

Legislative Division Update

TOPIC 1: Medicare Reimbursement for VA Medical Care

BACKGROUND: VA is prohibited from billing Medicare for third-party reimbursements for the treatment of enrolled, Medicare-eligible veterans' nonservice-connected medical conditions. The American Legion recommends Medicare reimbursements to supplement VA annual budget. **ACTION:** During congressional testimony and numerous interviews with the media, The American Legion promoted Medicare Reimbursement as a new revenue stream for VA. **POSITION:** The American Legion fully supports Medicare reimbursement for VA and will seek legislation in the 111th Congress.

TOPIC 2: Budget Reform for VA Medical Care

BACKGROUND: The American Legion, VFW, DAV, AMVETS, Blinded Veterans Association, JWV, Military Order of the Purple Heart, PVA, and VVA have joined forces in support of changing VA medical care from *discretionary* to *mandatory* annual appropriations. The goal is to help stabilize VA medical care funding by using a formula based system similar to Social Security and Medicare. The Partnership is placing emphasis on sufficiency, timeliness, and predictability of VA's annual appropriations. On February 12, companion legislation was introduced in both the House and Senate to address this issue. Entitled the "Veterans Health Care Budget Reform and Transparency Act of 2009," the bills are: **S. 423**, introduced by Senator Daniel Akaka (HI) with **45** cosponsors; and, **H.R. 1016**, introduced by Representative Bob Filner (CA) with **110** cosponsors. On Thursday, May 21, this bill was marked up by the Senate Veterans' Affairs Committee. **ACTION:** The American Legion continues to lobby lawmakers to effect budget reform for VA Medical Care. On April 2, during consideration of the FY 2010 budget resolution, **Senate Concurrent Resolution 13**, Senator James Inhofe (OK) introduced an amendment that would include VA medical care in a listing of Federal programs that receive advance appropriations. The amendment was approved by unanimous consent. The House agreed to this amendment on April 29, when the conference report to the budget resolution was approved by both congressional chambers. **POSITION:** The American Legion will continue to seek legislation for assured funding in the 111th Congress and will monitor these bills as they work through Congress.

TOPIC 3: Disabled Veterans' Tax in the 111th Congress

BACKGROUND: Following passage of this year's Defense Authorization Bill, Chapter 61 military retirees with less than 20 years of military service and military retirees rated 100 percent service-connected disabled due to Individual Unemployability can now qualify for concurrent receipt of their military retirement pay and their VA disability compensation without the dollar for dollar offset for Combat Related Special Compensation. **ACTION:** On January 8, Representative Gus Bilirakis (FL) introduced **H.R. 303**, the "Retired Pay Restoration Act." This legislation would: a) allow the receipt of both military retired pay and veterans' disability compensation with respect to any service-connected disability, b) repeal provisions phasing in the full concurrent receipt of such pay through December 31, 2013, and c) make eligible for the full concurrent receipt of both veterans' disability compensation and either military retired pay or combat-related

special pay those individuals who were retired or separated from military service due to a service-connected disability. The measure currently has **66** cosponsors. A companion measure, **H.R. 333** – the “Disabled Veterans Tax Termination Act” – was introduced by Representative Jim Marshall (GA) on the same day. This measure would: a) allow retired members of the Armed Forces who have a service-connected disability rated less than 50 percent to receive concurrent payment of both retired pay and veterans' disability compensation, b) eliminate the phase-in period for concurrent receipt, and c) extend eligibility for concurrent receipt to chapter 61 disability retirees with less than 20 years of service. This legislation currently has **79** cosponsors. Senator Reid (NV) introduced **S. 546**, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation. This proposal has **34** cosponsors. The American Legion will continue to urge expanding benefits for *all* service-connected disabled military retirees in the 111th Congress. President Obama submitted to Congress his “topline” budget in which he specifically addressed the Disabled Veterans’ Tax and his intentions to allow more service-connected disabled military retirees receive more of their VA compensation and military retirement pay without offsets. **ACTION:** The American Legion is publicly thanking cosponsors. **POSITION:** The American Legion supports the full repeal of the Disabled Veterans’ Tax in the 111th Congress.

