



THE AMERICAN LEGION



# NATIONAL COMMANDER'S TESTIMONY

before the Senate and House Committees on Veterans' Affairs  
by Fang A. Wong, American Legion National Commander  
September 21, 2011



# INTRODUCTION

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## MESSRS. CHAIRMEN AND MEMBERS OF THE COMMITTEES,

Ten years ago, my predecessor, Past National Commander Rick Santos, stood prepared to deliver testimony before a joint session of the House and Senate Veterans' Affairs Committees when the unthinkable happened. September 11, 2001 is now burned indelibly into the minds of all true Americans, a day of infamy when 19 terrorists turned commercial airliners into weapons of mass destruction, killing nearly 3,000 Americans and plunging this nation into war.

For many Americans, this was the defining moment of their generation. Intended to bring misery, this transformative act had the potential to unify our country. As it had in 1941 when the Japanese surprise attack on Pearl Harbor united Americans with a will that would crush totalitarian regimes in every corner of the world and catapult the United States of America into the forefront of nations, the greatest power of the latter half of the twentieth century. The American spirit is such that when driven up against the wall, we fight back, unified and resolute. When the chips are down, we find ways to overcome, adapt and improvise on our way to victory.

Today, having persevered through a decade of war, the fighting spirit of the American warrior cannot be questioned. The acts of bravery and selflessness are hard to find in media reports. The mainstream media have ceased to place the plight of America's warfighters on the front page. Make no mistake, these acts are there. The fighting men and women of our armed forces are no less endowed with uncommon valor on today's battlefields than on the battlefields of every great war of our nation's past.

To view historical footage of the 1940s and see a total commitment of a nation to war, it is jarring if you realize today's fight is borne by a mere one percent of the population. Certainly, that one percent touches the lives of many more, but it is an increasingly isolated and forgotten subset of this country that bears the lion's share of sacrifice in fighting this nation's battles. Now our warriors have reason to fear greater indignity as some in Congress look



FANG A. WONG | NATIONAL COMMANDER

to cut spending from these vital areas of our government providing for national security and fulfilling the debt owed to those who have served and sacrificed.

It is not in the nature of the service-member warriors to complain. Warriors endure. Warriors make do with less. Warriors finish the job, no matter how hard, no matter what is asked.

The American Legion believes these brave men and women provide an opportunity to the rest of the nation, an opportunity to repay a debt. This is repayment of a debt not measured in dollars but in benefits, care, and honor. Our government and people owe it to these veterans to stop making excuses and start getting things right.

There is much to be made these days of “shared sacrifice” among Americans. Service members are not newcomers to sacrifice. The American Legion is here on their behalf to state unequivocally the business of government must not be calculating how to cut from what we do for veterans, but rather how we can ensure what we do is delivered without fail and without delay.

It is a crime to think a veteran who served his or her country so loyally must struggle to convince an employer he or she is worthy of hiring. It is a travesty to see a veteran who struggles as a single parent reduced to living on the streets after devoted service to this country. Yet these are tales too often told as veterans face unemployment and homelessness above the national average. When veterans make up less than one tenth of the population, they make up nearly one quarter of the homeless on the street any given night. Hearing statistics like this should fill any citizen with deep shame realizing we allow this to happen to those who have defended our basic freedoms and rights.

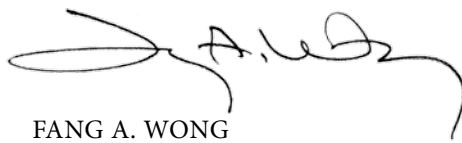
The country has struggled and complained of the hardships and losses of the last ten years, yet the men and women of our armed services and veterans endure quietly. Perhaps the time for quiet is past. The 2.4 million voices

of The American Legion are demanding that we, as a nation, get things right.

Thank you for the opportunity to present testimony representing the issues and concerns at the forefront of the membership of the nation’s largest veterans service organization. I hope our words illustrate the many challenges facing our veterans and active-duty service members. I hope our words educate and provide solutions to these challenges, or serve as the introduction to meaningful dialogue to solve problems, for many of them are difficult and will seemingly require the wisdom of Solomon to reach a workable solution.

Most of all, I wish to convey to you the pride of service of the membership of The American Legion. We have, every one of us, been proud to serve in this nation’s defense. We are proud to continue our service to this country by actively seeking to help solve the problems of our nation. America is and will always be a great nation, a shining beacon of freedom and democracy, and on behalf of the full membership of The American Legion, I am proud to say we are here to help, as we have always been.

For God and Country,

A handwritten signature in black ink, appearing to read 'F. A. Wong', with a long, sweeping underline that extends to the right.

FANG A. WONG  
National Commander  
The American Legion



# THE NATION'S DEFENDERS

## ACTIVE-DUTY, GUARD AND RESERVE

**IT IS SAD THAT WHEN THE MEN AND WOMEN** who comprise our nation's first line of defense, who have stood on foreign shores to defend this nation for the last decade, must worry as much about defending their benefits at home as they do avoiding bullets and IEDs at war. When in remote regions of the world, facing death, these men and women still must worry about threats to their personal and financial security at home. It seems those they have kept safe often act as if they have forgotten the warriors who buy their freedoms every day with their sacrifices.

Today's active-duty service members and those who serve in the National Guard and Reserve components, have volunteered to stand watch in this nation's defense. Yet few stand watch for them. Basic benefits of their service, from retirement to TRICARE, are under assault. The defenders of the country need to be able to focus on defending this country. They must not worry their benefits will be pulled out from beneath them while they are focused on more pressing concerns such as terror plots, IEDs, and insurgents seeking to undermine hard-fought gains.

The American Legion is certainly mindful of the necessity for fiscal responsibility and restraint in this era of grave financial concerns. This nation dances on the brink of financial insolvency with an increasing inability to meet our debts. It

would be irresponsible to ignore those concerns and act in a profligate and spendthrift manner. This does not, however, mean the nation's ledgers must be balanced on the backs of our warriors and veterans. While all appreciate "shared sacrifice," if we are to walk upon the road to financial recovery, it is vital to remember that some have already borne a far greater share of this sacrifice than others. We must not place the greatest share of the burden upon the backs of those who already have shown they have "skin in the game" to keep this country afloat.

### **FULL FUNDING OF THE DOD BUDGET – INCLUDING THE OPERATIONAL RESERVE**

In the early days of the wars in Afghanistan and Iraq, a previous assumption was proven false, that National Guard and Reserve component missions, as a part of the national defense strategy, were fully funded. In peacetime, it proved too easy to relax one's guard and let some portions of the defense go underfunded. While you cannot question the commitment and contribution of the men and women who make up the Reserve component, regrettably history has shown we left them underfunded and unprepared to meet their responsibilities in our war-fighting machine. Ten years of war and repeated deployments have hardened these forces and provided valuable experience. We cannot allow their readiness to fall behind in the uncertain future as the United States disengages from activity in Iraq and eventually in Afghanistan.

The American Legion recognizes we cannot fight our nation's wars without the National Guard and Reserve. Currently there are between 90,000 and 100,000 members of Guard and Reserve components on active status every day. Yet the contributions of these service members are still regarded by many as part time. Repeatedly, former Secretary of Defense Gates and Chairman of the Joint Chiefs Admiral Mullen have stated it will be necessary to maintain an operational force which includes Reserve component members even after the draw-downs in Iraq and Afghanistan. This increased reliance on Reserve component service members and their families will require continued sacrifice on their part. It also requires continued support on the part of the Congress and the American people.

The current plan is for continual additional training requirements and rotational deployments every five years to areas even where there may not be conflict. These require-

ments will continue the employment, family, and health issues currently impacting our Reserve component members without the "benefit" of a conflict for justification.

If Reserve components of the service branches are to be utilized at an operational level they must be given responsibility and funding of their own budget line items for equipment, training, and manpower among others. Currently, funding of the Reserve components are at the discretion of the service branches. While the service branches are asked to incise deeper cuts, these cuts will decimate the Reserve components.

If this nation is to continue its reliance on these critical components for defense, we must treat them as equals to active duty and not as an afterthought.

The American Legion strongly believes the national defense must be fully funded as a top spending priority. The annual DoD budget should always equal at a minimum 5 percent of the Gross Domestic Product (GDP) in times of war and a minimum 4 percent of the GDP in times of peace. We must never again be caught short and ill prepared to fight.

