



# Department of California DAV

2023-2024

*(As Submitted to DAV National*

*July, 2023)*




July 3, 2023

The Department of California DAV Executive Committee met on June 3<sup>rd</sup>, 2023 and passed the following 48 resolutions divided into these four categories:

1. Resolutions & Membership
    - a. 01-17
  2. Hospital and Volunteer Services
    - a. 18-20
  3. Legislation & Veterans Rights
    - a. 21-47
  4. Women Veterans
    - a. 48
- 

Respectfully,

  
Nancy Casey  
Commander

  
Daniel Contreras  
DAV National 1<sup>st</sup> Junior Vice Commander  
Adjutant | CEO

  
Gerald G. Wilson, Jr  
Legislative Director



## Table of Contents

### Resolution 1

**Title:** NATIONAL CEMETERY PRIVILEGES FOR RESERVISTS AND NATIONAL GUARD

### Resolution 2

**Title:** REOPEN CLOSED-TO-NEW-INTERMENT NATIONAL CEMETERIES

### Resolution 3

**Title:** AMEND THE LAW TO PROVIDE A 10-YEAR PROTECTION PERIOD FOR SERVICE-CONNECTED DISABILITY RATINGS

### Resolution 4

**Title:** SUPPORT INTEREST PAYMENTS FOR DEPARTMENT OF VETERANS AFFAIRS RETROACTIVE AWARDS OF ONE YEAR OR MORE

### Resolution 5

**Title:** OPPOSE SUBJECTING DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION TO MEANS TESTING

### Resolution 6

**Title:** INCREASE THE HOME IMPROVEMENT AND STRUCTURAL ALTERATIONS GRANT

### Resolution 7

**Title:** SUPPORT LEGISLATION TO REMOVE THE VETERAN'S PERSONAL IDENTIFICATION INFORMATION FROM THEIR CLAIM IDENTIFICATION



**Resolution 8**

**Title:** SUPPORT LEGISLATION TO ESTABLISH MULTIPLE AUTOMOBILE GRANTS FOR ELIGIBLE VETERANS

**Resolution 9**

**Title:** SUPPORT LEGISLATION TO GRANT ENTITLEMENT TO AID AND ATTENDANCE TO A VETERAN'S SERIOUSLY DISABLED CHILD

**Resolution 10**

**Title:** OPPOSE RECOVERY OF THIRD-PARTY PAYMENTS FOR SERVICE-CONNECTED DISABILITIES

**Resolution 11**

**Title:** ENCOURAGE THE DEPARTMENT OF VETERANS AFFAIRS TO PROCESS VOLUNTEER APPLICATIONS IN A TIMELY MANNER

**Resolution 12**

**Title:** IMPROVE TIMELY REIMBURSEMENTS BY DEPARTMENT OF VETERANS AFFAIRS FOR PURCHASED CARE, PROTECT VETERANS FROM DEBT COLLECTION AND ADVERSE CREDIT REPORTING FROM SUCH CARE

**Resolution 13**

**Title:** SEEK THE IMMEDIATE RELEASE OF ANY AMERICANS WHO MAY STILL BE HELD CAPTIVE FOLLOWING ANY WAR AND THE RETURN AND IDENTIFICATION OF THE REMAINS OF ANY AMERICANS WHO DIED DURING THESE WARS

**Resolution 14**

**Title:** SUPPORT FORMER PRISONER-OF-WAR SLAVE LABOR CLAIMS AGAINST JAPANESE FIRMS



**Resolution 15**

**Title:** SUPPORT THE CONSTRUCTION OF A MODERN COURTHOUSE FOR THE UNITED STATES COURT OF APPEALS FOR VETERANS' CLAIMS

**Resolution 16**

**Title:** EXPAND THE TRAVEL AREA THAT SERVICE-CONNECTED VETERANS HAVING A PERMANENT DISABILITY RATED 100% MAY TRAVEL FROM CONTINENTAL UNITED STATES TO CONTINENTAL UNITED STATES AND OVERSEAS

**Resolution 17**

**Title:** EXTEND SPACE-AVAILABLE AIR TRAVEL TO CAREGIVERS AND DEPENDENTS OF ELIGIBLE VETERANS

**Resolution 18**

**Title:** SUPPORT NAMING THE VETERANS AFFAIRS MARE ISLAND CLINIC IN VALLEJO, CA AS THE "DELPHINE METCALF-FOSTER VA CLINIC." (H. R. 251)

