

**STATEMENT OF
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NATIONAL VETERANS AFFAIRS & REHABILITATION DIVISION
THE AMERICAN LEGION
BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES SENATE
ON
H.R. 299; S. 3184; H.R. 5418; S. 1596; S. 2881; S. 1952; S. 1990; S. 2485; S. 2748; S. 514;
AND ALL SUBSEQUENTIAL DRAFT BILLS**

AUGUST 1, 2018

Chairman Isakson, Ranking Member Tester, and distinguished members of the committee; On behalf of National Commander Denise H. Rohan, and the 2 million members of The American Legion, we thank you for this opportunity to testify regarding The American Legion's positions on pending legislation. Established in 1919, and being the largest veterans service organization in the United States with a myriad of programs supporting veterans, we appreciate the committee focusing on these critical issues that will affect veterans and their families.

H.R. 299

To amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

Veterans who served on open sea ships off the shore of Vietnam during the Vietnam War are called "Blue Water Veterans." Currently, Blue Water Veterans must have physically set foot on the land of Vietnam or served on its inland waterways between January 9, 1962 and May 7, 1975 to be presumed to have been exposed to herbicides when claiming service-connection for diseases related to Agent Orange exposure.

Blue Water Veterans who did not set foot in Vietnam or serve aboard ships that operated on the inland waterways of Vietnam must show, on a factual basis, that they were exposed to herbicides during military service in order to receive disability compensation for diseases related to Agent Orange exposure. These claims are decided on a case-by-case basis.

We are aware the Department of Veteran Affairs (VA) previously asked the National Academy of Sciences' Institute of Medicine (IOM) to review the medical and scientific evidence regarding Blue Water Veterans' possible exposure to Agent Orange and other herbicides. IOM's report, "Blue Water Navy Vietnam Veterans and Agent Orange Exposure" was released in May 2011. The report concluded that "there was not enough information for the IOM to determine whether Blue Water Navy personnel were or were not exposed to Agent Orange."

However, Vietnam veterans who served on the open sea now have health problems commonly associated with herbicide exposure. Just as those who served on land were afforded the

presumption because it would have placed an impossible burden on them to prove exposure, Congress should understand the injustice of placing the same burden on those who served offshore. Clearly, all the toxic wind-blown, waterborne, and contamination transfer stemming from aircraft, vehicle, and troop transfer makes it impossible to conclude that Agent Orange-dioxin stopped at the coastline.

Through Resolution No. 246: Blue Water Navy Vietnam Veterans, The American Legion supports legislation to expand the presumption of Agent Orange exposure to any military personnel who served on any vessel during the Vietnam War that came within 12 nautical miles of the coastlines of Vietnam.¹

The American Legion supports H.R. 299.

Draft Bill: Veterans Dental Care Eligibility Expansion and Enhancement Act of 2018

To improve dental care provided to veterans by the Department of Veterans Affairs, and for other purposes.

The American Legion's System Worth Saving program routinely conducts town hall meetings allowing veterans to share their Department of Veteran Affairs (VA) healthcare experiences. In addition to hosting town hall meetings, The American Legion frequently receives letters and telephone calls from veterans expressing concerns about VA dental benefit eligibility. Under VA's current eligibility for dental care, the majority of veterans treated by VA do not qualify. Generally, veterans who suffer from poor dental hygiene are not eligible for basic dental care through the VA. These veterans are often not able to afford the high cost associated with dental care, especially veterans who live on a fixed income.

Further, the average age of a veteran in the United States is currently 58 years old; and The American Legion is concerned the demand for dental care will increase as the population ages.² In addition to obvious ailments associated with oral care, dental care is a vital aspect of general healthcare. Diabetes³ and Alzheimer's,⁴ conditions commonly associated with veterans, have been linked to poor oral health. The need to take care of our nation's veterans dental needs should be apparent and a priority.

The Veterans Dental Care Eligibility Expansion and Enhancement Act of 2018 is a comprehensive plan to provide needed dental care to veterans. This legislation, in addition to expanding needed dental services to veterans includes: carrying out pilot programs; acquiring new dental facilities; and hiring additional dental healthcare providers.

¹ American Legion Resolution No. 246 (Sept. 2016): [Blue Water Navy Vietnam Veterans](#)

² Veterans Average Age: <https://www.va.gov/VETDATA/docs/SurveysAndStudies/VETPOP.pdf>

³ Prevalence of and Trends in Diabetes Among Veterans, United States, 2005–2014: available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5737977/>

⁴ Veterans and Alzheimers: Meeting the Crisis Head on: available at https://www.usagainstalzheimers.org/sites/default/files/USA2_Veterans_Issue_Brief_April_10_2018.pdf

Section 2 would provide discretionary authority to the Secretary to furnish restorative dental services to a veteran, as well as replace lost appliances and restore function loss suffered as a result of services or treatment furnished by the VA.

Section 3 would require the Secretary to carry out a pilot program to assess the feasibility and advisability of furnishing dental services and treatment to all veterans enrolled in the VA healthcare system, even those not currently receiving dental healthcare.

Section 5 would require the Secretary to carry out a program of education to promote dental health for veterans who are enrolled in VA healthcare system.

The potential benefits to the veteran community from these expanded services is self-evident. The American Legion supports these sections through Resolution No. 377: *Support for Veteran Quality of Life*⁵ and No. 186: *Department of Veterans Affairs Dental Care*.⁶ The American Legion believes veterans should have access to timely and quality dental care and will support legislation to provide outpatient dental care to veterans. We also support legislation or programs within the VA that will enhance, promote, restore, or preserve benefits for veterans and their dependents with timely access to quality VA healthcare and receipt of earned benefits.

In addition to expanding services, this draft bill is likely to improve the access and quality of care received by veterans through sections 4 and 7. These sections have the ability to greatly expand access to dental healthcare to veterans. Section 4 of the act would require the Secretary to construct or lease a VA dental clinic in any State that does not have a VA facility offering onsite dental services. Additionally, section 7 provides discretionary authority for the Secretary of VA to carry out a demonstration program to train and employ alternative dental healthcare providers in rural areas. These sections would provide dental healthcare where none currently exists and provide healthcare professionals that are not currently available.