### **CHANGES TO MILITARY BENEFITS**

When discussion of the alteration of military benefits arises, The American Legion argues against the most common presumption encountered. Military service is not comparable to civilian employment and cannot be viewed with the same lens. In no other job in our economy are you selecting a life rather than selecting a job. Military service is 24 hours a day, 7 days a week. Military service is a lifestyle of constant physical preparedness and exertion, of frequent stress and overwork. Once a citizen steps forward to swear an oath of enlistment, his or her life – both on and off the battlefield — is dictated by the sole goal of preparedness for the task of defending this nation from all threats foreign and domestic.

In light of this, comparisons between military career choices and benefits and equivalent civilian occupations are inherently flawed, because there are no comparable civilian occupations. Every aspect of a service member's benefits, from salary to housing allowances to insurance and retirement benefits, represents a part of a greater whole, like cogs in a delicate Swiss watch, and as such, individual parts cannot be tinkered with unless you are prepared to upset the balance and operation of all the

other pieces in the overall package. Upsetting this balance is not a matter of jeopardizing the bottom line on a balance sheet. The risk for failure jeopardizes the national defense of our nation.

Truly, these are difficult times. Despite the belief of The American Legion that the current systems of benefits for active-duty personnel are well-balanced and necessary, there are those who endeavor to change and reduce these benefits. The American Legion is firm in resistance to these changes. Even the most radical of budget slashing bean counters must recognize the most basic principle that the country cannot go back on promises made to those in the service. We should not, and indeed cannot, as a nation, ask people to volunteer to defend us and then change the terms of that agreement. We have an all-volunteer service, and future generations are watching. The ability to fill the ranks of the military service of the future is directly proportional to the measure of faith kept with present and past generations.

## **MILITARY RETIREMENT**

This is not the first time in history that military retirement benefits have been under assault, yet the clear lessons of the past often seem forgotten. The American Legion has not forgotten these benefits and cannot more clearly state the need to draw a line in the sand against the replacement of military retirement systems with some of the proposed models, including 401k-style contribution accounts or greatly increased terms of service in order to draw these basic benefits. As far back as 1978, the Congressional Budget Office (CBO) was refuting arguments for some of the measures currently back in the popular vogue, and the soundness of the reasoning against these ideas has not diminished with age. Good insights from the past should not be discarded simply on the basis that they were developed years in the past.

There have been recommendations challenging the 20-year retirement target for military members. These recommendations miss fundamental aspects of a military career. Active-duty military service is a “young person’s game.” Military service requires a high physical state of readiness that takes its toll over the course of years. Furthermore, the emotional and social impact on family life of the deployment cycle and frequent moves due to permanent changes of station represent aspects of a lifestyle only sustainable for a limited number of years. While certain,

exceptional individuals can and do have military careers spanning longer than two decades or slightly more, productive career advancement past 20 years is often limited by the number of available promotion slots in the military command structure.

Proposals revolving around the addition of a contributory system for military retirement are unrealistic if they are a goal for savings. They are predicated on false assumptions about the pay structure inherent to the military. Already, there are junior enlisted service members in today’s military who support families but can only do so with the assistance of food stamps. These service members, and even many above them in rank, would be unable to participate materially toward a contributory plan without severely crippling their ability to meet basic needs such as food and shelter under the current salary structure. Alleviating this issue only raises more problems.

If salary compensation is raised to accommodate the necessary contributions, then there are no net savings. The 1978 CBO report also postulated that in addition to matching contributions, an equal amount would need to be added to the base salary of junior service members and would thereby increase not decrease cost. Why needlessly tinker with a system for no net benefit? If these service members are permitted to waive a contribution in the early years of their service when times are lean, they will be ill prepared for retirement and will find any retirement accounts underfunded. There is literally no way to win in this situation.

The American Legion strongly insists military retirement should remain intact as represented in the current system. No real long-term savings can be derived from slashing benefits in this area, and in the long term. The detrimental effect on retention and morale will cost this country far more than the phantom pennies of savings promised by knee-jerk and ill-thought out spending reductions in this area.

## **TRICARE**

The American Legion is certainly mindful of the need for fiscal responsibility. TRICARE Prime annual enrollment fees are currently \$230 for an individual retiree and \$460 for families. These rates have remained stable since the creation of TRICARE in 1996 and The American Legion believes them to be fair and supports stabilizing these rates at their

present levels. However, there is currently strong movement to increase these rates to cover medical costs within the system. If the choice is between a slight increase in enrollment fees or a reduction in services, then The American Legion acknowledges the possibility that rate changes may be necessary to sustain the program.

However, The American Legion further notes the past two years have brought no Cost of Living Allowance (COLA) increases for disabled veterans or Americans living on Social Security. Medical expenses are a very real budget concern for the majority of veteran retirees.

If medical costs are rising, as we are assured they are by those proponents of increased TRICARE fees, then why are these rising health care costs – a major portion of the monthly budget for retirees – not reflected in their COLA? Some are advocating tying future increases in TRICARE to the Medical Health Expense Index. Increases in this index have shown themselves to be significantly higher than COLA. The American Legion believes if TRICARE is to be raised in the future, Congress should take steps to ensure the rates cannot be raised by a greater percentage than the annual COLA increase.



# DEPARTMENTS OF DEFENSE AND VETERANS AFFAIRS

## A BREAKDOWN OF COMMUNICATIONS

**THE CONSTANT TRANSITION BETWEEN ACTIVE DUTY** and Reserve component status of many service members has developed into a host of serious problems. Multiple deployments of Guard and Reserve personnel, who upon return are eligible for VA health care for potential service-induced illness, then wind up returning to the DoD system for the next mobilization. It is inexcusable that after ten years of war, the Departments of Defense and Veterans Affairs communicate so poorly. National Guard service members often have to further contend with reconciling their medical and personnel histories with their individual state governments as well as agencies of the federal government.

The Virtual Lifetime Electronic Record (VLER) was launched as a result of President Obama's 2009 challenge to create a system for keeping administrative and medical records "from the day you swear your oath of enlistment to the last day of your life." In this modern age of easy data storage and rapid data transmission, such a unified file should be a relatively easy accomplishment, even taking into

account the massive nature of both departments involved. Ideally, VLER expect an ability to interface with civilian health records as well, providing an even more comprehensive storehouse of vital information for veterans. The concept would alleviate the need to carry around or track large paper files of information. However, more than two years later we are no closer to achieving this goal, and paradoxically may even be slipping further away.

To date, neither DoD nor VA have implemented VLER, and they aren't even close to accomplishing this task. In a February 2011 report, the Government Accountability Office (GAO) indicated severe problems with implementation. Because of DoD's and VA's lack of openness on the subject, without this GAO report, interested stakeholders in military and veterans affairs would still be struggling to find accurate information about implementation.

Despite repeated requests from Veteran Service Organizations (VSOs) to both VA and DoD for greater involvement, VSOs are still being excluded from the planning process. Communication and cooperation with VSOs is essential because they represent not only the expertise and ability to reflect the challenges faced in transition, they also employ dedicated service officers who regularly work to help veterans obtain benefits and likely will need to interact with the system in the execution of their duties. Service officers who presumably will need to interact with this system in the execution of their duties. The American Legion alone accredits more than 2,000 Department Service Officers (DSOs) to aid veterans free of charge with obtaining the benefits they deserve. Other organizations also have service officers with similar experience. Thousands of voices are being excluded from the planning process. Until government bureaucrats can recognize that their responsibility is to the flesh-and-blood human beings the system is built for, they will continue to fail to produce a system addressing the needs of those they purport to serve.

The GAO report (GAO 11-265) found DoD and VA lacking in three critical IT management areas: strategic planning, enterprise architecture, and investment management. As a result, there are a lack of mechanisms for identifying and implementing efficient and effective IT solutions to jointly address the health-care system needs. VA and DoD aren't talking to each other to plan this project, so how are they going to create a system whose entire design purpose is to communicate with each other?

Both systems lack definitive architectural models for their IT needs, indicating they cannot even create an accurate picture of what they need, let alone design systems to meet those needs. Essentially, by pursuing the development of these projects individually, they are completely undermining any possibility of jointly deploying the needed systems.

In examining the progress or lack thereof, it is becoming increasingly likely neither DoD nor VA will be able to meet the compliance goals by the end of the 2012 deadline. Furthermore, neither organization has expressed a willingness to step forward and alter its current path, so a continued path down the road toward failure seems the most likely outcome. Like spoiled children, it has to be their way or they won't play. It is time for adult supervision of the process.