**Resolution 19**

**Title:** REQUIRE A VETERAN'S ATTENDING DEPARTMENT OF VETERANS AFFAIRS PHYSICIAN TO PROVIDE A MEDICAL OPINION WITH REGARD TO A CLAIM FOR VA DISABILITY COMPENSATION

**Resolution 20**

**Title:** PROVIDE CHILD CARE ASSISTANCE FOR VETERANS WITH DEPENDENTS USING VETERANS' HEALTH ADMINISTRATION SERVICES AT A VA FACILITY

**Resolution 21**

**Title:** SUPPORTING A HEALTH REGISTRY AND OTHER MEASURES FOR VETERANS SUBJECTED TO TOXIC EXPOSURES AT FORT MCCLELLAN, ALABAMA BETWEEN 1935 AND 1999



**Resolution 22**

**Title:** REPEAL THE RESCISSION ACT OF 1946

**Resolution 23**

**Title:** EXONERATE THE “PORT CHICAGO FIFTY” AND “PHILADELPHIA FIFTEEN”

**Resolution 24**

**Title:** OPPOSE ANY RECOMMENDATION BY ANY COMMISSION OR OTHER SOURCE TO REDUCE OR ELIMINATE BENEFITS FOR DISABLED VETERANS

**Resolution 25**

**Title:** OPPOSE REDUCTION, TAXATION OR ELIMINATION OF VETERANS BENEFITS

**Resolution 26**

**Title:** SUPPORT LEGISLATION PROVIDING THAT SPECIAL SEPARATION BENEFIT PAYMENTS NOT BE WITHHELD FROM DEPARTMENT OF VETERANS AFFAIRS DISABILITY COMPENSATION PAYMENTS

**Resolution 27**

**Title:** SUPPORT LEGISLATION TO STREAMLINE AND IMPROVE THE REQUIREMENTS AND PROCESSING OF SPECIALLY ADAPTED HOUSING GRANTS AND THE SPECIAL HOUSING ADAPTATION GRANTS

**Resolution 28**

**Title:** SUPPORT LEGISLATION TO REMOVE THE PROHIBITION AGAINST DAV MEMBERS WHO ARE FEDERAL EMPLOYEES FROM COMMUNICATING ON BEHALF OF DAV WITH FEDERAL AGENCIES



**Resolution 29**

**Title:** OPPOSE LONG-TERM ROUNDING DOWN OF COST-OF-LIVING ADJUSTMENTS IN VETERANS BENEFITS

**Resolution 30**

**Title:** SUPPORT LEGISLATION THAT WOULD EXEMPT THE BENEFITS PAID TO WARTIME SERVICE-CONNECTED DISABLED VETERANS FROM THE "PAYGO/CUTGO" PROVISIONS OF THE BUDGET ENFORCEMENT ACT

**Resolution 31**

**Title:** OPPOSE ANY PROPOSAL THAT WOULD REDUCE PAYMENTS OF DEPARTMENT OF VETERANS AFFAIRS DISABILITY COMPENSATION BY PAYMENTS OF SOCIAL SECURITY INSURANCE, SOCIAL SECURITY DISABILITY INSURANCE OR ANY OTHER FEDERAL BENEFIT PAID TO A VETERAN

**Resolution 32**

**Title:** CONSIDER TREATMENT FOR A PRESUMPTIVE SERVICE-CONNECTED CONDITION AS A CLAIM FOR DEPARTMENT OF VETERANS AFFAIRS COMPENSATION

**Resolution 33**

**Title:** SUPPORT LEGISLATION TO ALLOW ALL VETERANS TO RECOVER TAXES ON DISABILITY SEVERANCE PAY

**Resolution 34**

**Title:** SUPPORT LEGISLATION TO PROVIDE FOR REALISTIC COST-OF-LIVING ALLOWANCES



**Resolution 35**

**Title:** SUPPORT LEGISLATION TO EXCLUDE VETERANS' DISABILITY COMPENSATION FROM COUNTABLE INCOME FOR PURPOSES OF ELIGIBILITY FOR BENEFITS AND SERVICES FROM OTHER GOVERNMENT PROGRAMS