TOPIC 4: VA Budget for FY 2010

BACKGROUND: National Commander Dave Rehbein addressed a Joint Session of the Veterans’ Affairs Committees on September 11 to present the views of The American Legion regarding matters that will come before the 111th Congress. The American Legion’s legislative portfolio supports VA health care funding that is *sufficient, timely and predictable*; ending the ban on Priority 8 enrollment; a seamless transition from DOD to VA, including reserve component service members; long-term care of aging veterans; medical and prosthetics research; construction of state-of-the-art medical facilities; technology for electronic medical records; reduction of the outrageous disability compensation claims backlog; veterans’ employment rights, veterans’ hiring preference by government and government contractors, and veteran-owned and service disabled veteran-owned small businesses in government procurement programs; job training for veterans with military occupational specialty skills not readily transferable to the private sector; care for homeless veterans; and proper administration of new GI Bill benefits. President Obama sent a “topline” budget to Congress that provided some insight into the budget request he is crafting for April 2009. The “topline” figures for VA are rather promising -- \$56 billion in discretionary and \$57 billion in mandatory -- \$113 billion in FY 2010. This is a significant increase (\$4.9 billion) in VA funding. However, the budget document contained very little details and no legislative initiatives. **ACTION:** On March 10, The American Legion testified before the Senate and House Veterans Affairs Committees to give its views on the President’s budget request. **POSITION:** The American Legion funding request for this portfolio includes \$42.8 billion for medical care, including medical and prosthetic research; \$3.3 billion for major

and minor construction; \$2.7 billion for information technology and \$2.8 billion for VA general operating expenses.

TOPIC 5: Flag Amendment

BACKGROUND: The American Legion remains committed to protecting Old Glory from acts of physical desecration and overturning *Texas v. Johnson* (1989). During the Washington Conference, efforts were taken to determine the official positions of lawmakers currently listed as “unknown.” **ACTION:** On April 30, Representative Jo Ann Emerson (MO) introduced House Joint Resolution 47, a constitutional amendment to prohibit the physical desecration of Old Glory. H.J. Res. 47 currently has **23** cosponsors. On May 6, Senator David Vitter (LA) introduced Senate Joint Resolution 15, a Senate companion measure in line with The American Legion’s language. S.J. Res. 15 currently has **21** cosponsors. House and Senate offices of past supporters have been contacted urging them to sign on as cosponsors. **POSITION:** The American Legion fully supports a proposed constitutional amendment to prohibit the physical desecration of Old Glory.

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MEDIA RELATIONS DIVISION REPORT

TOPIC 1: Campaign to save Mojave Desert Veterans Memorial

SUMMARY: We have begun a media campaign to publicize the U.S. Supreme Court's recent agreement to hear the so-called Mojave Desert Cross case. This legal issue, about a controversial, remotely located memorial to World War I veterans, has been a longtime concern of The American Legion.

In November of 2008, Liberty Legal Institute of Dallas, Texas filed an amicus brief asking for certiorari on behalf of the Legion, VFW, Military Order of the Purple Heart (MOPH), VFW Department of California, and American Ex-Prisoners of War (AXPOW). The VFW erected the memorial and originally owned the land upon which the memorial sits, and had donated it to the government in 1934. The ACLU sued for removal of the veterans' memorial on the grounds that it has religious connotations and is, therefore, unconstitutional. The Ninth Circuit Court of Appeals agreed and ordered the memorial and cross dismantled. As of this date, the cross still stands but is covered with plywood sheathing.

To call media attention to the upcoming Supreme Court hearing (date still undetermined) and to the issue itself, Liberty Legal staged a press conference at the National Press Club this week. Several DC headquarters staff members attended. Mark Seavey, Assistant National Legislative Director, spoke to the assembly and fielded reporters' questions. Representatives from CNN and The Washington Times were among those attending.