This lack of progress or teamwork is impacting veterans in transition on a daily basis. The American Legion has worked with veterans who are bringing in electronic records from DoD to VA facilities and being told they must print an entire record out on paper as the only option for assimilation into the VA health-care system. Service members are being forced to make their own copies of health-care records, which can be costly, or send a request for records to the National Personnel Records Center in St. Louis, which can take months. Veterans face enough hurdles and delays in their care that record keeping should not be one of them.

America is one of the leaders in the world in data technological advancement. Tech companies thrive on creating systems enabling companies to operate with lightning transmission of data in some of the most challenging environments. An inability to manage a simple records keeping system for our service members and veterans, who make up less than 10 percent of the total population, should be seen as a national embarrassment that demands remedy.

The American Legion calls upon Congress to increase pressure on DoD and VA to cooperate on developing one system. The American Legion calls on Congress to establish oversight with specific time tables for quantifiable results. The service members and veterans of this country deserve a system that:

- Communicates freely between all available resources to active duty and veteran personnel.

- Allows records to be flagged during injuries or illnesses in the military to speed up processing of VA benefits – both health care and claims – during transition and after discharge.
- Bridges gaps in the computer systems for the Veterans Health Administration (VHA), the Veterans Benefits Administration (VBA) and the National Cemetery Administration (NCA)

- Provides secure access to accredited service officers of veteran service organizations as well as service members and veterans.

We can no longer afford to allow petty bickering between departments to jeopardize the good intent and aims of a system the service members and veterans deserve. VLER must be fixed, and it must be fixed without further delays.



# VETERANS AT RISK

## THE ECONOMICS OF JOBLESSNESS AND HOMELESSNESS

**ALL AMERICANS HAVE BEEN TOUCHED BY THE ECONOMIC RECESSION**, yet The American Legion is concerned about the disproportionate impact on those who have worn the uniform and defended this country.

### EMPLOYMENT

In the winter and spring of 2011, veterans faced joblessness rates nearly two thirds higher than those faced by the general civilian population. According to figures from the Bureau of Labor Statistics in June of 2011 there were over 1 million veterans unemployed, and more than 632,000 of them between the ages of 35 and 60. These figures address a challenge that defies simple solutions.

The reasons are many and varied. If they were easy to define, perhaps they would be easy to combat, yet veteran joblessness has proven resistant to efforts to improve the situation. Employers are uneducated regarding the benefits veterans bring to the table

and at a loss to understand how their military training applies to the civilian sector. VA resources meant to aid the veterans in their job searches are not achieving their full potential. Government hiring of veterans, especially disabled veterans, stands ahead of the private sector, yet still must be increased and more evenly enforced. There are many challenges.

If a solution is to be found, it will require cooperation on multiple levels. The American Legion will always be at the forefront fighting for improvements to veteran employment. The private sector must be engaged, educated and encouraged to improve their hiring practices. The federal government must also take up this charge, through all levels. The executive branch must direct improvements in hiring practices at all federal agencies. The legislative branch must continue its robust efforts to improve the laws to give our veterans the strong place in the job market. This will take concerted efforts by many parties, but this is an essential battle. To see even one veteran, who has already sacrificed so much for his or her nation, falter in the search for a job when he or she has already proven tremendous worth to a prospective leader is unconscionable.

Solutions to this problem can be evaluated in three main categories. The challenges faced by veterans during transition, the challenges faced seeking government employment, and those challenges faced by veterans in the private sector.

## **TRANSITION**

The challenges faced by transitioning veterans can best be addressed by examining two key components of transition. Those components are a functioning and mandatory Transition Assistance Program, and ensuring veterans receive the licensing and certification they need to reflect the scope of knowledge they gained while in the service.

### ***TRANSITION ASSISTANCE PROGRAM (TAP)***

It would be difficult to name a more critical time period in terms of impact on a veteran's ability to succeed in the civilian job market than the period of transition between active duty and civilian life. The American Legion strongly supports mandatory TAP training in every branch of service. According to surveys conducted by the Bureau of Labor Statistics in 2010, 45 percent of veterans surveyed did not attend TAP presentations when separating from service. Of those service members who did attend TAP training, the number one response to the question of how the training could be improved was to "make TAP training mandatory."

Yet TAP cannot solely be seen as a boon to traditional active-duty service members. Perhaps one of the greatest challenges facing Guard and Reserve component service members is a lack of access to TAP training during their periods of mobilization. Already on uncertain terms because of employer reluctance regarding the Uniformed Services Employment and Reemployment Rights Act (USERRA), these service members face the additional challenge of entering the job market shorted of the opportunity for needed tools TAP provides. Moreover this essential program must be also delivered to Guard and Reserve service members.

Bipartisan legislation supports mandatory TAP because it makes sense and produces results. The American Legion calls on Congress to make this mandatory training a reality now. The costs of mandatory TAP training are minimal compared to the drain on the economy of unemployed veterans. TAP must be mandatory, and TAP must be delivered to all, be they soldier or sailor, Marine or Airman, Guard or Reserve or active duty. The time is now for mandatory TAP.

The American Legion supports a mandatory TAP training period of no less than five days, within 180 days of separation. For Guard and Reserve component service members activated for a period of 12 months, The American Legion supports a five-day mandatory TAP training within 90 days of separation. We give our service members the skills to survive on hostile battlefields, and this training is essential to give them the skills to survive the hostile job market.

### ***LICENSURE AND CERTIFICATION***

American employers often underestimate the skills veterans bring to the table, yet this is partially attributed to the difficulties faced by service members in obtaining licensing and certification for skills obtained in the Armed Forces. It is not crazy to assume if you can drive a truck in a convoy through Iraq you can drive a truck across the Midwest of America to deliver produce to markets. Furthermore, if you can patch Marines up on the battlefields of Afghanistan as a Navy corpsman you can provide emergency care to citizens in America as an EMT in an ambulance. Yet service members routinely struggle obtaining employment in fields almost identical to their service duties because of a lack of reciprocal certification for the skills they learn. The inability to obtain civilian credentialing can preclude transitioning military personnel from reaping the full benefits of their military training. Without this credentialing, the civilian sector of America fails to reap the dividends of the military training.

The research in this area is still underdeveloped. It has been over a decade since the Department of Labor Veterans' Employment and Training Service Study, published through a grant with The American Legion, identified correlations between military occupation specialties in the health-care and aircraft-maintenance fields and their civilian counterparts. The 1997 DOL study found conclusively that lack of certification for the military personnel hampered their advancement in civilian careers.

Certification and licensure is by no means a simple or uncomplicated topic. Certification and licensure both vary from state to state, and creating comprehensive certification programs that apply across state borders can be seen as a Herculean task, yet this is not a reason to simply set it aside. Service members are called upon every day to perform difficult and complicated tasks, and they do so willingly. Our country's lawmakers should be no less willing to take up challenges on behalf of those who serve. The American Legion is willing to work closely with Congress, with VA and with the Department of Labor to interface with the state governments and regulatory authorities to overcome these obstacles and create a plan for licensure and certification of service members that applies from one coast to the other and blankets all of our veterans.

The American Legion is dedicated to removing employment barriers for transitioning veterans. The time is now to coordinate between the Departments of Defense, Labor and Veterans Affairs to translate military occupational specialties into civilian job skills, with appropriate testing and credentialing where applicable. This is one area where the civilian employers must be educated to see what a great resource they have in America's veterans.

## GOVERNMENT HIRING

The American Legion believes the federal and state governments should set the standard for hiring veterans. Government employers, more than any others, should be acutely aware of the unique advantages veterans bring to the table. Over the past year, the government can be commended for increasing veteran hiring in the face of deeply concerning unemployment figures among veterans.

According to Office of Personnel Management (OPM) statistics, FY 2010 hiring increased to over 72,000 veterans, approximately 2,000 more than the previous year, and representing just over 25 percent of all new hires by the

end of FY 2010. The government needs to get the message out about the benefits these new hires bring.

However, in light of President Obama's Veterans' Employment Initiative, launched in 2009 to "transform the federal government into the model employer of America's veterans", these numbers can and should be even higher. While well intentioned, this initiative must be enhanced to improve these numbers and fulfill its good intentions.