**Resolution 36**

**Title:** OPPOSE THE IMPOSITION OF TIME LIMITS FOR FILING COMPENSATION CLAIMS

**Resolution 37**

**Title:** AMEND PROVISIONS REGARDING ELIGIBILITY FOR AUTOMOBILE ADAPTIVE EQUIPMENT TO INCLUDE ANY VETERAN WHOSE SERVICE-CONNECTED DISABILITY INHIBITS THE ABILITY TO SAFELY OPERATE A MOTOR VEHICLE

**Resolution 38**

**Title:** SUPPORT LEGISLATION AUTHORIZING THE PRESUMPTION OF SERVICE CONNECTION FOR ALL RADIOGENIC DISEASES AND ELIMINATE DOSE ESTIMATE REQUIREMENTS

**Resolution 39**

**Title:** SUPPORT AN INCREASE IN THE DEPARTMENT OF VETERANS AFFAIRS BURIAL ALLOWANCE FOR SERVICE-CONNECTED VETERANS AND PROVIDE AUTOMATIC ANNUAL ADJUSTMENTS

**Resolution 40**

**Title:** SUPPORT LEGISLATION TO PROVIDE A REALISTIC INCREASE IN DEPARTMENT OF VETERANS AFFAIRS COMPENSATION RATES TO ADDRESS LOSS OF QUALITY OF LIFE





**Resolution 41**

**Title:** SUPPORT LEGISLATION TO CLARIFY AND EXPAND ENTITLEMENT TO DEPENDENTS' EDUCATIONAL ASSISTANCE UNDER CHAPTER 35 FOR CHILDREN OF A TWO-VETERAN HOUSEHOLD

**Resolution 42**

**Title:** SUPPORT LEGISLATION TO ALLOW EXPANDED ENTITLEMENT TO DEPENDENTS' EDUCATIONAL ASSISTANCE UNDER CHAPTER 35 FOR CHILDREN OF A TWO-VETERAN HOUSEHOLD WHERE BOTH PARENTS ARE SHOWN WITH PERMANENTLY AND TOTALLY DISABLED STATUS DUE TO SERVICE-CONNECTED CONDITIONS

**Resolution 43**

**Title:** SUPPORT LEGISLATION TO ALLOW A VETERAN PERMANENTLY AND TOTALLY DISABLED DUE TO SERVICE-CONNECTED CONDITIONS TO CONTINUE TO RECEIVE DEPENDENTS' COMPENSATION FOR THEIR ADULT CHILD ATTENDING SCHOOL WHILE THAT CHILD IS IN RECEIPT OF DEPENDENTS' EDUCATIONAL ASSISTANCE UNDER CHAPTER 35

**Resolution 44**

**Title:** SUPPORT LEGISLATION TO GRANT THE PRESIDENT, VICE PRESIDENT AND MEMBERS OF CONGRESS THE PRIVILEGE TO USE THE VETERAN'S HEALTH CARE SYSTEM AND TO RECEIVE THEIR CARE EXCLUSIVELY FROM THE DEPARTMENT OF VETERANS AFFAIRS

**Resolution 45**

**Title:** SUPPORT LEGISLATION TO INCLUDE 1151 PROTECTIONS UNDER TITLE 38, UNITED STATES CODE, FOR VETERANS USING DEPARTMENT OF VETERANS AFFAIRS COMMUNITY CARE SERVICES

**Resolution 46**

**Title:** REPEAL BENEFICIARY TRAVEL DEDUCTIBLE FOR SERVICE-CONNECTED DISABLED VETERANS, AND INCREASE REIMBURSEMENT RATES



**Resolution 47**

**Title:** ELIMINATE THE DELIMITING DATE FOR ELIGIBLE SPOUSES AND SURVIVING SPOUSES FOR BENEFITS PROVIDED UNDER CHAPTER 35, TITLE 38, UNITED STATES CODE

**Resolution 48**

**Title:** PROVIDE CHILD CARE ASSISTANCE FOR VETERANS WITH DEPENDENTS USING VETERANS' HEALTH ADMINISTRATION SERVICES AT A VA FACILITY



Resolution #:1

Recommended Committee:

Resolutions & Membership

**Title: National Cemetery Privileges for Reservists And National Guard**

WHEREAS, members of the National Guard (NG) and Reserve Components (RC) are important elements of our U.S. Armed Forces because they serve both community and country and they respond to domestic emergencies, overseas combat missions, counterdrug efforts, reconstruction missions and more; and