Similarly increasing flexibility and access for veterans receiving dental care through VA, section 6 requires VA to expand the VA Dental Insurance Program (VADIP) Electronic Health Record capabilities. Section 6 would establish a mechanism by which private sector dental care providers could forward the VA information on dental care provided to individuals under the pilot program for inclusion in the VA's electronic medical records. Increased access to medical information ultimately translates into better care for veterans.

Through our *Support for Veteran Quality of Life* resolution, we support enhancing service to veterans by creating services for veterans not currently being provided vital health services. The American Legion has also long recommended VA's electronic medical records be revised to read DOD's electronic health records. Similarly, The American Legion believes ensuring VA has the ability to share electronic health records with private sector dental care providers is common sense and should be a priority for the VA. The American Legion through Resolution No. 83: *Virtual Lifetime Electronic Record*, supports any legislation that would allow the electronic sharing of medical record information.⁷

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

⁶ The American Legion Resolution No. 186 (2016): [Department of Veterans Affairs Dental Care](#)

⁷ The American Legion Resolution No. 83 (2016): [Virtual Lifetime Electronic Record](#)

The American Legion supports this Draft Bill.

S. 3184

To amend title 38, United States Code, to modify the requirements for applications for construction of State home facilities to increase the maximum percentage of nonveterans allowed to be treated at such facilities, and for other purposes.

The provisions of this bill fall outside the scope of established resolutions of The American Legion. As a large, grassroots organization, The American Legion takes positions on legislation based on resolutions passed by the membership or in meetings of the National Executive Committee. With no resolutions addressing the provisions of the legislation, The American Legion is researching the material and working with our membership to determine the course of action which best serves veterans.

The American Legion has no current position on S. 3184.

Discussion Draft Bill: Transition Assistance Program

To amend title 10, United States Code, to improve the Transition Assistance Program for members of the Armed Forces, and for other purposes.

The American Legion supports Congress' continued attention and efforts in ensuring that federal agencies and their valued partners properly identify and implement necessary changes/improvements to the Transition Assistance Program (TAP). We understand that in order for a servicemember to transition seamlessly, and successfully, it requires the collaboration between all agencies including Department of Defense (DOD), Department of Labor (DOL), Department of Veteran Affairs (VA), etc., along with congressional oversight. The key is to combine the talents, expertise, and innovations of Veterans Service Organizations, non-governmental organizations, and private sector organizations in bringing solutions forward to champion initiatives with the federal government for the purpose of improving opportunities of transitioning servicemembers.

Improving employment opportunities for transitioning servicemembers includes introducing both service delivery, business process, and technology innovations in support of TAP and credentialing of servicemembers. Further, this includes examining all aspects of TAP and credentialing from résumé writing, financial planning, goal setting, job search, interviewing, networking, peer-to-peer support, family transition support, higher education, individual career development plans, entrepreneurship, VA benefits, and other elements of holistic support of veterans "for life" and transitioning servicemembers. Finally, Congress holding all stakeholders accountable is vital; from garrison commanders and federal officials to partnering organizations, there must be metrics regarding efficiency and effectiveness in TAP with capable managers implementing policy. The primary objective must always be to provide a seamless transition from military service to the private sector for our nation's warfighters leaving the Armed Forces, along with their families.

Sec. 2. Recodification, consolidation, and improvement of certain transition-related counseling and assistance authorities.

TAP is now mandated for all servicemembers and optional for their spouses. TAP is presently five-days long with optional two-day classes. The Department of Labor and Veterans' Employment and Training Service (DOL-VETS) portion, which is three-days long, is responsible for most of the information in TAP. Despite the appearance of TAP being widely accessible there are still some concerns. First, according to the Government Accountability Office report, *Transitioning Veterans*, less than 15 percent of transitioning servicemembers have attended the two-day classes.⁸ Second, TAP provides a tremendous amount information that at times can be extremely intricate and overwhelming in a stressful time for transitioning servicemembers.

To help alleviate these two issues, The American Legion first recommends that TAP be mandated for servicemembers at different intervals of their careers prior to separation or transitioning into the civilian sector along with pre-counseling for those servicemembers intending to leave military service. Second, we stress the importance of the continued evaluation and revamping of TAP to ensure transitioning servicemembers are up-to-date on new trends in the civilian marketplace. Lastly, we look to lead by example, by offering The American Legion Job Fairs and other related activities with TAP personnel in order for them to promote and publicize these activities that may benefit transitioning servicemembers.

Through American Legion Resolution No. 70: *Improve Transition Assistance Program*, we recommend that the DOD expand and standardize their existing pre-separation counseling policies to ensure that separating servicemembers receive information regarding federal and private sector employment opportunities, GI Bill, and vocational rehabilitation and employment programs.⁹

The American Legion supports Section 2.

Sec. 3. Personnel matters in connection with Transition Assistance Program.

Section 3 adds full-time personnel to the TAP program with real world experience in making the transition to civilian life.

The American Legion believes adding full-time personnel, with experience transitioning to the civilian workforce, to the DOD for the purposes of TAP counseling is constructive for transitioning servicemembers on their own quest to obtain gainful employment. DOD personnel with relevant experience in the civilian workforce will provide the necessary information for servicemembers and their spouses to make quality decisions on careers, education, and training. TAP is vital to assisting servicemembers in mapping out employment opportunities and benefits through their honorable military service.

⁸ Government Accountability Office: *Transitioning Veterans* <https://www.gao.gov/assets/690/688203.pdf>

⁹ The American Legion Resolution No. 70 (2016): [Improve Transition Assistance](#)

Through American Legion Resolution No. 70: *Improve Transition Assistance Program*, we recommend that the DOD expand and standardize their existing pre-separation counseling policies to ensure that separating servicemembers receive information regarding federal and private sector employment opportunities, GI Bill, and vocational rehabilitation and employment programs.¹⁰

The American Legion supports Section 3.

Sec. 4. Tracking of participation in Transition Assistance Program and related programs.

Section 4 requires the Secretary of Defense to establish and maintain an electronic tracking system and database applicable across the Armed Forces.