The American Legion supports the use of a real and effective national portal exclusively for veterans and employers seeking to find each other. The existing website [www.usajobs.gov](http://www.usajobs.gov) has long been criticized by the Legion as overly confusing and complicated. A more effective exchange site, easier to navigate and properly designed, will get real use. If a veteran or employer must face an online maze to connect, they will cease to utilize the complicated site and instead will seek to fulfill their employment needs elsewhere, and the good efforts of the government will be lost. The Legion calls on Congress and the President to make a system that is simple and works to greater facilitate the linkup between these employers and veterans.

The American Legion also calls on government personnel managers to make more use of their enhanced hiring authority for service disabled veterans. These service disabled veterans show every day how they master the challenges placed in front of them, yet the enhanced authority for hiring is under-used.

Furthermore, The American Legion supports enactment of legislation authorizing non-competitive hiring for veterans within 180 days of discharge from active duty with an honorable discharge. This would further ease the problems of transition noted earlier, and is critical for the long-term employment outlook for veterans. If veterans can successfully make the first, transitional step from service to civilian employment, their long term outlook for employment will help enable them to continue their productive contributions to the country through government service.

Lastly, we would note that while some agencies of the federal government apparently recognize and appreciate the contributions of veterans, there is a great deal of ground to achieve this government wide. Fully 80 percent of veterans employed by the federal government are employed by one of three departments. While the Departments of Defense, Homeland Security and Veterans Affairs seem to be the "natural" fits, veterans can make contributions

to almost every facet of the public sector. Veterans have been recognized to make natural classroom teachers, and surely could make great contributions to the Department of Education. Veterans' natural proclivities as sportsmen surely make them uniquely qualified to provide insight to the Department of the Interior. The military faces challenges of engineering that surely could provide useful background for departments such as Transportation and Energy. Government could combat the number one misconception about military job skills – military job skills are not solely confined to defense and the destruction of the enemies of this nation. Military veterans are team players, problem solvers, trained to adapt to any situation or challenge the world can throw at them. Military veterans can take on any task you put in front of them, and the government needs to recognize this and ensure they are hired to enhance not solely traditional departments and agencies associated with military tasks but across the broad spectrum of the entire government.

## EXPAND LAW ENFORCEMENT POTENTIAL

Unfortunately, currently under Public Law 101-509, it is mandatory for all federal law enforcement position personnel to retire by age 57. This requires an applicant to be no older than 37 when applying, thus allowing them to complete 20 years of service before age 57. Many military veterans, transitioning to civilian life and careers after 20 years or more in the service, typically fall into the 38-40-year-old age bracket. These transitioning veterans collectively received billions of dollars of taxpayer money to train them and keep them in fit fighting condition, yet are precluded by the age restrictions from pursuing full post-military careers in federal law enforcement.

The American Legion proposes amending the current age requirements, or providing waivers for transitioning service members. This will create a win-win situation for the service members entering the job market as well as for the federal law enforcement employers by increasing the pool of qualified personnel for recruitment purposes. This maximizes the taxpayer dollars already spent to train these veterans while at the same time increases their opportunity to continue their honorable service to this nation.

## PRIVATE SECTOR

Given the lack of employer education about what veterans bring to the table, it's not surprising that the private sector

consistently lags behind the public sector in hiring veterans. Frankly the true picture of what veterans can do for their business is not being broadcast effectively, and that needs to change.

With the transition over the past several decades from a draft-based military to an all-volunteer force, the level of understanding of military service is sadly diminishing among the general population. According to a 2009 study by Harvard University and MIT, in 1980, 59 percent of CEOs in publicly traded companies had military experience. By 2006, that percentage had fallen to eight. Anyone off the street can opine about what a military veteran can do with a rifle or behind the controls of a tank or jet, but knowledge of the hidden skills that go along with those tasks are lost on a populace which has no true concept of what the military lifestyle demands of a veteran.

The short-sighted person looks at an infantry sergeant and thinks of a soldier clearing buildings of insurgents, tossing grenades, engaging and destroying the enemy on the fields of battle in a far-off land. What they do not see is what the bulk of a sergeant's career has taught him or her. As a private, that sergeant learned how to function as a part of a team and how to play a role that supports those around him or her. That sergeant learned how to perform under adverse conditions, under pressure and deadlines, and how to get a job done no matter what. That sergeant learned how to coexist with diverse personalities in a squad, and put mission first above personal hardships. When they earned those sergeant's chevrons, they learned how to build on those early lessons and how to be an example to others. They learned how to forge those around them into an effective unit to accomplish tasks. A veteran member of the service knows how to lead, how to train, and even how to counsel fellow team members about coping with the challenges of life. They know how to look sharp and put together, how to show up on time and work to complete the task, not just to a punch clock. Veterans know how to get the job done.

When employers look at that infantry sergeant, they shouldn't be looking for someone to just wear a gun on their hip. This is an employee who can lead your project development teams, manage your field groups, improvise, adapt and overcome obstacles for your company. Employers need to know this is an employee who can face a wide variety of tasks.

This can be improved by creating better programs to map military skills to civilian applications. In translation of Military Occupational Specialties in civilian skills, one cannot forget the intangible skills conveyed by their military experience. These MOS-to-civilian translation guides need to encompass that military does not solely train you for one task; the military trains you how to live your life and how to operate in every facet of that life.

The American Legion supports better training for human resources specialists and managers to better understand the meaning of a veteran's resume. Government hiring initiatives only go so far, and the private sector needs more encouragement to become examples in their own right. Corporate titans need to step to the forefront and provide better partnership with veterans to increase the awareness and hiring of veteran employees.

One of the measures proposed by both parties to increase veteran hiring in the private sector is the use of tax credits for businesses that hire veterans. The American Legion supports and endorses this incentive program, yet we are concerned they may become diluted in a sea of other employment initiatives. This is an investment which can only result in great dividends in the future. As stated previously, the American private sector is largely ignorant to the potential contributions veterans bring as employees to their companies. As the hiring is incentivized, awareness of the contributions of veterans will grow and sustain improved hiring. This is an investment in the future and whenever America has chosen to invest in its veterans, there has been a return on the investment many times over.

#### ***VETERAN-OWNED SMALL BUSINESS:***

Veteran-owned small businesses represent a win for veterans' employment in several ways. Not only does support of veteran-owned small business support those veterans who display the initiative and self sufficiency to forge their own path in the job market, these veteran business owners know better than anyone else the value veteran employees bring and are among the leading employers of other veterans. Each veteran-owned small business that thrives is a raft that supports other veterans.

The VA Office of the Inspector General (OIG) conducted investigations recently into allegations of businesses improperly representing themselves as veteran owned or, perhaps worse, service-disabled veteran-owned. This type of fraudulent claim is among the most reprehensible sort

of stolen valor imaginable. Still an OIG audit of Veteran Owned Small Business (VOSB) and Service Disabled Veteran Owned Small Business (SDVOSB) found 76 percent of the businesses reviewed were ineligible for the program and/or the specific VOSB or SDVOSB contract award. If three out of four contracts for these deserving businesses are being improperly awarded, the correction of this practice must become a top priority. The American Legion remains deeply concerned the only federal agency verifying the status of VOSB is VA, and therefore many contracts are still going to companies ineligible for the contract requirements. End this practice now, and ensure proper verification.

## **VETERAN HOMELESSNESS**

Two years ago, VA Secretary Eric Shinseki announced VA's commitment to a five-year plan to end veteran homelessness. Committed to the ideal that "no one who has served this nation as veterans should ever be living on the streets," Shinseki unveiled a multi-billion dollar plan that seeks to understand, end and prevent future homelessness. According to figures released this summer by VA, the average number of veterans who are homeless on any given night has dropped from over 131,000 in 2009 to 75,700 in June of 2010. This represents an important and commendable first step, but we cannot let up on this effort as we begin to address the most difficult and entrenched cohort of veterans within the homeless population. These figures clearly show the approach is working at reducing homeless numbers, so we must ensure these efforts continue until we can end the national embarrassment that created a scenario where nearly one of every four homeless is a veteran who once served in the Armed Forces.

#### ***PROGRAMS TO FIGHT HOMELESSNESS:***

Currently, VA is pursuing a multi-pronged attack on homelessness supported by The American Legion.

#### ***HUD/VASH***

The Housing and Urban Development – Veterans Affairs Supportive Housing (HUD/VASH) voucher program was created in 2008 under PL 110-161 and combines Housing Choice Voucher rental assistance to homeless veterans in combination with case management and clinical services through VA Medical Centers and Community Based Outreach Clinics. This has been and continues to be one of the most successful programs in fighting the chronic nature of homelessness among veterans by helping them transition from a street life to a life as part of the community.