In conjunction with Liberty Legal, the Media Relations Division will now launch a nationwide broadcast and print "media tour" to keep this issue alive in the press.

TOPIC 2: The Washington Times "Base News" page

SUMMARY: A third article, this one highlighting the activities of Legion Riders has been submitted to The Washington Times and is scheduled for publication on Thursday, ay 28. The next piece in the ongoing series will address the Heroes to Hometowns program.

TOPIC 3: Press Releases

SUMMARY: Two press releases were distributed by the Division this week. One chronicled the movement of a VA advance appropriations bill through the Senate. The other dealt with the introduction of a bill bolstering the Legion-endorsed "Missing in America" project

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NATIONAL SECURITY AND FOREIGN RELATIONS

DIRECTOR'S NOTES. This week began with the Director and Jerry Johnson participating in the Walter Reed (WRAMC) Garrison Commander's Monthly Meeting for the supervisors and partners in the TEAMS organization. TEAMS is a collection of organization representatives who partner to provide thorough transition assistance services to both the wounded warriors (WW) and other servicemembers at WRAMC. TEAMS provides full services and assistance for these servicemembers who will be transitioning from the military or returning to service after healing, or recovering from injury or sickness, or simply separating or retiring from military service. During the past month, Jerry Johnson assisted 15 warriors in transition with preparation and representation for their medical and physical evaluations boards. He prepared rebuttals for six board decisions and represented two soldiers in formal hearings rebutting these soldiers' physical evaluation board results. He assisted 20 other soldiers with medical records reviews and several more with assistance in preparing veterans' benefit claims. He managed numerous telephonic and email assistance to WW who are at locations remote from WRAMC but who will be coming to WRAMC for their physical evaluation boards. Jerry also assisted the Legion's Heroes to Home Towns Program which processes 70 applications during the month.

Today Alec Petkoff is on leave. Therefore there will be no Nation Security section for this week. Alec spent the early part of his week following up the NEC approved resolution for the National Firefighter of the Year Award, He and the Law and Order Committee have produced a draft instruction to implement the award. The first National Fire Fighter of the Year Award will be presented at the 2010 Convention.

Joe Grassi returned just a few minutes ago from three day trip to Norfolk Naval Base. Joe Grassi, John Sommer and Joe Sharpe traveled to Norfolk in order to participate in the Navy's version of a Transition Assistance Program (TAP). TAP (Like TEAMS above) aims to facilitate the transition process for sailors and families returning to civilian life. This program covered many topics including TRICARE, Financial Planning, employment considerations, and veterans' benefits. The trip is part of a joint effort among VA & R, Economics and NSFR divisions to improve The American Legion's outreach to servicemembers and their families. To conclude, preparing for an upcoming trip to the Massachusetts' Department Convention, writing SAC-D testimony for June 17th, also preparing for the NSFR Policy Coordination and Planning Group on June 18th plus attending the Gold Star Wives' Annual Legislative Reception consumed the rest of this week.

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NATIONAL VETERANS AFFAIRS AND REHABILITATION COMMISSION

Topic 1: Heroes to Hometowns Partners with Quality of Life Foundation

Background – The Quality of Life Foundation has published a document entitled Wounded Warrior Family Care Report to The American Legion amongst other organizations. This program will supplement existing government Wounded Warrior Program efforts to provide support to families after they have transitioned to home-based care. It will include the following key components: in-person support, tailored solution sets based on family-unique needs, coordination with government case managers to avoid duplication of effort, facilitated access to community-based supports and provided funding to meet needs not fully covered by existing resources.

The Quality of Life Foundation hosted a working group on May 18-19, 2009 to further explore how non-profit and government organizations can work together to best develop this community-based program. Family members and representatives from government and non-profit organizations attended and shared their perspectives on the most urgent and underserved needs and best practices for meeting those needs. This event took place in Dumfries, Virginia.

Action - After review by the Assistant Director of DoD Outreach, follow up was made with the foundation and an invitation was made to present the current status of the Heroes to Hometowns Program as well as participation for a nationwide private-sector Community Resource Coordinator Program which was described in the report. The Assistant Director of DoD Outreach presented the current status of the Heroes to Hometowns Program at this event and networked with various organizations in effort to support the Quality of Life Foundation.

