based on a veteran's family annual household income, utilizing the income guidelines established by the Department of Housing and Urban Development low income criteria under 42 United States Code 1437a (b) for the area in which the veteran resides; and

WHEREAS, Public Law 104-262, further requires all veterans whose income is above the VA means test threshold for Priority Group 5, but within the GMT income guidelines, to be enrolled in priority group 7; and

WHEREAS, Veterans not eligible for enrollment in priority groups 1 through 7 are enrolled in priority group 8; and

WHEREAS, On January 17, 2003, VA suspended enrollment of additional veterans in priority group 8, which resulted in a lost opportunity for VA to generate additional first party copayments; and

WHEREAS, Based on data obtained from VA, at the end of Fiscal Year 2012, VA estimated there are 6.9 million veterans ineligible to enroll in the VA health care system because of VA's income restrictions; and

WHEREAS, VA has not conducted a feasibility or cost analysis to determine the cost or impact of reinstating enrollment of Priority Group 8g veterans; and

WHEREAS, January 2014, the Affordable Care Act (ACA) required that all Americans have medical insurance; and

WHEREAS, Unless VA reinstates enrollment of priority group 8g veterans, many priority group 8g veterans that are determined to be ineligible to enroll in VA's patient enrollment system may be forced to purchase health insurance through the Health Insurance Marketplaces established by the ACA; and

WHEREAS, Once an ineligible veteran is forced to purchase health insurance offered through the Health Insurance Marketplaces, The American Legion is concerned that these veterans may never return to the VA health-care system; and

WHEREAS, VA would lose out on an opportunity to bring co-pay required veterans back into the VA health-care system, which would result in a loss of millions of dollars that could be used to support the delivery of health care to our Nation's veterans; now, therefore, be it

RESOLVED, By The American Legion in National Convention assembled in Cincinnati, Ohio, August 30, 31, September 1, 2016, That The American Legion urges the Department of Veterans Affairs (VA) to conduct a feasibility study to determine the impact and cost of reinstating the enrollment of priority group 8g veterans; and, be it further

RESOLVED, That the VA promulgate regulations to reinstate the enrollment of priority group 8g veterans; and, be it finally

RESOLVED, That The American Legion urges Congress to ensure VA's appropriation is adequate to reinstate enrollment of priority group 8g veterans.