The American Legion spoke and Congress answered in the budget debates of this year to ensure funding for these essential vouchers was not cut from the proposed emergency budgets to fund FY 2011 spending. To date, more than 36,000 vouchers have been allocated. Another 10,000 vouchers should be included in upcoming appropriations. Secretary Donovan and Secretary Shinseki have agreed that 60,000 total vouchers are essential to eliminate chronic veteran homelessness. Funding for 10,000 vouchers represents only \$75 million in spending but delivers a great return on such a small investment. The American Legion supports the full \$75 million in funding for HUD/VAHS.

#### **HVRP**

The DOL-VETS Homeless Veterans Reintegration Program (HVRP) is the only federal employment program specifically targeted to homeless veterans. The American Legion supports funding this program at its full \$50 million level.

#### **GPD**

The VA Homeless Providers Grant and Per Diem program (GPD) has seen successful offering traditional housing grants and supportive services. The American Legion recommends continued funding for this program at \$250 million.

#### **SSVF**

VA Supportive Services for Low-Income Veterans and Families (SSVF) promotes housing stability for low-income veterans who are residing in or transitioning to permanent housing. This is a critical juncture on the border of homelessness and is essential to prevent further relapse into homelessness. An initial \$60 million award to this program served 22,000 at risk or homeless veterans through 85 non-profit community agencies in 40 states and the District of Columbia as a part of VA's new homelessness prevention initiative. The program has worked well, and given the critical juncture of veterans on the brink between housing and homelessness, The American Legion recommends \$100 million in funding for this program.

Short-sighted cutting of programs can occur in the environment of budget-conscious government when the long-term consequences of immediate savings are not carefully considered. Veterans who can be saved from chronic homelessness represent overall savings for the government in the long run. Investing in ending homelessness now represents long term savings, and that is smart spending.

Furthermore, The American Legion is concerned about the current generation of veterans exiting service and potentially being driven to the streets. Pre-screening for potential indicators can help prevent the problem before it becomes entrenched and requires greater resources to fight. To prevent homelessness before it can take root, The American Legion recommends pre-screening all Operation Enduring Freedom (OEF), Operation Iraqi Freedom (OIF), Operation New Dawn (OND) veterans for TBI, mental health issues, hepatitis, tuberculosis, economic hardship, lack of permanent housing and behavioral or substance abuse troubles.

## **HOUSING**

Veterans have not been immune to the difficulties of the housing market in the United States. The VA Home Loan program is one of the most successful and well regarded programs in the entire federal government, and has been helping veterans to secure home ownership for generations. From FY 2005-2009, the program assisted nearly 1 million veterans in obtaining home loans totaling almost \$180 billion, and the loans have enjoyed greater stability than others in the housing market. The VA Home Loan program has a lower default level than the rest of the housing community, and stability in this market is essential. The past years have also seen the program expand to recognize cost-of-living differences in high-cost real-estate areas and adjusted appropriately, making home ownership feasible even in areas such as the nation's capitol and other urban areas where prohibitively high real-estate costs had precluded the use of VA loans. The American Legion supports full funding for VA Home Loans.

The American Legion is concerned however, particularly in an era with combat troops deployed overseas in harm's way, that the surviving spouses of veterans cannot utilize this benefit, which contributes stability to a housing market desperately in need of stability, in the same manner the veterans who sacrificed can. These widows and widowers should be entitled to use this benefit for which their spouses have paid the ultimate price. The American Legion would like to see legislation to enable surviving spouses of veterans determined eligible for VA loans to retain this benefit for a period of up to 15 years from the date of the veteran's death or until the spouse remarries, whichever comes first.



## FEMALE VETERANS

**THE CONCERNS OF FEMALE VETERANS HAVE BEEN A HIGH PRIORITY** for The American Legion. In January 2011, The American Legion launched a landmark survey of the concerns of women to determine whether or not VA was meeting the needs of the fastest growing segment of the veteran population. The approximately 1.8 million female veterans in America make up 8 percent of the veteran population, yet only 6 percent of those utilize VA health-care services. As more women are forced into combat roles in non-traditional battlefields lacking clearly defined battle lines, women are returning with the same injuries and wounds as men, yet they have unique concerns about the existing systems of care and how they are adapting.

There is an increasing recognition of the unique and complex health needs of female veterans, and VA needs to be prepared for a significant increase of younger female veterans. Approximately 58 percent of women returning from OEF/OIF/OND are between the ages of 20 and 29. These women are bringing home challenges requiring expertise and gender-specific care. According to Schmurr and Lunney (2011), Post Traumatic Stress Disorder (PTSD) is especially prevalent among women. Among veterans who used VA in 2009, 10.2 percent of women and 7.8 percent of men had diagnoses of PTSD.

Furthermore, the number of female veterans enrolled in the VA system are expected to expand by over a third in the next three years. Currently, 44 percent of

OEF/OIF/OND female veterans have enrolled in the VA health-care system. As this segment of the veteran population continues to expand, it has become more and more clear that the unique concerns of women require further analysis and attention to mission to ensure their needs are met in the same manner their male counterparts already have come to expect.

The American Legion launched a women veterans survey through Prosidian Consulting Group on Jan. 5, 2011. The study involved surveying a sample of 3,012 women veterans in order to better understand their health-care needs. The survey consisted of 67 questions, designed to measure the following 10 attributes of service quality: (1) tangibles, (2) reliability, (3) responsiveness, (4) competence, (5) courtesy, (6) communication, (7) credibility, (8) security, (9) access, and (10) understanding/knowing the customer.

The overall findings for each service quality are as follows:

**TANGIBLES:** Almost 25 percent of the respondents rated the convenience of the location of VA facilities for women-specific issues as poor, indicating that gender-specific care is difficult to obtain for a significant number of women veterans.

**RELIABILITY:** Almost 57 percent of respondents were satisfied with the reliability of health care provided by the VA when compared to private health-care providers.

**RESPONSIVENESS:** Over 30 percent of respondents were dissatisfied when they compared the responsiveness of VA to that of private health-care providers. This is a theme that occurs throughout the survey results.

**COMPETENCE:** Approximately one-fourth of the respondents said they were dissatisfied with the competence demonstrated by VA health-care providers when compared to private practitioners.

**COURTESY:** With almost one quarter of the respondents rating this attribute as less than positive, courtesy appears to be an important issue for VA to address.

**COMMUNICATION:** Approximately 30 percent of the respondents felt that they were not allowed an appropriate amount of time with their provider to discuss their specific health-related issues.

**CREDIBILITY:** Between 25 and 40 percent, depending on the question, expressed a high level of dissatisfaction when they were asked to compare the credibility of health

care provided by VA with similar services provided by private practitioners.

**SECURITY:** Over 25 percent of respondents expressed a level of dissatisfaction for this attribute which suggests that there is considerable room for improvement in security-related issues for the VA, especially in the degree of sensitivity surrounding a patient's personal information.

**ACCESS:** Nearly one third of the respondents stated they were dissatisfied with their most recent experience with the Women Veterans Program Manager (WVPM), suggesting there is room for significant improvement in the capabilities of VA to provide gender-specific services.

**UNDERSTANDING:** Only 42 percent of the respondents were satisfied with their experiences related to the Military Sexual Trauma (MST) screening process. This represents a critical area in which VA needs to improve its practices in regard to gender-specific services.

Nearly one quarter of all respondents to The American Legion's women veterans' survey noted gender-specific care is difficult to obtain, over 30 percent of respondents expressed dissatisfaction with responsiveness, and over a quarter of respondents felt VA practitioners' level of competence did not compare to civilian providers.

Only 42 percent of respondents were satisfied with the screening process for MST. This is particularly troubling when some sources consider one in three women in military service likely to have experienced some level of MST. One study reported distress associated with sexual trauma among female veterans was four times more likely than duty-related stress to be associated with the eventual development of PTSD. This startling concern merits immediate attention, and The American Legion recommends VA conduct a comprehensive study of MST, in conjunction with the Department of Defense if possible, to develop a better plan to counteract this rampant and widespread problem.

The results of this survey raise troubling questions about VA's understanding and treatment of the women veterans in the health-care system and The American Legion urges VA to consider increasing efforts in this direction to improve care for women veterans. VA needs to develop a comprehensive picture of women's health that extends beyond reproductive health issues. Provider education needs improvement. Furthermore, as women veterans

are often the sole caregivers in some families, services and benefits designed to promote independent living for combat-injured veterans must be evaluated and needs such as child care must be factored into the equation. Additionally, many women veterans cannot make appointments due to the lack of child-care options available within VA Medical Centers.