Position - The American Legion's Heroes to Hometowns Program recognizes the importance of the Quality of Life Foundation's report as well as their initiative to construct a Community Resource Coordinator Program. Though the Heroes to Hometowns Program currently has a Community Resource Directory established for the 10 Veterans Affairs Voluntary Services Heroes to Hometowns Pilot Program, along with the suggested use nationwide by The American Legion State Departments, Heroes to Hometowns believes that the sharing of resource information will only strengthen the availability for those service members in need to obtain the help which is well deserved.

Topic 2: National Coalition for Homeless Veterans (NCHV) Annual Conference

Background – NCHV held their 13th annual conference in Arlington, VA on May 20 – 22, 2009. The NCHV Annual Conference was an opportunity for service providers to access knowledge, training and experience to increase the effectiveness of their organizations in assisting homeless veterans. In addition to the learning opportunities at this year's conference, participants were also able to participate in the NCHV Membership Meeting and attend the Annual NCHV Awards Banquet where peers in the homeless veteran's assistance movement received recognition for their accomplishments.

Action – The Assistant Director of DoD Outreach attended this event and had an exhibitor’s table set up with the Deputy Director of Economics in order to provide information on the Heroes to Hometowns Program as well as information from the Economics Division. Several breakout sessions were also attended in addition to a guest appearance by the Department of Veterans Affairs Secretary Shinseki.

Position – The American Legion has been a member of the NCHV and continues to support their efforts to eliminate homelessness of our nation’s veterans. Heroes to Hometown is also deeply concerned with the homelessness situation and strives to assist veterans with housing assistance through the program.

Topic 3: Roundtable Discussion on Challenges that our service members and veterans living in rural America face.

BACKGROUND: Senator Blanche Lincoln, Chair of Rural Outreach for the Senate Democratic Caucus met with various Veteran Service Organizations to discuss and brainstorm over lingering, current, and future challenges faced by veterans who reside in rural areas. Senator Lincoln was accompanied by Senators Jon Tester and Mark Begich. The recent press release by Secretary of VA, Eric Shinseki, revealed \$215 million appropriated for Rural Healthcare. The issues addressed was an accurate amount required to resolve shortages of providers in rural areas, as well as accommodations for veterans residing in frontier or remote areas, such as Alaska, U.S. Virgin Islands, and Nevada to name a few.

Another issue involving the veteran is the veteran’s family. The issues brought before the Senators will be addressed before the 111th Congress. While most who live in rural areas are Vietnam Veterans, many OIF/OEF veterans are moving to these areas to avoid heavy populations. Due to their elusive lifestyles, it has become difficult to track and screen them for their issues. Another concern includes veterans’ issues that are referred to VA without DOD addressing them. In other words, correcting the military health care problem. It was suggested that DOD is dropping the ball on health readiness, which is being tossed at VA. This will eventually overwhelm VA.

ACTION: Senator Lincoln resolved that shared agreements between the Department of Veterans Affairs (VA) and others who collaborate to provide care to veterans should be strengthened to ensure no one slips through the gaps. Currently there are 50 mobile Vet Centers. It was resolved that there should be an expansion of mobile Vet Centers. The increase of telehealth, telemedicine, and contracted services will also reduce inadequacy of care.

POSITION: The American Legion supports the move to improve access to quality primary and specialty health care services for veterans residing in rural and highly rural areas. This also includes finding providers to accommodate the types of services required by the veteran living in rural areas. The American Legion supports medical accommodations for the veteran in his/her respective community. The veteran should not be penalized or forced to travel long distances to access quality health care because of where they reside.