The American Legion believes an electronic data system and database would be useful in determining participation, access, progress, and overall performance of TAP. This database may be utilized by Federal agencies to improve, adapt, or change the information shared with servicemembers. We believe this section supports The American Legion's goal for transitioning servicemembers to view TAP as a high quality, engaging, and relevant experience, which leads to opportunities in the civilian sector.

Through American Legion Resolution No. 70: *Improve Transition Assistance Program*, we recommend that the DOD expand and standardize their existing pre-separation counseling policies to ensure that separating servicemembers receive information regarding federal and private sector employment opportunities, GI Bill, and vocational rehabilitation and employment programs.¹¹

The American Legion supports Section 4.

Sec. 5. Information on members of the Armed Forces participating in pre-separation counseling and surveys on member experiences with Transition Assistance Program counseling and services and in transition to civilian life.

Section 5 requires the collection of basic information from transitioning servicemembers.

The American Legion believes the accumulation of data for transitioning servicemembers is critical in properly evaluating the different needs of this community. For example, National Guardsmen and Reservists have unique challenges differing from those servicemembers transitioning from active duty. Other variables of transitioning servicemembers include rank, age, marital status, dependents, and time in service.

Additionally, we would implore Congress to require DOD to submit a report of servicemembers who have attended TAP, broken down in three areas: 1) those attending TAP counseling under their chosen track; 2) those attending the other two optional tracks; and 3) those who have not

¹⁰ The American Legion Resolution No. 70 (2016): [Improve Transition Assistance](#)

¹¹ The American Legion Resolution No. 70 (2016): [Improve Transition Assistance](#)

attended TAP counseling. The American Legion supports legislation that requires conducting an independent assessment of the effectiveness of TAP. The purpose of this assessment would be to ensure that transitioning servicemembers are receiving the right skills and training needed to complete a seamless transition from the military to the private sector. The need for verifiable outcomes will aid in allocating resources to the appropriate areas of TAP.

Through American Legion Resolution No. 12: *Accountability and Enhancements of Transition Assistance Program; Outcomes and Delivery for Today's Digital Transitioning Servicemembers*, we urge Congress to mandate federal agencies to conduct a survey and assessment of the efficacy and efficiency of delivering “for life” support to veterans and transitioning servicemembers in the digital era; innovations responsive to the digital age warrior and digital era employer in the TAP.¹²

The American Legion supports Section 5 with amendments.

Sec. 6. E-mailing transition assistance materials to supporters of members of the Armed Forces transitioning to civilian life.

Section 6 requires the DOD to solicit, from each member of the Armed Forces transitioning from military life to civilian life, an e-mail address of a supporter of the departing member to whom they can send transition assistance materials.

Transitioning from military life to civilian life can be a stressful time for servicemembers; therefore, it is encouraged that servicemembers have a support system. In most cases, servicemembers are encouraged to bring their spouses to TAP; however, this may not always be feasible. The American Legion believes emailing transition assistance materials to servicemembers and their spouses (or caregiver) can be the missing link that would assist servicemembers in attaining gainful employment and financial stability.

Through American Legion Resolution No. 12: *Accountability and Enhancements of Transition Assistance Program; Outcomes and Delivery for Today's Digital Transitioning Servicemembers*, we urge Congress to mandate federal agencies to conduct a survey and assessment of the efficacy and efficiency of delivering “for life” support to veterans and transitioning servicemembers in the digital era; innovations responsive to the digital age warrior and digital era employer in the TAP.¹³

The American Legion supports Section 6.

Sec. 7. Command matters in connection with transition assistance programs.

Section 7 requires each command climate assessment to include information about TAP participation.

¹² The American Legion Resolution No. 12 (2018): [Accountability and Enhancements of Transition Assistance Program; Outcomes and Delivery for Today's Digital Transitioning Servicemembers](#)

¹³ The American Legion Resolution No. 12 (2018): [Accountability and Enhancements of Transition Assistance Program; Outcomes and Delivery for Today's Digital Transitioning Servicemembers](#)

The American Legion believes the importance of the Transition Assistance Program cannot be overstated. Not only is it essential that commands ensure all servicemembers are given the opportunity to attend TAP, but it is also vital that servicemembers are authorized the appropriate time to participate, at minimum, in one of the optional tracks in the allotted time specified. In the event that a servicemember is unable to attend TAP due to unforeseen reasons deemed mission critical, both the Commander and servicemember would need to submit in writing with justification as to why the servicemember was unable to attend TAP. Further, The American Legion, recommends commanding officers be mandated to attend a condensed version of TAP as a requirement to assuming command at least once every three years.

Through American Legion Resolution No. 70: *Improve Transition Assistance Program*, we recommend that the DOD expand and standardize their existing pre-separation counseling policies to ensure that separating servicemembers receive information regarding federal and private sector employment opportunities, GI Bill, and vocational rehabilitation and employment programs.¹⁴

The American Legion supports Section 7 with amendments.

Sec. 8. Comptroller General of the United States report on participation in transition assistance programs at small and remote military installations.

Section 8 requires the Comptroller General of the United States to submit a report on the participation in covered transition assistance programs of members of the Armed Forces assigned to small military installations and remote military installations.

All transitioning servicemembers should attend TAP without regard to command size or remoteness. According to the Transition Assistance Program Lead, there are 206 installations DOD-wide that conduct TAP.¹⁵ The American Legion recommends that Commanders ensure that transitioning servicemembers be given temporary duty orders to the nearest military installation that offers TAP.

Through American Legion Resolution No. 81: *Transition Assistance Program Employment Workshops for National Guard and Reserve Members*, we support legislation that will provide every member of the Armed Forces (including those in the National Guard and Reserves) who are activated for 12 months or longer, an adequate amount of time to attend the TAP workshop in entirety, within 90 days of separation.¹⁶

The American Legion supports Section 8.

Sec. 9. Education of members of the Armed Forces on career readiness and professional development.

¹⁴ The American Legion Resolution No. 70 (2016): [Improve Transition Assistance](#)

¹⁵ The American Legion Resolution No. 12 (2016): [Transition Assistance Program Employment Workshops for National Guard and Reserve Members](#)

This section requires the DOD to carry out a program to provide education on career readiness and professional development.

