

**STATEMENT OF
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THE AMERICAN LEGION**

**TO THE
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES**

ON

**H.R. 23, BELATED THANK YOU TO THE MERCHANT MARINERS OF WORLD
WAR II ACT OF 2005; H.R. 601, NATIVE AMERICAN VETERANS CEMETERY ACT
OF 2005; H.R. 2188; H.R. 2963, DR. JAMES ALLEN DISABLED VETERANS EQUITY
ACT; H.R. 4843, VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT
ACT OF 2006; H.R. 5037, RESPECT FOR FALLEN HEROES ACT; AND A DRAFT
BILL**

APRIL 6, 2006

Mr. Chairman and Members of the Subcommittee:

Thank you for this opportunity to submit The American Legion's views on the issues being considered by the Subcommittee today. The American Legion commends the Subcommittee for holding a hearing to discuss these important and timely issues.

H.R. 23: "Belated Thank You to the Merchant Mariners of World War II Act of 2005"

H.R. 23 seeks to amend title 48, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States Merchant Marine (including the Army Transport service and the Naval Transport Service) during WWII. A monthly benefit of \$1000 will be granted to all Merchant Marines or their surviving spouses who, received a certificate of honorable service, served between December 7, 1941 and December 31, and, who also served as a crewmember of a vessel that was operated by the War Shipping Administration or the Office of Defense Transportation, operated in waters other than inland waters, the Great Lakes and other lakes, bays, and harbors of the United States, was under contract or charter to or property of the Government of the United States, serving the Armed Forces, and was licensed or otherwise documented for service as a crew member of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

The American Legion has no official position on this legislation at this time, but its National Executive Committee will be considering this issue in its May meetings.

H.R. 601: “Native American Cemetery Act of 2005”

The Native American Cemetery Act of 2005 intends to amend title 38, United States Code, to provide for the eligibility of Native American tribal organizations for grants for the establishment, expansion, or improving of veterans’ cemeteries on trust lands.

In August 2002, The American Legion enacted Resolution No. 144: The American Legion Policy On The National Cemetery Administration. The resolution supports the establishment of additional national and state veterans’ cemeteries wherever a need for them is apparent. The American Legion also supported P.L. 108-109, the National Cemetery Expansion Act of 2003 authorizing VA to establish new national cemeteries.

Every passing generation of veterans has earned the thanks of a grateful nation and burial in a veterans’ cemetery is the final salute to this nation’s heroes. The American Legion will continue to work with Congress to ensure that it is providing the appropriate honor and recognition to *“him who shall have borne the battle and for his widow and his orphan.”* With young American service members continuing to answer the nation’s call to arms in every corner of the globe, we must now, more than ever, work together to honor the sacrifices of these veterans. The American Legion supports the Native American Cemetery Act of 2005.

H.R. 2188: “To authorize the placement in a national cemetery of memorial markers for the purpose of commemorating servicemembers or other persons whose remains are interred in an American Battle Monuments Commission Cemetery”

H.R. 2188 seeks to amend title 38, United States Code, to authorize the placement in a national cemetery of memorial markers for the purpose of commemorating service members of other persons whose remains are interred in an American Battle Monuments Commission Cemetery.

The American Legion supports the recognition of all veterans, especially those who have made the ultimate sacrifice during their service to this country. The American Legion supports H.R. 2188.

H.R. 2963: “Dr. James Allen Disabled Veterans Equity Act”

The Dr. James Allen Disabled Veterans Equity Act seeks to improve compensation benefits for veterans in certain cases of impairment of vision involving both eyes. The bill will strike the word “blindness” from section 1160(a)(1) of title 38, United States Code and replace it with “an impairment in vision” and also strike “an blindness” and replace it with “an impairment of vision”.

The American Legion supports this legislation, as it is consistent with provisions of the Veterans’ Benefits Act of 2002 (PL 107-330), which instituted similar changes for hearing loss evaluations.

H.R. 4843: “Veterans’ Compensation Cost of Living Adjustment Act of 2006”

H.R. 4843 will increase the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain service-connected disabled veterans, and for other purposes, effective as of December 1, 2006.

The American Legion supports this annual cost-of-living adjustment in compensation benefits, including for dependency and indemnity (DIC) recipients. It is imperative that Congress consider annually the economic needs of disabled veterans and their survivors and provide an appropriate cost-of-living adjustment in their benefits.

H.R. 5037: “Respect for Fallen Heroes Act”

H.R. 5037 will amend titles 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes. The Respect for America's Fallen Heroes Act would:

1. Ban all demonstrations 60 minutes prior to and after funerals taking place at Department of Veterans Affairs' national cemeteries or the Department of Army's Arlington National Cemetery (the only areas over which the Federal government maintains jurisdiction).
2. Impose a 500-foot restriction on demonstrations at national cemeteries and Arlington National Cemetery.
3. Allow for a civil infraction for violations, including monetary fines and/or jail time of six months to a year, as consistent with the authority granted to the Secretary of Veterans Affairs under current regulation.
4. Express the will of Congress that all states should enact similar bans for state and private cemeteries, as well as funeral homes.

The American Legion applauds the original cosponsors of this important bill and fully supports efforts to protect the mourning relatives of service members interred in National Cemeteries and at Arlington National Cemetery. It is important that Federal lawmakers, as well as state legislators, recognize the need to enact restrictions that will serve to protect the sanctity of military funerals for those members of the U.S. military who have paid the ultimate sacrifice in the defense of freedom.

H.R. ---: “A draft bill reauthorizing the placement of government markers in private cemeteries”

The draft bill reauthorizing the placement of government markers in private cemeteries seeks to amend title 38, United States Code, to extend and expand the application of the Department of Veterans Affairs benefit for government markers for marked graves of veterans buried in private

cemeteries and to provide government markers or memorial headstones for deceased dependent children of veterans whose remains are unavailable for burial.

The American Legion supports this bill reauthorizing the placement of government markers in private cemeteries. Bestowing honor and recognition of these fallen heroes and their families, wherever they may lie, should be a national priority.

Mr. Chairman and Members of the Subcommittee, this concludes my testimony. I appreciate the opportunity to present The American Legion's views on these important and timely topics.