TOPIC 4 – House Subcommittee on Veterans Affairs holds hearing on the needs of Gulf War Veterans

BACKGROUND: The House Veterans' Affairs Oversight and Investigations Subcommittee

Process conducted a hearing on Gulf War Illness research. The hearing was to review the history of the research that has been conducted on Gulf War Illness, examined the methodology used by the Department of Veterans Affairs (VA) to determine possible exposure to toxins and pesticides, and focus on the ongoing challenges veterans face as a result of their service in Operations Desert Shield and Desert Storm.

The overall concerns expressed at the hearing were lack of information, outreach, and resources available from the VA. Veterans also reported frustration that there is no formal Gulf War I Registry, no service-connected benefits for maladies, inadequate research to determine the cause of illness and there is no formal recognition by the VA of Gulf War Illness.

The general recommendations were adequate funding for research on Gulf War Illness, increase access to disability benefits, and an end to the perceived secrecy that surrounds research findings, treatments, and new information. Another recommendation is for VA to incorporate the veteran's military history in their electronic medical records and make it searchable nationwide.

ACTION: The hearing was attended by VA&R Assistant Director for Health Policy, Denise Williams. The American Legion will continue to monitor the latest developments in scientific and medical research regarding Gulf War Illness.

POSITION: The American Legion encourages VA to provide appropriate medical examinations and treatment, including follow-up treatment, to all veterans of the Gulf War who report signs or symptoms that may be associated with diseases endemic to that war region and other conditions related to the experience. The American Legion also declares that Additional research into the long-term health effects of exposures in the Persian Gulf is needed.

TOPIC 5– House Veterans Affairs holds Roundtable to Address Issues Confronting Women Veterans

BACKGROUND: The House Veterans' Affairs conducted a roundtable discussion to address and assess the ability of the Department of Veterans Affairs to provide the right services to the country's women veterans.

Women are serving in combat conditions right along side their male counterparts, which raises a whole new set of issues for these veterans. There expressions of concern regarding the need for a coordinated and national effort to provide programs and services for women throughout the VA. Although new services are being developed and implemented, the need is immediate for newly returning female veterans. The testimonies also addressed the prevalence of military sexual trauma and the difficulty women continue to face as they transition from military to civilian life. The also detailed a perceived threat to a successful military career if they report military sexual trauma.

Chairman Filner stated that it is everyone's job to work together to provide better treatment and more accessible services. My hope is that these discussions will lead to bold and bi-partisan legislation that will effectively tackle the needs of our brave and honored women veterans

ACTION: The hearing was attended by VA&R Assistant Director for Health Policy, Denise Williams. The American Legion will continue to monitor the difficulties that our women veterans face in obtaining gender-specific care and urge VA to acknowledge the unique needs of female veterans.

POSITION: The American Legion encourages VA to continue striving to make gender-specific services more available and improving outreach efforts to female veterans. Additionally, The American Legion urge VA to provide adequate funding to provide treatment for those who seek counseling at Vet Centers for military sexual trauma-related mental issues, to include the hiring of more Military Sexual Trauma counselors and training existing counselors to reduce extended wait time for treatment.

TOPIC 6 – Site Visits Conducted by VA&R Field Service Representatives

BACKGROUND: In support of the preparation of the “System Worth Saving” reports, Field Service representatives of the VA&R division made several visits over the last week to inspect medical facilities.

Antonio Merrick conducted site visits on May 18-20th, 2009 to the Indianapolis Vet Center, the Bloomington CBOC, and the Richard L. Roudebush VAMC along with taskforce member Mr. John Hickey. The Main concern expressed during the visit was from the Vet Center. The Vet Center's concern was a need to hire a social work certified in family care.

ACTION: Site visits such as these are part of the continuing process of the “System Worth Saving” reports. Field Representatives of the Veterans Affairs and Rehabilitation (VA&R) division of The American Legion perform many of these visits monthly to ensure the quality of all aspects of the health care system provided to veterans.

POSITION: The American Legion supports the implementation of the best possible care system for our nation's veterans. As the application and delivery of health care is a multi-faceted operation, all aspects of this system are important. The importance of these regular visits to ensure quality health care delivery is essential to the mission of fighting for the veterans of this country to receive the health care that they deserve.

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