WHEREAS, tens of thousands who honorably but solely served in the NG and/or the RC are currently NOT eligible to be buried in a US Department of Veterans Affairs (VA) national cemetery because they do NOT meet one of the requirements in <https://www.va.gov/burials-memorials/eligibility/>; 1) met their legal minimum active-duty service requirements, was called up to active duty and served their full term of service, and didn't receive a dishonorable discharge, or 2) entitled to retirement pay at their time of death, or would have been entitled to retirement pay if they weren't under 60 years of age at the time of death, or 3) died while hospitalized or getting treatment at the expense of the U.S. for an injury or illness that occurred while they were performing active-duty services for training or inactive-duty training under honorable conditions, or 4) became disabled or died from a disease or injury caused—or made worse—by their service during a period of active duty for training, or 5) became disabled or died from an injury or certain cardiovascular disorders caused—or made worse—by their service during a period of inactive-duty training; and

WHEREAS, Public Law 115-141 added “Hmong Individuals” as a new category of persons eligible for interment in VA national cemeteries; and the “Burial Equity for Guards and Reserves Act of 2021” within Public Law No. 117-103 mostly refers to federal grants to state-owned cemeteries.

THEREFORE, BE IT RESOLVED that the Disabled American Veterans hereby urges the federal government to include ALL past and present members of the National Guard and Reserve Components to be eligible for interment in VA national cemeteries.

Adopted by DAV Chapter 21 at the February 25, 2023 Meeting.

\_\_\_\_\_  
Signed by: Chapter Commander, Date

\_\_\_\_\_  
Signed by: Chapter Adjutant, Date

Original Author (Contact Info): Nestor.Aliga@comcast.net 7078530062 Chapter # 21

\_\_\_\_\_  
Daniel Contreras, Department Adjutant



Resolution #:2

Recommended Committee:

Resolutions & Membership

**Title: REOPEN CLOSED-TO-NEW-INTERMENT NATIONAL CEMETERIES**

WHEREAS, according to [https://www.cem.va.gov/facts/Facts\\_About\\_NCA.aso](https://www.cem.va.gov/facts/Facts_About_NCA.aso), under "Twenty percent (105,845 Veterans interred) of U.S. Veterans who died (592,682) in FY 2020 were buried in a national, state or tribal Veterans cemetery," and "as new Veterans cemeteries open, this percentage is expected to increase;" and

WHEREAS, National Cemetery Administration (NCA) surveys indicate that Veterans choose to NOT utilize national cemeteries because of travel and distance barriers while other surveys indicate that low-income and/or low-wealth families are disproportionately affected as they must spend thousands for local burials so they can frequently visit their newly departed loved-ones as part of their grieving therapy and/or closure process; and

WHEREAS, according to <https://www.cem.va.gov/cems/allnational.asp> , there are several NCA facilities that are "closed to new interments" in high Veteran population and high cost of living metropolitan areas (including the San Francisco National Cemetery and the Golden Gate National Cemetery) that can be opened for cremated remains.

THEREFORE, BE IT RESOLVED that the Disabled American Veterans hereby urges the National Cemetery Administration to reopen "closed to new interments" facilities for cremated remains in order to increase the percentage of Veterans interred.

Adopted by DAV Chapter 21 at the February 25, 2023 Meeting.

\_\_\_\_\_  
Signed by: Chapter Commander, Date

\_\_\_\_\_  
Signed by: Chapter Adjutant, Date

Original Author (Contact Info): Nestor.Aliga@comcast.net 7078530062 Chapter # 21

  
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Daniel Contreras, Department Adjutant



Resolution #:3

Recommended Committee:

Resolutions & Membership

**Title: Amend the Law to Provide a 10-Year Protection Period for Service-Connected Disability Ratings**

WHEREAS, section 110, title 38, United States Code, now provides for the protection of all disability compensation ratings that have been continuously in effect for 20 or more years; and

WHEREAS, permanency should be conceded for disability compensation ratings that have been in effect for 10 years without change in evaluation with no further examination scheduled; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, supports amendment of section 110, title 38, United States Code, to provide that disability ratings in effect be permanently protected after a period of 10 continuous years.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

/s/ Michael A. Kerr, Esq.  
Committee Chairman

/s/ Jeremy Baratta  
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

/s/ Armando V. Hernandez  
Chapter Commander

/s/ Mario D. Flores  
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.