The American Legion believes experience differences between separating servicemembers should be considered during their pre-separation counseling. There are notable differences between a transitioning servicemember who served one enlistment in contrast to one who is retiring after 20-plus years of service. Similarly, we recognize servicemembers who are being separated for medical reasons and/or other unexpected reasons may present different issues. Therefore, The American Legion believes pre-separation counseling should begin at the time of their first and subsequent duty stations with follow-on counseling conducted at different intervals of military careers.

Through American Legion Resolution No. 70: *Improve Transition Assistance Program*, we recommend that the DOD expand and standardize their existing pre-separation counseling policies to ensure that separating servicemembers receive information regarding federal and private sector employment opportunities, GI Bill, and vocational rehabilitation and employment programs.¹⁷

The American Legion supports Section 9.

Sec. 10. Employment skills training – by amending striking “The Secretary of a military department may” and inserting “The Secretary of Defense shall”. Expansion of Eligible Participants, such as a spouse of a member of the Armed Forces.

Section 10 states the DOD should now be responsible for ensuring that priority service training is provided to “covered individuals” and not just “eligible members” which includes spouses.

In a recent Chamber of Commerce survey over 44% of military spouses reported that they are living paycheck to paycheck or struggling financially, with 80% reporting that the employment search process created stress between them and their active duty spouses. The anxiety that this induces in families already struggling with the challenges of potential deployments and family responsibilities presents a clear threat to military readiness.

The American Legion supports legislation that will afford spouses the same level of job training and employment skills training that would otherwise have been given to only eligible members only. Spouses of an active-duty member are considered a “dislocated worker” and should be afforded the opportunity to receive priority service within the DOL, just as their military spouse.

Through American Legion Resolution No. 70: *Improve Transition Assistance Program*, we recommend that the DOD expand and standardize their existing pre-separation counseling policies to ensure that separating servicemembers receive information regarding federal and private sector employment opportunities, GI Bill, and vocational rehabilitation and employment programs.¹⁸

¹⁷ The American Legion Resolution No. 70 (2016): [Improve Transition Assistance](#)

¹⁸ The American Legion Resolution No. 70 (2016): [Improve Transition Assistance](#)

The American Legion supports Section 10.

Sec. 11. Identification of opportunities for Job training and employment skills training for employment with the Department of Veterans Affairs in SkillBridge programs of the Department of Defense.

Section 11 requires the Secretaries of the military departments to identify opportunities where the VA can provide training.

Since 2014, the DOD's "Skillbridge Initiative" has authorized transitioning servicemembers to participate in employer-driven job skills training, apprenticeships and internships that provide industry-recognized skills needed to move into high-demand jobs and careers. Since its inception, more than 5,500 servicemembers have graduated from 135 Skillbridge-authorized programs according to an August 2017 DOD report to Congress.¹⁹ VA has utilized this authority to launch the "Warrior Training Advancement Course (WARTAC)", which trains transitioning servicemembers to become a Veterans Service Representatives (VSRs) at the VA.

The American Legion is encouraged by the success of the WARTAC program. Additionally, The American Legion believes that transitioning servicemembers can serve the VA in a myriad of capacities beyond processing veterans' claims. This section will mandate that the VA learn from the success of this inaugural program, and identify further internal employment needs that can be fulfilled utilizing DOD's Skillbridge authority.

Through American Legion Resolution No. 79: *Expanding Department of Veterans Affairs Employment Pathways*, we support innovative retention practices that provide education and training incentives for VA veteran employees to achieve credentials and licenses to fill critical vacancies.²⁰

The American Legion supports Section 11.

Sec. 12. Evaluation of transition training and counseling relating to postsecondary education and use of educational assistance from the Department of Defense and Department of Veterans Affairs.

Section 12 would establish standardized assessment criterion for evaluating the quality of training and counseling provided through TAP that has a focus on postsecondary education or the use of VA educational assistance programs.

While The American Legion applauds efforts to increase quality assurance of education training, existing information on TAP education module participation indicates that significant restructuring is needed before proper evaluation can be applied. A 2017 Government Accountability Office study found that only 10.5 percent of all transitioning servicemembers receive any additional training on higher education.²¹ This level of participation suggests the

¹⁹ Report on job training, employment skills training, apprenticeships, and internships & skillbridge initiatives for members of the Armed Forces who are being separated

²⁰ The American Legion Resolution No. 79 (2017): [Expanding Department of Veterans Affairs Employment Pathways](#)

²¹ <https://www.gao.gov/assets/690/688203.pdf>

central structure of the two-day ‘Accessing Higher Education’ module has proven inimical to widespread adaptation. Before focusing on assessing the quality of the existing TAP education syllabus, The American Legion urges that its contents be reorganized to increase participation.

Through American Legion Resolution No. 12: *Accountability and Enhancements of Transition Assistance Program; Outcomes and Delivery for Today’s Digital Transitioning Servicemembers*, we urge Congress to mandate federal agencies to conduct a survey and assessment of the efficacy and efficiency of delivering “for life” support to veterans and transitioning servicemembers in the digital era; innovations responsive to the digital age warrior and digital era employer in the TAP.²²

The American Legion opposes Section 12.

Sec. 13. Longitudinal Study on changes to Transition Assistance Program of Department of Defense.

Section 13 requires the secretaries of VA, DOL, and DOD along with the Small Business Administration Administrator to conduct a five-year study on TAP.

The American Legion believes the longitudinal study for the several different components would be valuable for the overall performance of TAP. This study would identify specific developments or changes in the characteristics of transitioning servicemembers. Further, the research should drive the design of TAP, while providing confidence in servicemembers as they transition into the civilian workforce.

Through American Legion Resolution No. 12: *Accountability and Enhancements of Transition Assistance Program; Outcomes and Delivery for Today’s Digital Transitioning Servicemembers*, we urge Congress to mandate federal agencies to conduct a survey and assessment of the efficacy and efficiency of delivering “for life” support to veterans and transitioning servicemembers in the digital era; innovations responsive to the digital age warrior and digital era employer in the TAP.²³

The American Legion supports Section 13.

Sec. 14. Establishment of Governing Board to Support Prevention of Drug Overdoses, Death by Suicide, and Alcohol-Related Mortality.

