STATEMENT OF
GREG NEMBHARD, ASSISTANT DIRECTOR
CLAIMS DISCHARGE UPGRADE
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. 4312, H.R. 6409, AND H.R. 6420

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Chairman Bost, Ranking Member Esty and distinguished members of the Subcommittee on Disability Assistnce and Memorial Affairs (DAMA); on behalf of National Commander Brett Reistad and the 2 million members of The American Legion, serving every man and woman who has worn a uniform for this country, thank you for the opportunity to testify on the following pending legislation. Established in 1919, and as the largest patriotic service organization in the United States with a myriad of programs supporting veterans, The American Legion appreciates the committee focusing on these critical issues that will affect veterans and their family members.

A sacred obligation of the government is to establish the most respectful interment for our fallen heroes. One of the priorities of The American Legion is to ensure the men and women who selflessly served our nation receive the benefits they earned for serving in the U.S. Armed Forces. The American Legion recognizes the commitment to excellence displayed daily by the men and women of the National Cemetery Administration (NCA). The American Legion remains committed to working with the NCA regarding veteran interment to adequately provide veterans and their family members the honorable burials they deserve.

H.R. 4312 – Fallen Warrior Battlefield Cross Memorial Act

To amend title 38, United States Code, to ensure the Secretary of Veterans Affairs permits the display of Battlefield Crosses in national cemeteries.

The Fallen Warrior Battlefield Cross Memorial consists of a helmet, inverted rifle, boots, and identification tags (dog tags) draped from the rifle, in honor and remembrance of those who died on the field of battle while protecting our nation's freedoms. A United States Army field manual describes a battlefield cross, also known as a Fallen Soldier Display, as a helmet and identification tags to signify the dead soldier; an inverted rifle with a bayonet to signal a time for prayer; a break in the action to pay tribute to a comrade; and combat boots to represent the final march of the last battle.[1]

Current law authorizes national and state cemeteries to display the Fallen Warrior Battlefield Cross, however, recent guidance from the Department of Veterans Affairs (VA) and NCA led

[1] A Soldier's Guide – Field Manual (FM) 7-21.13

to the removal of memorial monuments featuring actual or realistic replicas of weaponry, resulting in the removal of battlefield cross memorials in numerous national cemeteries.[2]

In October 2017, at Ohio's Western Reserve National Cemetery, a battlefield cross was removed by cemetery officials. NCA removed the memorial because it violated their policy regarding monuments depicting weaponry. While the cemetery ultimately decided to restore the cross, this incident demonstrated the need for a law to protect these memorials. In response to, and to guarantee a similar incident does not occur, H.R. 4312 ensures the VA Secretary will allow the display of battlefield crosses in national cemeteries.

The Fallen Warrior Battlefield Cross is a patriotic tribute to servicemembers who were killed in action. The American Legion seeks to protect these sacred symbols and supports legislation preventing the removal of battlefield crosses in national cemeteries. H.R. 4312, *The Fallen Warrior Battlefield Cross Memorial Act,* will guarantee NCA officials recognize and authorize memorial crosses as tributes to our nation's servicemembers who were killed in action.

Through American Legion Resolution No. 11, *Support and Defend Veterans and Military Memorials,*[3] we support and defend veteran and military memorials bearing symbols and/or words which may be alleged to be historically associated with religious expression, including, but not limited to crosses, stars of David, crescents, and the word "God." The American Legion supports such veterans' monuments whether they are on private land or land owned by federal, state or local governments.

The American Legion supports H.R. 4312.

H.R. 6409 – 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 who are honorably discharged from military service are authorized a government-issued headstone or marker in an NCA cemetery or a privately-owned cemetery. Further, veteran's spouses and eligible children buried in an NCA cemetery can receive a headstone or marker. However, current law does not allow the 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. 6409, *The Honoring Veteran Families Act*, will alter current law by allowing, if feasible and upon request, the VA to make inscriptions on a veteran's headstone or marker regarding their spouse and/or children. It would also allow the VA to replace a veteran's headstone or marker to add

[2] Incident News Article
[3] The American Legion Resolution No. 11 (2016): Support and Defend Veterans and Military Memorials

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,*[4] 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 bill would allow the VA Secretary to provide, if feasible and upon request, these inscriptions for individuals who died on or after January 1, 2014.

The American Legion supports H.R. 6409.

H.R. 6420 – 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 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 the visitors.[5]

There is currently no law that authorizes a grant program to conduct cemetery research. H.R. 6420 will permit cemetery research and educational materials 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 VA secretary. The legislation will also permit the establishment of appropriate utilization of funds for research and educational material to promote community engagement for Fiscal Year (FY) 2019 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,*[6]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 and the VA to enact legislation and programs within the 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 H.R. 6420.

[4] The American Legion Resolution No. 377 (2016): Support for Veteran Quality of Life
[5] Veteran Legacy Program
[6] The American Legion Resolution No. 377 (2016): Support for Veteran Quality of Life

CONCLUSION

Chairman Bost, Ranking Member Esty, and distinguished members of this veteran-centric committee, The American Legion thanks you for the opportunity to elucidate the position of the 2 million veteran members of this organization.

Ensuring those who have selflessly raised their right hand in defense of this nation receive the honorable and respectful final resting place they deserve is a priority of The American Legion, and by action of this committee, we can see that it is for you as well.

For additional information regarding this testimony, please contact Ms. Lindsay Dearing, Legislative Associate in The American Legion's Legislative Division at (202) 861-2700 or ldearing@legion.org.