Daniel Contreras, Department Adjutant



Resolution #:4

Recommended Committee:

Resolutions & Membership

**Title: Support Interest Payments for Department of Veterans Affairs Retroactive Awards of One Year or More**

WHEREAS, Department of Veterans Affairs (“VA”) claimants are often denied timely receipt of their rightfully earned benefits due to prolonged bureaucratic delay in the VA adjudication process and/or through clear and unmistakable error on the part of VA rating board authorities; and

WHEREAS, under current law and regulation, VA claimants who incur indebtedness to the United States government, in addition to the principal amount of such indebtedness, are assessed and must pay interest charges; and

WHEREAS, in 1982, Congress enacted the Prompt Payment Act, Public Law 97–177, to require federal agencies to pay their bills to outside vendors on a timely basis or pay interest penalties to the outside vendors when payments are made late; and

WHEREAS, VA claimants who are denied timely receipt of their rightfully earned benefits do not receive interest payments from the government and therefore incur a loss of income, which could have been avoided had they received their earned benefits in a timely fashion; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, seeks the enactment of legislation that would require the VA to pay interest on all retroactive benefit awards in excess of one year after these claims are filed.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

                  /s/ Michael A. Kerr, Esq.                    
Committee Chairman

                  /s/ Jeremy Baratta                    
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

                  /s/ Armando V. Hernandez                    
Chapter Commander

                  /s/ Mario D. Flores                    
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.

                  Daniel Contreras                  

Daniel Contreras, Department Adjutant



Resolution #:5

Recommended Committee:

Resolutions & Membership

**Title: Oppose Subjecting Disability Compensation and Dependency and Indemnity Compensation to Means Testing**

WHEREAS, the citizens of our nation heretofore have honorably recognized their indebtedness to those who sacrificed in military service by providing disability compensation as restitution for injuries, illnesses or diseases suffered in such service; and

WHEREAS, a disabled veteran is rightfully entitled to compensation for the effects of service-connected disability, without regard to any good fortune or income of the veteran or spouse from sources independent of the government's obligations to the veteran; and

WHEREAS, it is unfair for the government to seek to disclaim its obligation to disabled veterans or their survivors merely because of the receipt of other unrelated income; and

WHEREAS, notwithstanding the special status of disability compensation and Dependency and Indemnity Compensation, efforts have been made to deploy a means test to reduce or eliminate them in cases in which the veteran, spouse or survivor has obtained other income; and

WHEREAS, degrading compensation by providing it to the extent of the veteran's or survivor's economic needs, rather than as a measure of restitution for personal injury or illness, thereby disassociates compensation from that which merits it and associates it with factors that govern purely gratuitous benefits; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, opposes any proposal to means test disability compensation and Dependency and Indemnity Compensation.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

/s/ Michael A. Kerr, Esq.  
Committee Chairman

/s/ Jeremy Baratta  
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

/s/ Armando V. Hernandez  
Chapter Commander

/s/ Mario D. Flores  
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.



Daniel Contreras, Department Adjutant



Resolution #:6

Recommended Committee:

Resolutions & Membership

**Title: Increase the Home Improvement and Structural Alterations Grant**

WHEREAS, under Section 1717, Title 38, United States Code, the Home Improvement and Structural Alterations (“HISA”) program, veterans with service-connected disabilities or veterans with non-service-connected disabilities may receive assistance for any home improvement necessary for the continuation of treatment or for disability access to the home and essential lavatory and sanitary facilities; and

WHEREAS, a HISA grant is available to veterans who have received a medical determination indicating that improvements and structural alterations are necessary or appropriate for the effective and economical treatment of the veteran; and

WHEREAS, a veteran may receive both a HISA grant and either a Special Home Adaptation grant or a Specially Adapted Housing grant; and

WHEREAS, the HISA improvement benefit provides up to \$6,800 to service-connected veterans and up to \$2,000 to non- service-connected veterans as a result of the Caregiver and Veterans Omnibus Health Services Act of 2010; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, calls for a reasonable increase in HISA benefits for veterans.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

                  /s/ Michael A. Kerr, Esq.                    
Committee Chairman

                  /s/ Jeremy Baratta                    
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

                  /s/ Armando V. Hernandez                    
Chapter Commander

                  /s/ Mario D. Flores                    
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.



