

**STATEMENT OF
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NATIONAL LEGISLATIVE DIVISION
THE AMERICAN LEGION
BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES SENATE
ON
"PENDING LEGISLATION"**

JUNE 24, 2015

Chairman Isakson, Ranking Member Blumenthal and distinguished Members of the committee, on behalf of National Commander Michael D. Helm and the over 2 million members of The American Legion, we thank you and your colleagues for the work you do in support of service members, veterans, and their families.

S. 469: Women Veterans and Families Health Services Act of 2015

As a result of more than a decade of war, thousands of male and female servicemembers are returning home with physical and/or psychological wounds of the war resulting in a variety of fertility and reproductive health issues. Many young servicemembers have been documented with low testosterone levels that can be attributed to the medications that they are taking for their physical injuries, and conditions such as traumatic brain injury (TBI) or posttraumatic stress disorder (PTSD), as well as the poisonous effects of environmental exposures they have faced while serving on active duty.

Currently, the Department of Defense (DOD) and Department of Veterans Affairs (VA) offer servicemembers and veterans some form of fertility and reproductive treatment and counseling. However, the servicemembers and veterans who choose to start a family but struggle with fertility issues as a result of their injuries will, in many cases, face paying tens of thousands of dollars out of pocket for treatments and services that are not paid for by the DOD or VA. Some fertility treatments can be extremely costly. In addition, veterans currently cannot receive many of these services from VA.

The DOD and VA need to create solutions for those who have lost anatomical parts required to participate in the physical act, but there seems to be little support either through counseling or medical intervention to offer young veterans who have lost their ability to procreate due to lack of testosterone. Unfortunately, many veterans with TBI are also on hypertension medications, and adding sexual performance medications may represent a serious health risk. This can also create a loss of intimacy in relationships, exacerbating psychological disorders such as PTSD and depression. Ultimately, it affects the self-esteem of both veteran and spouse.

Through Resolution, The American Legion urges Congress to support and fund quality of life features including, but not limited to, adequate medical, mental health, and morale services¹. Congress should also extend and improve additional quality of life benefits to those servicemembers and dependents that have been injured while serving on active duty.

The American Legion supports this legislation.

S. 901: Toxic Exposure Research Act of 2015

The effects of the often dangerous environments in which servicemembers operate is a top concern of The American Legion, as thousands of servicemembers and veterans who are and/or have been exposed to various toxins are often “left behind” when it comes to vital medical treatments and benefits. The American Legion remains committed to ensuring that all veterans who served in areas of toxic exposure receive recognition and treatment for conditions linked to environmental exposures.

This legislation requires VA to establish a national center for research on the diagnosis and treatment of health conditions of the descendants of veterans that were exposed to toxic substances during their military service, as well as an advisory board on exposure to toxic substances.

The American Legion has long been at the forefront of advocacy for veterans who have been exposed to environmental hazards such as Agent Orange, Gulf War-related hazards, ionizing radiation, the various chemicals and agents used during Project Shipboard Hazard and Defense (SHAD), and contaminated groundwater at Camp Lejeune, North Carolina. Through Resolution, The American Legion continues to urge the study of all environmental hazards and the long-term effects they have on our servicemembers, veterans, and their families.

The American Legion has also called on the DOD to immediately cease burning dangerous chemicals in open burn pits, exposing servicemembers to deadly and debilitating toxins.

The American Legion believes in treating the veteran first, funding the necessary research, and ensuring servicemembers are not exposed to chemical hazards again². This legislation addresses the need to better understand the toxins that many veterans have been exposed to, and enhance the understanding of the effect toxic exposures may have on veterans’ descendants.

The American Legion supports this legislation.

¹ [Resolution No. 182: Support Military Quality of Life Standards](#) – AUG 2014

² [Resolution No. 125: Environmental Exposures](#) – AUG 2014

S. 1082: Department of Veterans Affairs Accountability Act of 2015

This bill would provide for the removal or demotion of Department of VA employees based on performance or misconduct. Last year Congress passed and President Obama signed into law H.R. 3230; Public Law (PL) 113–146, The Veterans' Access to Care through Choice, Accountability, and Transparency Act of 2014, which provided the Secretary of Veterans Affairs the authority to remove any individual from the Senior Executive Service (SES) if the Secretary determines the performance of the individual warrants such removal, or transfer the offending individual to a General Schedule position without any increased monetary benefit.