Since the survey, The American Legion has continued to advocate for improvements with delivery of timely and quality health care for women veterans. During the System Worth Saving site visits, the System Worth Saving Task Force has asked facilities about their women veterans programs and shared areas of concern.

The American Legion will continue to make recommendations to the Administration, Congress and the Department of Veterans Affairs on how women veterans programs can be more effectively supported. Through the hiring of a Women Veterans Outreach Coordinator we

will help identify best practices and challenges and work with the departments to establish Women Veterans State Coordinators, to oversee women veterans programs in the states.

The intangible result of the survey cannot be calculated in clear numbers and figures, yet is no less important to note. While conducting the survey, The American Legion was overwhelmed with responses from women veterans who were grateful that someone had reached out to determine their needs. After years of being met with silence and indifference, someone was finally listening. The American Legion only asks that VA, Congress and other interested parties heed those words and refocus their attention. Women veterans have suffered in silence for too long. It is time to start listening and acting to ensure they know their sacrifices mean just as much as the sacrifices of those of any veteran.



a long, hard look at their operational model. Congress has proven willing to provide the resources to support reform to this system. The American Legion and other veterans' organizations have stood ready to offer years of expertise in tackling these challenges. The time is now for VA to start listening and to start fixing the system to end the national embarrassment of a backlog that delays veterans injured in the service of their country from receiving the compensation and care they deserve.

## CLAIMS BACKLOG

Veterans currently wait far too long to receive benefits for disability. Despite assurances from VA that it is making "breaking the back of the backlog" a priority, statistics have shown they are headed in the wrong direction. In FY 2010, VA's backlog of cases pending over 125 days rose from just under 180,000 claims to over 290,000 claims. Accuracy was also a casualty. According to a GAO report from March 2010, VA's own self-reported STAR accuracy figures noted a drop from 86 percent accuracy to below 84 percent accuracy. The news gets worse. According to a VA Office of the Inspector General report issued May 18, 2011, VA Regional Offices are expected to inaccurately process 23 percent of all claims. VA's stated mission may be to achieve by 2015 an accuracy rating of 98 percent with no claim pending over 125 days, but if it continues in the current direction, the department will only move further from this goal.

This lack of performance is more troubling in light of Senior Executive Service (SES) salaries during this time period. VA distributed bonus payments to SES in the Veterans' Benefits Administration (VBA) averaging \$14,000 last year. The figure of \$14,000 is interesting, because if an indigent veteran seeking non-service connected pension received \$14,000 for an entire year's wages, he or she would be told they earned too much money to be eligible for pension. VA SES executives can watch over a VBA that saw the secretary's key goals leap backwards for a year, making the claims process worse for veterans, and at the end of the year take home a bonus payment greater than what thousands of indigent veterans are forced to survive on for an entire year. Clearly there is no stick to imply the consequences of failing to serve veterans.

Despite claims the new Veterans Benefits Management System (VBMS) will revolutionize the process, there is little confidence in the veterans' community that this will be

the case. VA has made similar promises in the past. Despite improvements to communications between VA and veterans' groups, the very fact that vital stakeholders such as VSOs, still routinely must fight to be consulted on proposed changes, is indicative of an operation entrenched in failed methods and unwilling to change.

Congress should heed the counsel of groups who have fought this war in the trenches for decades, and go to the people with the most firsthand experience working through veterans' claims, before crafting legislation. The ultimate result will be effective tools to fight a backlog of monstrous proportions. This is the only way the backlog can be whittled down. This is the only way, by open communication with all parties, to break the back of the backlog once and for all.

The American Legion believes the claims system can be repaired by implementing three simple, yet fundamental changes to the operational model. There are a host of workers at VA who want nothing more than to be able to swiftly serve America's veterans, yet are hampered by an inherent cultural model that persists throughout leadership changes. This requires cultural change through three fundamental areas. VA employees must be shown quality of work is as important, if not more so, than the quantity of work. They must be shown training is a top priority, and they must continue the reevaluation of the lines of communication not only with veterans but within their own organization.

## QUALITY AND ACCURACY

The American Legion believes fundamentally the secret to fixing the claims process is to ensure that getting the claim evaluated right the first time is the number one priority. Time and time again when questioned as part of The American Legion's Regional Office Action Review (ROAR) visits, VA employees cite pressures to complete a raw number of claims to be the number one driving force in Regional Offices. Testimony from American Federation of Government Workers (AFGE) representatives before Congress bear this out as well. An overarching culture sacrifices getting the claim "right" for getting the claim "done" so it can be counted for the office statistics. This culture, more than anything else, contributes to claims languishing in the system for years like a hamster on a wheel.

VA's system is not set up properly to evaluate the accuracy of all claims. It is not set up to compile common errors to

prevent future mistakes in the processing of claims. It is not set up to reward the employee who truly delves into a file to find the truth over one who simply skims a file to move it from the desk and move on to the next claim.

Electronic tools give the office unprecedented ability to track trends in the processing of data. While VA has been evasive when questioned by service organizations as to the error-tracking capabilities, the ability to track all actions on a claim from start to finish has yet to be fully considered in terms of the benefit it could bring to the claims-processing system. The American Legion has long pointed out the inadequacy of accuracy tracking mechanisms and the inability or unwillingness to compile common errors. Despite admonitions from the Court of Appeals for Veterans Claims (CAVC) of repetition of the same errors in claims processing, statistics are not kept or compiled in any visible manner to determine the most common areas of error and develop a plan for preventing those errors in the future.

At every level, from the initial decision through the Decision Review Officer (DRO) in the Regional Office, through the Board of Veterans Appeals (BVA) and the Appeals Management Center (AMC) errors are being made in the evaluation of veterans' claims. These errors must be captured and studied to determine if there are trends to be identified which could improve overall accuracy in VA claims processing. The American Legion has called for this consolidated error tracking for years to little avail yet this is a relatively uncomplicated step which could reap benefits on a scale far exceeding the outlay of effort to track.

## WORK-CREDIT SYSTEM

Ultimately, these changes mean little if VA does not change its current system for the measurement of work credit. The current system places undue emphasis on simply the number of actions completed, with no accounting for the accuracy of that work. As work credit is measured simply in the number of claims processed, there is little to no incentive to complete the work accurately when speed of work is more prized. The American Legion has advocated for a work-credit system counting work credit only when a case has been finally adjudicated, to create an incentive to prevent cases from languishing in the lengthy appeals process caused by sloppy work getting passed from one desk to the next.

VA must change its work-credit system to a system which places an equality of weight on the quality of work done commensurate with the quantity of work done. Until this change occurs, VA will continue to be saddled with a backlog of claims, and veterans will continue to be denied justice. If VA is truly in the process of transforming its system to meet a 21st century model, then now is the time to reform this key component of the claims system and produce a work-credit system incentivizing getting the job done right the first time and preventing needless years of appeals.

## TRAINING

A disturbingly consistent trend has emerged from American Legion ROAR visits to VA Regional Offices. When questioned about the nature of training within Regional Offices across the country, employee responses vary from “we meet the minimum required 80 hours of training” to “our supervisors rush us through training to get us back to production.” Across the board, and borne out by testimony provided by employees representing the AFGE, the training provided to those VA employees who are expected to process the disability claims of veterans is in short supply, poorly executed, and not targeted to the needs of the employees. This is made all the more troubling with the increasing percentages of employees on the job less than two years as a result of the hiring surge Congress has provided to assault the claims backlog. Employees are short on experience and short on training, but not short on the hunger to do the job right. With the right training, this new surge of employees stands to be a cornerstone to become the foundation of the next-generation VA.

Several within VA management and even from outside have complained that stopping to train employees takes too much time away from production, and will only increase the backlog. The American Legion believes this to be short-sighted thinking which contributes to the VA cultural malaise currently causing the stagnant backlog. Fresh thinking is called for. Time spent in training will reduce the backlog in the long run, because a better-trained employee will make fewer errors, operate more smoothly and with less stopping and starting to review procedures, and will diminish the backlog by getting claims out of the system properly adjudicated with less reason for appeal.

It is not without good reason that The American Legion calls for common errors to be tracked through the new

electronic claims system. By compiling errors noted in STAR accuracy reviews, DRO decisions, decisions and findings at the BVA, AMC and CAVC and even through testing of employees, VA can create an accurate snapshot of deficiencies of knowledge down to the Regional Offices or even individual employees, depending on the level of tracking. Utilizing this road map to improvement, a training program can be created to play to their strengths and minimize their deficiencies.