Section 14 directs VA to establish a governing board to support VA’s efforts to prevent suicide. The bill directs the board to exchange information and investigate impacts of financial insecurity, homelessness, and substance abuse contribute to suicide.

In 2015, The American Legion supported H.R. 271: The COVER Act, also known as the Jason Simcakowski PROMISE Act, which established a commission to examine the evidence-based

²² The American Legion Resolution No. 12 (2018): [Accountability and Enhancements of Transition Assistance Program; Outcomes and Delivery for Today’s Digital Transitioning Servicemembers](#)

²³ The American Legion Resolution No. 12 (2018): [Accountability and Enhancements of Transition Assistance Program; Outcomes and Delivery for Today’s Digital Transitioning Servicemembers](#)

therapy treatment model used by the Secretary of Veterans Affairs for treating mental illnesses of veterans and the potential benefits of incorporating complementary alternative treatments available in non-VA medical facilities.

Through American Legion Resolution No. 377: *Support for Veteran Quality of Life*, The American Legion urges Congress and the VA to enact legislation and programs within the VA that will enhance, promote, restore or preserve benefits for veterans and their dependents.²⁴

The American Legion supports Section 14.

Sec. 15. Review of economic risk factors in suicide prevention.

Section 15 calls for two reports to be developed within 90 days of this bill becoming law. The first report would include how economic risk factors affect suicide prevention efforts. The second report topic is about the predictive analytics program Recovery Engagement and Coordination for Health – Veterans Enhanced Treatment (REACHVET) that utilizes economic risk factors in its algorithm to determine suicidality.

Through American Legion Resolution No. 132: *Request Congress Provide the Department of Veterans Affairs Adequate Funding for Medical and Prosthetic Research*, The American Legion urges Congress and the Administration to encourage acceleration in the development and initiation of needed research on conditions that significantly affect veterans, as we firmly believe more research should be conducted on this very critical topic.²⁵

The American Legion supports Section 15.

Sec. 16. Grants for provisions of Transition Assistance to members of the Armed Forces after separation, retirement, or discharge.

Section 16 requires DOL, in consultation with VA, to award grants to eligible organizations for TAP that include services like legal aid and financial services.

The American Legion supports DOL and VA awarding grants to organizations assisting in transition services to servicemembers and veterans. In our daily work with veterans, we find many of them having difficulties with writing résumés, interview skills and job searches. In addition, servicemembers need help with financial literacy and legal assistance. These grants would fill a need as servicemembers determine their next steps and career goals. We understand the value of these programs. In 2018, The American Legion has conducted more than 50 hiring events, résumé, interview workshops, education seminars, and small business development workshops. We've witnessed the positive impact of these activities on transitioning servicemembers and veterans in finding and maintaining suitable employment.

²⁴ The American Legion Resolution No. 377 (2016): [Support for Veteran Quality of Life](#)

²⁵ The American Legion Resolution No. 132 (2016): [Request Congress Provide the Department of Veterans Affairs Adequate Funding for Medical and Prosthetic Research](#)

Through American Legion Resolution No. 70: *Improve Transition Assistance Program*, we recommend that the DOD expand and standardize their existing pre-separation counseling policies to ensure that separating servicemembers receive information regarding federal and private sector employment opportunities, GI Bill, and vocational rehabilitation and employment programs.²⁶

The American Legion supports Section 16.

The American Legion supports this Draft Bill with the noted amendments and improvements.

Draft Bill: VA Hiring Enhancement Act

To amend title 38, United States Code, to provide for the non-applicability of non-Department of Veterans Affairs covenants not to compete to the appointment of physicians in the Veterans Health Administration, and for other purposes.

The American Legion has long expressed concern about staffing shortages at Department of Veteran Affairs (VA) and the Veterans Health Administration (VHA) medical facilities to include physicians and medical specialist staffing.

The VA Hiring Enhancement Act will help address the shortcomings in recruitment and retention of highly qualified physicians. The bill allows VA to make binding job offers up to two years prior to completion of medical residency, eliminating much of the bureaucratic red tape that slows the hiring of newly recruited individuals. This legislation allows physicians to complete their education then immediately begin treating veterans. By allowing VA to make binding offers, veterans will receive treatment by qualified physicians that have completed their medical residency. This bill aligns the hiring practices of VA to those of the private sector ensuring top quality healthcare is provided to our veterans.

Further, this common-sense bill also releases physicians from “non-compete agreements” for the purpose of serving in the VHA. The American Legion believes enforcing non-compete agreements to VHA hires is overbroad and should be unenforceable under public policy. Traditional reasoning behind non-compete agreements is to bar competitive advantages or protect sensitive information, both of which simply do not exist in this context.

Through American Legion Resolution No. 115, *Department of Veterans Affairs Recruitment and Retention*, we support legislation addressing the recruitment and retention challenges of the VA.²⁷

The American Legion supports this Draft Bill.

²⁶ The American Legion Resolution No. 70 (2016): [Improve Transition Assistance](#)

²⁷ The American Legion Resolution No. 115 (2016): [Department of Veterans Affairs Recruitment and Retention](#)

H.R. 5418

To direct the Secretary of Veterans Affairs to carry out the Medical Surgical Prime Vendor program using multiple prime vendors.

In terms of contracting, private sector hospitals use multiple Group Purchasing Organizations (GPOs) who bid down the price of manufactured medical equipment. This practice forces the GPOs to compete among themselves, yielding the lowest possible prices, which benefits hospitals and the general market place. In summary, competition drives down prices.

Utilizing Medical Surgical Prime Vendor (MSPV) Gen2, VA has proposed using only one large single vendor as opposed to the current model of using multiple vendors. When purchasing from only one vendor, prices may be inflated, simply because of the lack of competition. Ensuring there is competition, the VA, and the government as a whole, typically receives better pricing, which is ultimately a benefit to the U.S. taxpayer.

The American Legion understands the simplification of utilizing only one vendor; however, this practice does not yield the best result for the veteran, agency, or the federal government. Using a singular vendor may be easier, but this procurement shortcut undermines the competitive system, and can result in VA overpaying for equipment, or not being able to obtain quality materials necessary to supply the largest medical network that treats veterans.

