

# DAMA Bill Hearing

Jun 06, 2012

STATEMENT OF  
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NATIONAL LEGISLATIVE SERVICE  
VETERANS OF FOREIGN WARS OF THE UNITED STATES  
BEFORE THE  
VETERANS' AFFAIRS SUBCOMMITTEE  
ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS  
UNITED STATES HOUSE OF REPRESENTATIVES  
WITH RESPECT TO  
**H.R. 2355, H.R. 2996, H.R. 4299, H.R.  
5735, H.R. 5880, H.R. 5881 and H.R. 2720**

WASHINGTON, D.C.

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

On behalf of the more than 2 million men and women of the Veterans of Foreign Wars of the United States (VFW) and our Auxiliaries, I would like to thank you for the opportunity to testify on today's pending legislation.

## **H.R. 2355, Hallowed Grounds Act:**

In 1997, Congress recognized that veterans convicted of the most violent of crimes should

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lose their right to interment in national cemeteries. The logic was capital crime cases should trump veterans' burial benefits that were granted to them for their service to our nation. Burial in a national cemetery is a privilege - a place where service and sacrifice can be honored by the American public on sacred ground. The most violent and reprehensible crimes break faith with society and our service members and veterans who have been laid to rest in our national cemeteries. That is why the VFW agrees with denying burial to veterans convicted of capital crimes. It is also our belief that the most predatory and violent sex offenses should be added to the list of crimes that preclude veterans from interment. The VFW fully supports H.R. 2355, which will exclude tier III sex offenders from burial in our veterans' cemeteries.

### **H.R. 2996, Gulf War Syndrome “Presumptive Illness” Extension Act of 2011:**

Despite decades of research into the causes of Gulf War Illness, we do not yet have definitive answers on the cause or causes of these conditions. Though some encouraging research is showing signs of hope, it is imperative that treatment for the men and women with illnesses related to their Gulf War service continue without interruption. Even as we make investments in medical research to improve our diagnoses and treatment options as we move forward, we have to do all we can to care for these men and women using the best options currently available.

This legislation also provides presumption for veterans of Operation Iraqi Freedom, Operation Enduring Freedom, and Operation New Dawn who may be struggling with conditions that VA cannot diagnose – a provision that VFW strongly supports. Granting presumption for undiagnosed illnesses is critically important to ensuring that these veterans receive the care they have earned, while science catches up with these illnesses. We hope the committee will pass this bill without delay.

### **H.R. 4299, Quality Housing for Veterans Act:**

The VFW supports the reauthorization of this critical benefit. Through VA's adaptive housing grant program, hundreds of our most severely injured veterans have been given an opportunity to ease back into civilian life, while gaining some sense of independence as they recuperate under the care of a family member without making them choose between current and future needs. With the ongoing war, it is important to continue providing a benefit that significantly improves the lives of our severely injured veterans. By extending the grant program through December 31, 2014, you will increase the flexibility of the benefit while making a difference in the quality of life for many disabled veterans and their families.

### **H.R. 5735, providing for the establishment of a Tomb of Remembrance at Arlington National Cemetery:**

The VFW supports H.R. 5735, which would ensure fragmented remains of American service

members killed in Iraq, Afghanistan or any subsequent conflict will be treated with the dignity and honor worthy of their sacrifices. The VFW was an outspoken critic on the issue of improper remains disposal from Dover Air Base last year, which is why we will work to ensure that our fallen heroes' remains are properly handled when either fragments cannot be identified through DNA testing, when remains go unclaimed, or when grieving families request "No Further Pursuit" after burying their loved ones. Never again should a family be left to wonder whether their fallen hero's remains ended up in a landfill. We as a nation owe a debt of gratitude to the men and women who lay down their lives in defense of our nation, and we know this bill will set a new standard for honoring the sacrifices of the fallen by memorializing these brave men and women on the sacred grounds of Arlington National Cemetery.

### **H.R. 5880, Veterans Disability Examination Access Improvement Act:**

In 2003, Congress gave VA the authority to contract with non-VA doctors to perform disability examinations. The authority was extended again in 2009. This has been a useful tool for VA to provide timely evaluation exams without taking VA doctors away from direct patient care. In December of this year this authority will expire. Allowing this provision to end would put added strain on VA's medical staff and reduce accessibility for our veterans. The VFW strongly supports this legislation and asks for its quick passage.

### **H.R. 5881, Access to Veterans Benefits Improvement Act:**

The VFW cautiously supports this legislative proposal, which would grant certain congressional staff members and local governmental agency employees access to VA's case-tracking information. However, we have some concerns. There is no provision that will ensure these employees are properly trained in privacy issues, nor is there any oversight or reporting back to VA on who has access and what prompted the employee to look into a particular case. This provision will greatly improve the responsiveness to veterans' requests and it should be pursued, but assurances must be made to protect privacy and limit searches to only those who make formal requests.

Also, state and county service officers currently have access to case-tracking information by virtue of a power of attorney (POA). The VFW believes it would be wise to continue to limit these employees' access to only veterans for whom they hold a POA. Again, case-tracking information is private information and every effort should be made to protect that privacy.

### **H.R. 2720, to clarify the role of the Department of Veterans Affairs in providing a benefit or service related to the interment or funeral of a veteran, and for other purposes:**

The VFW supports the intent of H.R. 2720. It will provide clarity for both National Cemetery Administration (NCA) staff, and families and estates of deceased veterans on what

is statutorily available and allowable at NCA funerals, memorial services and ceremonies. This legislation will give clear guidelines for VA employees to follow and provide peace-of-mind for veterans' families who are planning funeral arrangements.

The VFW agrees that every effort and preference should be made to ensure VA cemetery directors are veterans, but requiring veteran status to fill vacancies could keep VA from filling positions, which could have a greater adverse effect on cemetery operations than hiring a non-veteran.

Mr. Chairman, this concludes my testimony and I will be happy to answer any question you, or the Committee may have.

**Information Required by Rule XI2(g)(4) of the House of Representatives**

Pursuant to Rule XI2(g)(4) of the House of Representatives, VFW has not received any federal grants in Fiscal Year 2012, nor has it received any federal grants in the two previous Fiscal Years.