If managers treat training as an inconvenience to be worked around in order to get back to real work, employees will take their cues from that attitude and fail to absorb the material, no matter how well intentioned. VA leadership must do a better job of ingraining a philosophy and mindset that recognizes the necessity of good training.

The American Legion supports a training program based on an analysis of deficiencies in performance, coupled with a balance of updated material and new changes to rules and operations. This training must be presented and supported throughout VA in a manner reflecting the vitality of training to the competent running of a successful office.

## COMMUNICATION

Recently, VA has made great strides in communication with not only individual veterans, but also the organizations that represent those veterans. However, there is still room for improvement. As VA experiments with communication through non-traditional models such as social media and other internet sources, they must be mindful of ensuring these modes of communication reflect the same rights inherent to veterans through more traditional modes in the claims system. VA must also remain mindful that although many veterans are embracing these new methods of communication, many veterans will remain who utilize phone, mail, and in-person communication and these methods must not be slighted in pursuit of shiny new technologies.

The American Legion applauds VA's recent outreach to communicate directly to veterans through phone contact

to explain complicated VA communications such as the notoriously complex VCAA letters. However, we continue to caution that this step is being taken without notification of veterans' service officer representation, and some veterans who are contacted may be unaware of their rights, or pressured to make unwise choices about their benefits without this guidance. The American Legion calls on VA to improve the communication and partnership in this area. VSOs and VA exist to help veterans get the benefits they deserve. These two groups must learn to work better in tandem to assist these veterans. The service organizations are eager to increase this partnership, let us hope VA continues their efforts toward a similar goal.

The Legion remains concerned that while communication has increased overall between VSOs and VA, VSOs still remain left out of important consultations on initiatives of major import to the overall claims system. While there have been some briefings on VA's new Veterans Benefits Management System (VBMS) the ability to provide input has been limited more than The American Legion would like. As VBMS will be utilized by both service officers and VA employees alike, the input of the thousands of service officers who work daily to fight for veterans benefits could be an important resource for VA in their planning. Similarly, as VA works to implement the Virtual Lifetime Electronic Record (VLER) veterans' groups are not being consulted for input enough to pass along their meaningful insights.

Whether VA is drafting a proposed rule or change to its system, or Congress is drafting a new piece of legislation, communication with veterans' service organizations is an essential step toward the success of any endeavor. Nowhere is the breadth of experience in dealing with disabled veterans more concentrated than in VSOs, and their unique insight and ability to communicate directly to the veteran population is inestimable in value. All sides benefit from regular, open channels of communication.



# VETERAN DISABILITY DUE TO ENVIRONMENTAL EXPOSURE

The government spent over two decades reaching a point where they could begin to understand the devastating effects of exposure to Agent Orange and properly treat and compensate those affected veterans. We as a nation stand two decades past the landmark Agent Orange Act of 1991, yet The American Legion fears the hard fought lessons of that legislation are being thrown aside, with potentially devastating consequences not only to Agent Orange veterans, but to any veteran of any era who is exposed to hazardous substances in the execution of their duty.

Regardless of era or environmental exposure, whether it be Agent Orange, radiation, groundwater at Camp Lejeune, burn pits in Afghanistan and Iraq, or chemical facilities in Qarmat Ali, The American Legion believes the response must be guided by a simple, overarching principle. Treat the veterans immediately. Compensate the veterans appropriately. Fund the study of these exposures to find better ways to understand, treat and prevent future exposures. The American Legion supports existing models for the determination of presumptive service connections for disabilities such as the method utilized by the Institute of Medicine (IOM) in conjunction with VA as specified in the Agent Orange Act of 1991. This method is stringent, fair, and based fully on the principles of scientific analysis. The American Legion strongly resists efforts of late for outside meddlers armed more with opinion than hard science to dismantle this process and upend decades of sound scientific and medical practice to pursue a cost-cutting agenda at the expense of veterans damaged in service to this nation.

## BLUE WATER NAVY

Agent Orange was the most common herbicide used in Vietnam from 1962 to 1971. More than 2 million veterans served in Vietnam during the Vietnam War and are presumed to have been exposed to Agent Orange.

Historically, VA provided presumption for Agent Orange exposure for Blue Water Navy, Brown Water Navy and veterans with boots on the ground in Vietnam for the purposes of VA claims and benefits. Blue Water Navy Vietnam veterans were those who were veterans that were stationed in open water in the territorial waters offshore of Vietnam. Brown Water Navy veterans were those Vietnam veterans stationed in inland waterways of Vietnam, and veterans on the ground referred to troops who set foot in Vietnam.

The Department of Veterans Affairs (VA) was congressionally mandated by the Agent Orange Act of 1991 to contract with the National Academies of Science (NAS) to review existing peer-reviewed research on herbicides – to include their components – exposure and medical evidence on related health effects. That same law defined service in the Republic of Vietnam to any veteran who served on land and territorial waters in Vietnam to establish presumption for VA claims and benefits.

In 2002, VA Adjudication Manual M21-1, Part III, Chapter 4 changed the defined term “service in Vietnam.” The VA ruling stated, “A veteran must have actually served on land within the Republic of Vietnam (RVN) to qualify for the presumption of exposure to herbicides, under 38 Code of Federal Regulations (C.F.R.) 3.3.07(a)(6). The fact that a veteran has been awarded the Vietnam Service Medal does not prove that he or she was ‘in-country.’ Service members who were stationed on ships off-shore, or who flew missions over Vietnam, but never set foot in-country, were sometimes previously awarded the Vietnam Service Medal.”

Based on this provision, VA Regional Offices (ROs) were directed to deny claims of Vietnam veterans whose service was in the waters off-shore (Blue Water Navy veterans) and who had been awarded the Vietnam Service Medal. In certain instances, where service connection had previously been awarded for an Agent Orange-related disease, service connection has been severed. After the ruling, veterans are presumed by VA as exposed to Agent Orange only if they went ashore when a ship docked to the shore of Vietnam or served aboard ships that operated on the inland waterways of Vietnam anytime between January 9, 1962 and May 7, 1975.

VA’s ruling for Blue Water veterans was upheld by the Supreme Court in the Jonathan Haas vs. Secretary James Peake case in 2008. In 2009, VA requested IOM conduct a study to determine if Blue Water Navy Vietnam veterans experienced a comparable range of exposures to herbicides and their contaminants (including Agent Orange and dioxin) as their Brown Water Navy Vietnam Veterans and those service members on the ground in Vietnam.

On Friday, May 20, 2011, the IOM released its prepublication version and results of the Blue Water Navy Vietnam Veterans and Agent Orange Exposure Report.

The IOM, when asked by VA to examine and clarify a study conducted in Australia which had suggested naval personnel, through desalination procedures and other factors, were potentially exposed to concentrations of Agent Orange four times greater than those on land the IOM reexamined this study. The IOM found an intriguing error in the calculations. Sailors had not been exposed to concentrations four times higher as the Australian study believed. They were exposed to concentrations ten times higher than their counterparts on land. The science supports what veterans have always known, our naval forces off the coast of Vietnam have had to cope with the same after-effects as their compatriots on land.

The American Legion adamantly opposes VA’s ruling to deny Blue Water Navy veterans claims and benefits. By resolution, we strongly believe, “Congress in its plain language included a definition of ‘Service in Republic of Vietnam’ in the most general of terms; ‘performed active military, naval or air service in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975’ so as to plainly be deemed an intent of inclusion, rather than exclusion.” The American Legion further supports legislation to “plainly identify and further clarify service in the Republic of Vietnam beginning January 9, 1962 and ending on May 7, 1975” to include those who served in the territorial waters offshore, as this was clearly the original intent of the statute.

The American Legion calls for Congress to clarify the original intent of “Service in the Republic of Vietnam.” Furthermore, the Legion urges VA to conduct a first-of-its kind on epidemiological study of long-term health outcomes of veterans who were Blue Water Navy, compared to their Brown Water and ground troop counterparts to evaluate Blue Water Navy veterans’ current injuries and illnesses which may be related to Agent Orange and TCDD exposures.