In the current model that VA is employing, Service Disabled Veteran Owned Small Businesses (SDVOSBs), works with prime vendors, which not only assist and encourages veterans to work in this realm, but also allows for competition and to drives down costs. SDVOSBs add value to the procurement process by providing last mile delivery, customer care, and maintenance services for prime vendors.

In short, The American Legion opposes the VA switching to a system that allows them to simply use one vendor, and urges Congress to force VA to allow for competitive bidding.

Through American Legion Resolution No. 154, *Support Reasonable Set-Aside of Federal Procurements and Contracts for Businesses Owned and Operated by Veterans*, we support reasonable set-asides of federal procurements and contracts for businesses owned and operated by veterans. Allowing the VA to essentially encourage a monopoly on medical supplies and equipment is not only wrong, but it could also decrease SDVOSB participation, potentially harming the quality care that veterans receive at VA, all while overspending taxpayer funding.²⁸

The American Legion supports H.R. 5418.

S. 1596

To amend title 38, United States Code, to increase certain funeral benefits for veterans, and for other purposes.

²⁸ The American Legion Resolution No. 154: [Support Reasonable Set-Aside of Federal Procurements and Contracts for Businesses Owned and Operated by Veterans](#)

The American Legion believes all veterans who have honorably served our nation should be provided adequate funeral benefits and that those benefits should be indexed for inflation. It is our nation's responsibility to ensure the families and loved ones of our veterans are financially supported in their time of mourning. Further, our membership has, by resolution, committed to support increases to burial allowances for veterans who have died as a result of service connected conditions and that those benefits be tied to the Consumer Pricing Index.²⁹

According to the National Funeral Directors Association, the national median cost of a funeral in 2017 was \$8,508.³⁰ Over the past decade, the median cost of an adult funeral in the United States has increased 28.6 percent and Department of Veterans Affairs (VA) benefits have not kept up with the pace of inflation.³¹ For instance, in 1973, the benefit for a veteran with no next-of-kin and a non-service connected death would have been 22 percent of the national average, versus the 2 percent it covers today.

Currently, VA burial benefit provides: \$300 for non-service-connected deaths and for veterans who have passed without a next-of-kin; \$749 if a veteran passes away in a VA facility, and; \$2,000 if a veteran passes away from a service-connected disability. The Burial Rights for America's Veterans' Efforts (BRAVE) Act would update the current funeral and burial benefit system to ensure all non-service connected deaths are treated equally, regardless of where the veteran passes away. Veterans with no next-of-kin that pass away in a VA facility are currently afforded greater funds to cover the costs of their funerals and burials than veterans who pass away in a private home or other facilities.

The BRAVE Act will increase the \$300 for non-service connected deaths to \$749 to equal the benefit received if a veteran passes away in a VA facility. The BRAVE Act additionally indexes for inflation both the non-service and service-connected passing funeral benefits, thereby eliminating the need for Congress to make further readjustments. The American Legion supports these provisions recognizing existing non-service connected and service-connected burial allowances benefits have been significantly eroded by inflation as they now only cover a small fraction of the actual cost of a burial.

Additionally, The American Legion urges The BRAVE Act be amended to reflect the resolution passed by our membership, consisting solely of wartime veterans, to increase the burial allowance for service connected causes from the current \$2,000 amount to \$4,000. This will enhance the quality of life for veterans' survivors to increase the value of these benefits, especially during their greatest hour of need.

Through American Legion Resolutions No. 181: *National Cemetery Administration*³² and No. 377: *Support for Veteran Quality of Life*,³³ we support legislation increasing burial allowances and programs within the VA that will enhance, promote, restore or preserve benefits for veterans and their dependents.

²⁹ The American Legion Resolution No. 181 (2016): [National Cemetery Administration](#)

³⁰ National Funeral Directors Association: Statistics <http://www.nfda.org/news/statistics>

³¹ National Funeral Directors Association: Statistics <http://www.nfda.org/news/statistics>

³² The American Legion Resolution No. 181 (2016): [National Cemetery Administration](#)

³³ The American Legion Resolution No. 377 (2016): [Support for Veteran Quality of Life](#)

The American Legion supports S. 1596 with the noted amendments and improvements.

S. 2881

To direct the Secretary of Veterans Affairs to seek to enter into an agreement with the city of Vallejo, California, for the transfer of Mare Island Naval Cemetery in Vallejo, California, and for other purposes.

The American Legion's 100-year history is integrally intertwined with endeavors to preserve the legacy of this nation's servicemembers. With the creation of the Graves Registration and Memorial Affairs Committee in 1962 to the current National Cemetery Committee, The American Legion has maintained professional staff dedicated to formulate and recommend to our National Executive Committee, through the Veterans Affairs & Rehabilitation Commission, polices, plans and programs as they relate to the Department of Veterans Affairs (VA) national cemeteries, and the interment of veterans, servicemembers, and their dependents. The American Legion through its National Cemetery Committee believes that all veterans and their eligible dependents are entitled a final resting place to commemorate their service to the country to include perpetual care of the gravesite.

Mare Island Naval Cemetery, the oldest military cemetery on the West Coast, was deeded to the City of Vallejo, California, under Base Realignment and Closure (BRAC) in 1996. Following BRAC, there was no mechanism to handle the financial responsibility for these hallowed grounds. Since then, the city of Vallejo has struggled financially and has not been able to provide for the maintenance and upkeep of the cemetery. Due to the lack of maintenance many of the headstones are broken, perimeter fences have collapsed, and the vegetation is overgrown. More than 800 military veterans who served our country, including three Medal of Honor recipients eternally rest in the cemetery. Now the lack of upkeep is presenting problems for proud veterans.

S. 2881, directs the Secretary of Veterans Affairs to seek out an agreement with the City of Vallejo, under which the city would transfer control of the Mare Island Naval Cemetery to the VA. The cemetery would specifically be placed under the purview of the National Cemetery Administration (NCA). The VA would pay no fee to acquire the land, but would assume the obligation of maintaining the cemetery in the future. The American Legion has full confidence that the NCA with its proven track record of maintaining over 135 cemeteries nationwide, will bring dignity and respect to the veterans buried at Mare Island Naval Cemetery. NCA's mission is simple: to honor veterans and their families with final resting places in national shrines and with lasting tributes that commemorate their services and sacrifice to our nation.