The American Legion supported H.R. 3230, *The Veterans' Access to Care through the Choice, Accountability, and Transparency Act of 2014* due in part to the systematic failures in the VA which included: preventable deaths, delays in providing timely and quality health care, and VA's failure to adjudicate claims in a timely manner³. While H.R. 3230 provided the Secretary of Veterans Affairs with authority to hold SES officials accountable, The American Legion remains concerned about the lack of accountability within VA for non SES employees. S. 1082 would provide the Secretary of Veterans Affairs the legal authority to better manage all VA employees, and hold them accountable when they fail to perform their duties in a manner that is befitting of a federal employee who veterans have entrusted their care to, and it establishes consistent standards across all grades of employees within VA.

The American Legion supports this legislation.

S. 1085: Military and Veterans Caregiver Services Improvement Act of 2015

The struggle to care for veterans who have been wounded in the defense of this nation takes a terrible toll on their families. In recognition of this, Congress passed, and President Obama signed into law, the Caregivers and Veterans Omnibus Health Services Act of 2010 in May of that year. However, the toll of war does not discriminate between periods of service. Veterans of all wars and conflicts suffer no less than veterans of the Post 9-11 era.

The American Legion does not distinguish between periods of service. Simply put, a veteran is a veteran is a veteran, and all veterans are entitled to receive the same level of benefits⁴. This legislation would remove a restriction limiting the benefits to veterans and their caregiver "on or after September 11, 2001" as well as adding additional enhancements to the Caregiver program. The American Legion urges Congress to restore consistency and equitability to veterans' programs and treat the caregivers of all critically wounded veterans the same regardless of when the veteran served.

The American Legion supports.

³ [Resolution No. 30: Department of Veterans Affairs Accountability](#) – MAY 2015

⁴ [Resolution No. 160: Veterans Receive the Same Level of Benefits](#) – AUG 2014

S.1117: Ensuring Veteran Safety Through Accountability Act of 2015

This bill seeks to improve the ability of the VA to discipline and dismiss physicians for poor performance or bad behaviors. This bill will also expand the expedited disciplinary authority that was given to the Secretary of Veterans Affairs under the Veterans Choice, Access and Accountability Act of 2014.

The American Legion supports the intentions of this bill, but rather than an individual, piecemeal approach targeting each class of VA employees, instead favors a more complete and streamlined authority affecting ALL employees of the Department of Veterans Affairs such as is proposed in Senator Rubio's bill S. 1082⁵. Accountability is one of the most vital components needed in reforming and improving VA's relationship with the veterans' community and must be consistently enforced across all levels.

The American Legion does not support this legislation.

H.R. 91: Veterans I.D. Card Act

This bill would require VA to issue veterans an identification card (ID) for purposes other than obtaining VA benefits, and would require veterans to pay a minimal fee for the ID card. The American Legion does not see how this program would support VA's core missions which includes providing VA benefits to eligible veterans and their eligible dependents, medical; education, research, national emergency preparedness, and DOD contingency support.

The American Legion does support ensuring veteran status is listed on state identification cards and driver's licenses⁶ however adding this as an additional mission to VA at this time rather than integrating it into the existing mission of state departments of motor vehicles raises additional challenges to an already heavily burdened VA.

The American Legion does not have a position on this legislation.

Discussion Draft: S.1021: Wounded Warrior Workforce Enhancement Act

This bill would require the Secretary of the Department of Veterans Affairs to award grants to establish, or expand upon, master's degree programs in orthotics and prosthetics, and for other purposes.

The American Legion believes due to the shortage of physicians in certain specialized areas, such as orthotics and prosthetics, Congress must ensure resources and funding are available to

⁵ [Resolution No. 30: Department of Veterans Affairs Accountability](#) – MAY 2015

⁶ [Resolution No. 43: Veteran Coding on Driver's Licenses](#) – OCT 2012

support continuing education and training of such physicians⁷. Through this continuing education program, VA would benefit from providers of these professions being available to treat VA patients through their continuing education program, and upon completion of the program becoming gainfully employed by the VA.

The American Legion supports this legislation.

S. 1358: Hmong Veterans' Service Recognition Act

The American Legion is deeply committed to the indigenous people of Vietnam, and by resolution has called upon Congress and the administration to work to affect real change to assist those peoples in their native homeland. The American Legion believes in basic human rights for the Hmong, the Montagnards and all others within that country.

The issue of burial in national cemeteries is complex, and must balance consideration of American servicemembers, veterans and their families with the needs of those who have served maintaining primacy. The American Legion recognizes the heroic sacrifices and service of the indigenous people of Vietnam. Through resolution, The American Legion urges Congress to investigate, evaluate, and prescribe legislation to provide these special groups who have lawfully obtained United States citizenship, burial rites in national cemeteries⁸.

The American Legion supports this legislation.