# CEMETERY AFFAIRS ENSURING HALLOWED GROUND FOR THE FALLEN

Perhaps the most sacred trust the government is empowered with is ensuring the most respectful repose for our fallen heroes. This sacred trust began at the behest of President Abraham Lincoln during the Civil War, in response to mounting casualties. The American Legion recognizes the commitment to excellence displayed on a daily basis by the men and women of the National Cemetery Administration (NCA). NCA personnel are in many ways the unsung heroes of the VA, with a satisfaction rating for their services that consistently ranks as the highest or second highest of any private or government organization in the United States.

One only has to visit one of the nation's 131 National Cemeteries to appreciate the reverence and dignity inherent in the execution of this nearly 150-year-long mission. In the Gettysburg Address, President Lincoln stated with restrained eloquence that "...we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract." A National Cemetery is truly a hallowed wonder to

behold, and ensuring the most reverent and respectful rest for those who have borne the battle for this great nation is the highest charge we can set for ourselves as a nation.

## **OPERATIONS AND MAINTENANCE GRANTS**

Section 202(b) of the Dr. James Allen Veteran Vision Equity Act of 2007 (Public Law 110-157) authorizes VA under the State Cemetery Grant Program to provide additional federal assistance to states for the operation and maintenance of state veterans cemeteries. Prior to passage of this law, VA could only provide federal funds for the establishment, expansion, and improvement of state veterans' cemeteries. VA could not fund the operation or maintenance of state veterans' cemeteries. The new authority granted by the act authorizes VA to fund Operation and Maintenance Projects at state veterans' cemeteries to assist states in achieving the same high standards of appearance for state veterans' cemeteries as VA achieves for national cemeteries. Specifically, the new operation and maintenance grants will be targeted to help states meet VA's national shrine standards with respect to cleanliness, height and alignment of headstones and markers, leveling of gravesites, and turf conditions. The act authorizes VA to award up to \$5 million for such purposes each fiscal year to ensure state veterans cemeteries meet the highest standards of appearance and serve as national shrines to honor the nation's military service members with a final resting place.

The American Legion recognizes the importance of these grants in ensuring that all of the places where we lay our heroes to rest meet acceptable standards. The American Legion would further recommend the removal of the \$5 million cap and instead ensure that each location gets the funds they need. As our nation's state cemeteries age, these grants will be increasingly invaluable in meeting the standards, and a capped funding level is inadequate to address those needs. This would not represent an increase in overall funding, but instead would simply allow localities the flexibility to get the funding they need even if it slightly exceeds an arbitrary cap.

## **PROTECTION OF RELIGION WITHIN NATIONAL CEMETERIES**

Yet despite an almost impeccable record, The American Legion does reserve the right to be critical of NCA where

failings are perceived. Recent events in Houston, Texas, illustrate one of the few incidences of poor management by NCA, and of the behavior in that incident we are critical.

When we commend our fallen to rest, no person, be they family or Honor Guard, should be restrained from exercising their constitutionally guaranteed freedom of religion in honoring their Creator. The protection of a basic, constitutional right should not require the action of Congress, but if that is required, then The American Legion will pursue action to ensure that the freedom of all religious rights, rites and ceremonies be upheld at all national and state cemeteries.

## **FUNDING FOR STATE CEMETERY GRANTS**

The State Cemetery Grants program is a perfect complement to VA's existing 131 cemeteries. The program helps states establish, expand or improve state veterans' cemeteries. To date, this program has helped establish 81 cemeteries in 39 states, as well as in Saipan and Guam. Four more cemeteries are under construction in Arkansas, Louisiana, Texas and West Virginia. These cemeteries helped provide more than 28,000 burials in FY 2010 and are a vital resource. Since the program was initiated in 1980, VA has awarded over 174 grants totaling \$389 million.

The National Cemetery Administration (NCA) received \$46 million for the 2011 fiscal year, an increase of \$4 million over FY 2010. There is no truly scientific way of determining an "average cost" to build a new state cemetery or to expand an existing one. Many factors influence cost, such as location, size, and the construction costs in a region.

In 2009, the NCA grant authority was expanded to allow for grants to establish tribal cemeteries and operational grants to renovate and rehabilitate existing cemeteries. Despite this expansion of authority, there was no increase in funding. Because of this, a project backlog has begun where states and tribal entities must wait several years before receiving a grant from the NCA.

One might argue that in these economic times, having to wait a few years to establish a new cemetery is a minor inconvenience. However, few will argue that repair and renovation of a run-down cemetery, realignment of headstones, and other projects that preserve the sanctity of our veterans' final resting places can be delayed – especially if it is the cemetery your friend or family member is interred within.

The American Legion remains committed to working with the states, tribal entities, and NCA to carefully review the existing financial needs of this program and adequately fund it for the betterment of all veterans and their family members. In this collaborative manner, we can forever memorialize the final resting places of those who served.

## **ARLINGTON NATIONAL CEMETERY**

Without question, the continuing revelations about past mismanagement of Arlington National Cemetery cannot fail to turn the stomach and evoke a sense of national disgrace. These 600 acres across the Potomac River from Washington D.C. should unquestionably be considered the crown jewel and gold standard of our country's reverence for those who have served their nation in the armed forces. Arlington National Cemetery is the epicenter of our nation's reverence for the fallen, yet the state of disorder, disrepair and disrespect has been nothing short of scandalous.

While The American Legion respects the action and openness brought to the revitalization and recovery of this institution by Director Kathryn Condon, it is quite clear that there is only one long-term solution to the problems of management at Arlington; this cemetery must be turned over to the NCA. The NCA has a proven track record of management that displays exemplary respect and reverence for its task. NCA has effective systems in place, and its management techniques are held in such regard that NCA was chosen first to serve as consultants and provide training to help right the sinking ship.

If this is to be the ultimate resolution, then The American Legion believes the time is now to begin the transition process. As Arlington attempts to build electronic tracking systems from the ground up, why not simply begin the process of implementing existing systems from NCA? If such a system is not implemented, then inevitably when Arlington is turned over to NCA, it will be forced to waste valuable time converting to compatible management systems. The DoD has one overarching task, to provide for the nation's defense. To devote resources and attention to the management of cemeteries is a sideline at best, and a commitment of resources which should be turned toward ensuring the defense of this nation. The NCA has one overarching mission as well, to operate cemeteries for our nation's veterans in a manner most reverential and respectful. This is precisely the focus needed to manage our nation's most visible veterans' cemetery and why The American Legion believes the solution to Arlington National Cemetery's problems is clear. Transfer operational management of Arlington to the National Cemetery Administration.

The performance of ceremonial duties should be preserved with the 3rd U.S. Infantry Regiment, commonly known as "The Old Guard" as their dedication to perfection in the rendering of military ceremony and honors cannot be questioned. This traditional duty has never slipped during the times of mismanagement, and it would be wrong to deprive the Army of the honor justly accorded to this unit for their dedication and service. However, the administrative tasks of this cemetery do not require military management, and it should not prove to be an obstacle to retain the ceremonial duties with the Army while shifting managerial duties to the National Cemetery Administration.

# CONCLUSION

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As the nation struggles through a decade of war and economic strife, The American Legion believes the salvation of this country lies with investment in the strength of our nation. The men and women of our armed forces, whether on active duty or as veteran members of the civilian community, are literally the strong backbone this nation has relied upon, time and time again, to carry us through hardship. This nation would not be where we are today had not the strong men and women who brought us through the Great Depression and the Great Wars repaid the investment of faith their country made in them with hard work, blood, sweat, toil and even tears to forge the greatest nation in the recorded history of the world.

America may suffer, but America will not be broken so long as we keep faith with those who serve. We cannot look to the military and veterans of America for cheap savings in the short term, or we will surely feel the effects of the weakening of the foundations of this country in the long run.

Our military and veterans made this country, and The American Legion remains dedicated to the principle that sound investment in a strong national defense, and fulfillment of the sacred duty to provide for those who bear the battle, will carry us as a country through whatever storms may come.

America must hold fast to the bedrock principles that founded this nation and ensure a strong national defense for the beacon of democracy. It is a pure and simple sentiment, stated proudly yet in all humility, that America is the greatest nation our world has ever seen. The American Legion stands in solidarity with all who have defended this nation and its flag, the symbol of democracy and freedom. We stand watch for those who are standing watch as we speak for this nation. We must meet our commitments to these brave men and women. It is a sacred duty.

The challenges faced are many, but with citizens and a government who are willing to commit the same energy toward meeting our commitments to military and veterans that those warriors and veterans display in the daily, honorable execution of their own duties, we cannot fail.

We commit to a strong defense and equitable treatment for our veterans for God and country. May God bless the United States of America.





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