Through American Legion Resolution No. 181, *National Cemetery Administration*, we support the establishment of additional national and state veterans cemeteries and columbaria wherever a need for them is apparent.³⁴

The American Legion supports S. 2881.

³⁴ The American Legion Resolution No. 181 (2016): [National Cemetery Administration](#)

S. 1952

To improve oversight and accountability of the financial processes of the Department of Veterans Affairs, and for other purposes.

The provisions of this bill fall outside the scope of established resolutions of The American Legion. As a large, grassroots organization, The American Legion takes positions on legislation based on resolutions passed by the membership or in meetings of the National Executive Committee. With no resolutions addressing the provisions of the legislation, The American Legion is researching the material and working with our membership to determine the course of action which best serves veterans.

The American Legion has no current position on S. 1952.

S. 1990

To amend title 38, United States Code, to increase amounts payable by the Department of Veterans Affairs for dependency and indemnity compensation, to modify the requirements for dependency and indemnity compensation for survivors of certain veterans rated totally disabled at the time of death, and for other purposes.

The Department of Veterans Affairs (VA) Death and Indemnity Compensation (DIC) Benefit supports surviving family members of servicemembers who died in the line of duty, Gold Star families, and survivors of disabled veterans who died from a service-connected condition. DIC is paid to the widows and widowers of service-connected disabled veterans who die as a result of their service-related condition or who at the time of death were rated 100% service-connected disabled for at least 10 years. Currently, survivors are denied any benefit if a veteran passes away before the arbitrary 10-year threshold.

Unfortunately and unfairly, many veterans do not reach the 100% level until they are much older because their condition has worsened with time. They often pass away before they have received their 100% rating for the required length of time. In many of these instances the spouse has been the primary caregiver and companion for these disabled veterans throughout their lifetime and the VA compensation has been their primary means of support. Consequently, the surviving spouse can no longer count on VA benefits for assistance due to a 100% rating for less than 10 years. This causes a dramatic change in the quality of life of the surviving spouse.

This detriment to their quality of life is something members of The American Legion recognized when we passed Resolution No. 255: *Reducing Eligibility for Dependency Indemnity Compensation (DIC) Payments for 100% Disabled Veterans from 10 Years to 5 Years.*³⁵ Through this resolution, we commit to sponsor and support legislation to reduce the number of years a veteran must be rated 100% from 10 years to 5 years for eligibility of DIC payments. Therefore, we support legislation reducing the eligibility requirement from 10 to 5 years, but OPPOSE the bill's pro-rated reduction of DIC benefits if the veteran was rated 100% service

³⁵ The American Legion Resolution No. 255 (2016): [Reducing Eligibility for Dependency Indemnity Compensation \(DIC\) Payments for 100% Disabled Veterans from 10 Years to 5 Years](#)

connected for a period less than 10 years. The American Legion would support a modified bill that reduces the eligibility requirements from 10 to 5 years, with NO reduction of benefits if the 5-year requirement is met.

The American Legion supports S. 1990 with noted amendments and improvements.

S. 2485

To amend title 38, United States Code, to provide payment of Medal of Honor special pension under such title to the surviving spouse of a deceased Medal of Honor recipient, and for other purposes.

The provisions of this bill fall outside the scope of established resolutions of The American Legion. As a large, grassroots organization, The American Legion takes positions on legislation based on resolutions passed by the membership or in meetings of the National Executive Committee. With no resolutions addressing the provisions of the legislation, The American Legion is researching the material and working with our membership to determine the course of action which best serves veterans.

The American Legion has no current position on S. 2485.

S. 2748

To amend title 10, United States Code, to require members of the Armed Forces to receive additional training under the Transition Assistance Program, and for other purposes.

The Better Access to Technical Training, Learning, and Entrepreneurship Act (BATTLE Act) seeks to ensure that servicemembers who leave the military receive the specific training they need to successfully transition to civilian life, whether they choose to pursue higher education, a career in a technical field, or entrepreneurship.

An average of 200,000 servicemembers transition into the private sector annually. The American Legion's National Veterans Employment and Education Division's mission is to assist with the reintegration of all veterans returning to civilian life after service in the Armed Forces, to include when necessary, initiating actions concerning all matters affecting the economic well-being of veterans. We understand the value of additional training because through our programs we conduct hiring events, résumé workshops, interview workshops, education seminars, and small business development workshops. Additional training helps veterans find jobs.

Under current law, the Department of Defense (DOD) is required to ensure that eligible departing servicemembers participate in the Transition Assistance Program (TAP). In response to this statutory requirement, DOD has published regulations and issued instructions that require eligible servicemembers to complete TAP and require commanding officers to make certain that servicemembers complete TAP. Beyond the mandatory curriculum, departing servicemembers have the option to participate in a specialized two-day workshop in one of the following areas:

higher education, conducted by DOD; technical and skills training, conducted by the Department of Veterans Affairs; or, entrepreneurship, conducted by the Small Business Administration.

While the core curriculum is mandatory (five days) for all servicemembers, the two-day workshops are less emphasized and therefore, sparsely attended. In a recent Government Accountability Office report, it was noted that less than 15 percent of transitioning servicemembers attend the two-day optional track for various reasons.³⁶ This information can be vital for a seamless transition for a servicemember separating or retiring from the military. Therefore, The American Legion believes DOD's TAP should require servicemembers to choose one of the specific career-oriented tracks that best suit their post-service plans and require servicemembers take part in one-on-one counseling a year prior to separation to evaluate which transition pathway suits them best.

Through American Legion Resolution No. 70: *Improve Transition Assistance Program*, we recommend that the DOD expand and standardize their existing pre-separation counseling policies to ensure that separating servicemembers receive information regarding federal and private sector employment opportunities, GI Bill, and vocational rehabilitation and employment programs.³⁷

The American Legion supports S. 2748.