Discussion Draft: Jason Simcakoski Memorial Opioid Safety Act

In the wake of serious concerns about over prescription of medications at the Tomah Veterans Affairs Medical Center, the nation has become more focused on ensuring veterans and service members are treated properly with opioid medications and do not unduly suffer due to mixed drug toxicity. The American Legion has been concerned about increasing reports of overmedication with pain management even before the stories began to circulate out of Tomah.

This legislation would work to improve pain management policies between the Departments of Defense and Veterans Affairs through establishing better clinical guidelines, countering overdoses, encouraging more collaboration between VA and DOD, and establishing pain management boards across VA to ensure better compliance. The legislation would also strengthen communication between VA and the veterans' community, enhance patient advocacy, and improve research and education on complementary and alternative care.

The American Legion firmly believes in increasing federal funding throughout the Department of Defense, Department of Veterans Affairs and the National Institutes of Health for pain management research, treatment and therapies. Furthermore, The American Legion urges these

⁷ [Resolution No. 311: The American Legion Policy on VA Physicians and Medical Specialists Staffing Guidelines](#) – SEP 1998

⁸ [Resolution No. 72: Benefits and Burial Rights for Select Surrogate Forces](#) – AUG 2014

institutions to increase investment in pain management clinical research by accelerating clinical trials at military and VA treatment facilities, as well as at affiliated university medical centers and research programs⁹. The increased use of complementary and alternative medicine is directly in line with policies of The American Legion regarding treatment for veterans with mental health and brain injuries, and represents a welcome expansion of care in these areas¹⁰.

The American Legion supports this legislation.

Discussion Draft: *Biological Implant Tracking and Veteran Safety Act*

At a March 25, 2014, House Committee on Veterans' Affairs Legislative hearing, The American Legion raised concerns about the lack of a robust tracking system in the Veterans Health Administration (VHA). The VA Office of the Inspector General (OIG) conducted an audit in 2012 and made recommendations regarding VA's management of their prosthetics supply inventory. In VHA's response, they indicated that they would work to develop a plan to replace the Prosthetic Inventory Package (PIP) and the Generic Inventory Package (GIP) with a more comprehensive system. The target completion date was March 30, 2015. In the interim, VHA indicated they were working on a VA Office of Information and Technology (OI&T) patch (VistA Prosthetics patch 101), which was 95 percent completed.

While reaching this goal by 2015 is indeed laudable, 2015 is rapidly becoming a critical year for VA to meet strategic goals including the elimination of veteran homelessness and the disability claims backlog. The American Legion would like to see a more detailed timeline implementing these changes and improvements for veterans. Reports through System Worth Saving Task Force visits and contact with VHA employees indicate responsibility for entering serial numbers of implant devices is manual, not automated, and are inconsistently implemented.

Although VHA claims to work to a standard of "removing recalled products from inventory within 24 hours of a recall", there is still no clear policy on how veterans who have already received implants are being tracked. It is not enough to cut off the problem at the source, attention must be paid to veterans who are already downstream in the process. Without consistent tracking of implants, including positive identification by serial number and other identifying factors, uncertainty remains as to how veterans are served in the case of recalls. The American Legion noted that we would like to see a more comprehensive procedure and policy clearly delineated by VA Central Office to ensure consistency in all Veterans Integrated Service Networks (VISNs).

The analysis of the current inadequacy of the tracking system for bio-implants derives directly from The American Legion's System Worth Saving Task Force reports¹¹. The System Worth Saving Task Force was established to examine the state of VA Medical Facilities by resolution in

⁹ [Resolution No. 190: Support for Pain Management Research, Treatments and Therapies at DOD, VA and NIH](#) – AUG 2015

¹⁰ [Resolution No. 292: Traumatic Brain Injury and Post Traumatic Stress Disorder Programs](#) – AUG 2014

¹¹ [Resolution No. 26: Veterans Benefits Centers](#) – MAY 2015

2004. This annual report that is provided to the Administration, Congress, VA leadership, and the veterans' community is a vital resource as the primary third party analysis of the quality of VA healthcare throughout the country. The work of the System Worth Saving Task Force has now combined with the Regional Office Action Review visits to create Veterans Benefits Centers to continue this work, and in more detail that addresses concerns not solely with the healthcare system, but also with the disability claims system and indeed any manner in which veterans interact with VA.

The American Legion supports this legislation.

Conclusion

As always, The American Legion thanks this committee for the opportunity to explain our position on these bills. Questions concerning this testimony may be directed to Warren Goldstein in The American Legion Legislative Division (202) 861-2700, or wgoldstein@legion.org