Draft Bill: Suicide Prevention

To require the Secretary of Veterans Affairs to establish a program to award grants to persons to provide and coordinate the provision of suicide prevention services for veterans transitioning from service in the Armed Forces who are at risk of suicide and for their families, and for other purposes.

The provisions of this bill fall outside the scope of established resolutions of The American Legion. As a large, grassroots organization, The American Legion takes positions on legislation based on resolutions passed by the membership or in meetings of the National Executive Committee. With no resolutions addressing the provisions of the legislation, The American Legion is researching the material and working with our membership to determine the course of action which best serves veterans.

The American Legion has no current position on this Draft Bill.

Draft Bill: Modernization of Medical Records Access for Veterans Act

To direct the Secretary of Veterans Affairs to carry out a pilot program establishing a secure, patient-centered, and portable medical records system that would allow veterans to have access to their personal health information.

³⁶ Transitioning Veterans: DOD Needs to Improve Performance Reporting and Monitoring for the Transition Assistance Program GAO-18-23: Published: Nov 8, 2017. Publicly Released: Nov 8, 2017. Available at <https://www.gao.gov/products/GAO-18-23>

³⁷ The American Legion Resolution No. 70 (2016): [Improve Transition Assistance](#)

The American Legion, through Resolution No. 83: *Virtual Lifetime Electronic Record*, has long endorsed and supported the Department of Veterans Affairs (VA) in creating a Lifetime Electronic Health Records (EHR) system.³⁸ Additionally, The American Legion has encouraged both the Department of Defense (DOD) and the VA to either use the same EHR system, or, at the very least, systems that were interoperable.

In 2009, The American Legion was pleased when the Obama administration announced that the DOD and the VA would finally create a path to integrate the flow of patients' information between DOD's Armed Forces Health Longitudinal Technology Application (AHLTA) and VA's Veterans Information System and Technology Architecture (VistA) EHR platforms.

In 2015, DOD announced that Cerner was awarded a \$4.3 billion, 10-year contract to overhaul the Pentagon's electronic health records for millions of active military members and retirees. However, around the same time, VA announced it would maintain and modernize VistA.

On June 6, 2017, VA Secretary David Shulkin announced that the VA would adopt the same Cerner EHR system as the DOD during a news briefing at VA's headquarters in Washington, D.C.

On May 18, 2018, Acting VA secretary Robert Wilkie announced that VA signed a 10-year contract with Cerner.

This information sharing system will set the standard for record transferability and standardization in American medicine. This new national standard will increase patient access, decrease wait times, and enhance good medicine for all Americans, not just veterans. Congress should refrain from advancing any recommendation or legislation that does not directly support implementation of the VA EHR modernization effort.

The American Legion opposes this Draft Bill.

S. 514

To direct the Secretary of Veterans Affairs to carry out a pilot program to provide access to magnetic EEG/EKG-guided resonance therapy to veterans.

In the wake of serious concerns about over prescription of medications by Department of Veteran Affairs (VA) physicians, The American Legion believes that VA can do more to ensure veterans and servicemembers have the most dependable and precise treatment available to alleviate their combat-related illnesses and injuries with the least amount of negative side effects.

We have previously testified on the Veterans Health Administration (VHA) implementation of a pilot program at approximately 23 VA Medical Centers across the country using Electromagnetic Therapy to treat veterans with depression. VHA is using Repetitive Transcranial Magnetic Stimulation (RTMS) therapy, which involves up to 30 sessions over a six-week period. Recently we learned that VHA's Repetitive Transcranial Magnetic Stimulation pilot program fell short in

³⁸ The American Legion Resolution No. 83 (2016): [Virtual Lifetime Electronic Record](#)

VA trials. The American Legion was hopeful the pilot program would conclude that this non-pharmaceutical noninvasive therapy would prove successful and provide VA with another tool to help deal with depression and Post Traumatic Stress Disorder (PTSD).

The American Legion has long advocated for complementary and alternative medicines (CAM) to be further explored by VA and applauds this pilot. The American Legion's PTSD/TBI (Traumatic Brain Injury) Committee has reviewed several promising CAM treatments that include using electroencephalogram (EEG) technology to help better determine the efficacy of certain medications on patients with correlating quantitative EEG neuroethics. We believe the EEG/EKG (electrocardiogram) pilot program will provide VA with additional information to determine whether veterans can benefit from this therapy.

The American Legion has reservations due to VA's March 29, 2017 testimony before the House of Representatives Subcommittee on Health. During that testimony VA stated there is no medical device using MeRT technology that has been cleared or approved by the Food and Drug Administration (FDA) for the uses described in this legislation.³⁹ Providing non-approved FDA treatment to our nation veterans is still a concern of The American Legion. With the assurance that the EEG/EKG pilot program meets FDA approval, The American Legion supports S. 514 and companion legislation in the House of Representatives, H.R. 1162.

Through American Legion Resolution No. 377: *Support for Veteran Quality of Life*, we support legislation and programs within the VA that will enhance, promote, restore or preserve benefits for veterans and their dependents.⁴⁰

The American Legion supports S. 514 with amendments as noted above.

Conclusion

The American Legion thanks this committee for the opportunity to elucidate the position of the 2 million veteran members of this organization. For additional information regarding this testimony, please contact the Assistant Director of the Legislative Division, Mr. Larry Lohmann Esq., at The American Legion's Legislative Division at (202) 861-2700 or llohmann@legion.org.

³⁹ What is MeRT: <https://www.brainreatmentcenter.com/mert>

⁴⁰ The American Legion Resolution No. 377 (2016): [Support for Veteran Quality of Life](#)



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Chanin Nuntavong currently serves as the National Director for The American Legion's Veterans Affairs and Rehabilitation Division. His responsibilities include managing a staff dedicated to the timely and compassionate delivery of benefits earned by U.S. military veterans; formulating and recommending policies, plans and programs on direct assistance, outreach and support for veterans and their families; and lobbying and testifying on Capitol Hill to ensure veterans receive the highest quality of care for injuries and illnesses incurred during their military service.

He is a retired Marine Corps Gunnery Sergeant and served as a combat correspondent in Public Affairs. He earned his Bachelor of Science from Liberty University, and is a member of American Legion Post #43 in Hollywood, Calif.