Daniel Contreras, Department Adjutant





Resolution #:7

Recommended Committee:

Resolutions & Membership

**Title: Support Legislation to Remove the Veteran’s Personal Identification Information from Their Claim Identification**

WHEREAS, an individual’s Social Security number is now assigned at birth and is directly linked to bank accounts, income taxes and all personal credit references; and

WHEREAS, the Department of Veterans Affairs (“VA”) promised many years ago to discontinue using veterans’ Social Security numbers as the veterans claim number; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, calls on VA to discontinue using Social Security numbers and promptly assign a unique, proprietary claim number to all veterans who have or in the future file a disability claim with VA.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

                  /s/ Michael A. Kerr, Esq.                    
Committee Chairman

                  /s/ Jeremy Baratta                    
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

                  /s/ Armando V. Hernandez                    
Chapter Commander

                  /s/ Mario D. Flores                    
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.

                  Daniel Contreras                  

Daniel Contreras, Department Adjutant



Resolution #:8

Recommended Committee:

Resolutions & Membership

**Title: Support Legislation to Establish Multiple Automobile Grants for Eligible Veterans**

WHEREAS, Congress authorizes the Department of Veterans Affairs (“VA”) to provide financial assistance to eligible veterans through an automobile grant in the amount of \$21,058.69; and

WHEREAS, this one-time grant is used toward the purchase of a new or used automobile to accommodate a veteran or service member with certain disabilities that resulted from a condition incurred or aggravated during active military service; and

WHEREAS, the Department of Transportation (“DOT”) reports the average useful life of a vehicle is 11.5 years; vehicles that have been modified structurally, including modifications to accommodate the weight of a veteran and their wheelchair, can have an accelerated depreciation of usefulness; and

WHEREAS, on average, the cost to replace modified vehicles ranges from \$40,000 to \$65,000 when the vehicle is new and

\$21,000 to \$35,000 when the vehicle is used; these substantial costs, coupled with inflation, present a financial hardship for many disabled veterans who need to replace their primary mode of transportation once it reaches its life of service; and

WHEREAS, the cost of replacing modified vehicles purchased through the VA automobile grant program presents a financial hardship for veterans who must bear the full replacement cost once the adapted vehicle has exceeded its useful life; the divergence of a vehicle’s depreciating value and the increasing cost of living only compounds this hardship; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, supports the enactment of legislation to establish multiple automobile grants, for veterans to use once every 10 years, equaling the current grant maximum in effect at the time of vehicle replacement.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

\_\_\_\_\_/s/ Michael A. Kerr, Esq.  
Committee Chairman

\_\_\_\_\_/s/ Jeremy Baratta  
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

\_\_\_\_\_/s/ Armando V. Hernandez  
Chapter Commander

\_\_\_\_\_/s/ Mario D. Flores  
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.

  
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Daniel Contreras, Department Adjutant



Resolution #:9

Recommended Committee:

Resolutions & Membership

**Title: Support Legislation to Grant Entitlement to Aid and Attendance to a Veteran’s Seriously Disabled Child**

WHEREAS, Part 3, Section 356, Title 38, Code of Federal Regulations, provides additional compensation for a veteran whose child is shown to be permanently incapable of self-support by reason of mental or physical defect at the date of attaining the age of 18 years; and

WHEREAS, a veteran’s seriously disabled and/or handicapped child is significantly impaired in their ability to conduct activities of daily living; and

WHEREAS, Section 1114, Title 38, United States Code, provides aid and attendance benefits for veterans, their spouse and dependent parents who have significant disabilities as to be in need of regular aid and attendance; and

WHEREAS, Title 38, Section 3.352 of the Code of Federal Regulations states entitlement is held to exist when the veteran requires the assistance of others for the ability to dress and undress themselves, or to keep themselves clean and presentable, or to perform frequent adjustment of special prosthetic or orthopedic appliances, or to attend to bowel and bladder self-care, or to protect themselves from hazards or dangerous incidents to their daily environment; and

WHEREAS, the veteran’s seriously disabled child, in many cases, requires the aid and attendance of another individual to perform functions of daily living; and

WHEREAS, the seriously disabled child is already deemed to be handicapped by the Department of Veterans Affairs; and

WHEREAS, it is inherently unfair that the veteran and the seriously disabled child carry this additional burden without additional compensation despite being an immediate family member of the veteran; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, supports legislation to allow the seriously disabled child of a veteran who meets the aforementioned criteria be granted the ability to seek additional compensation by way of aid and attendance.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

                  /s/ Michael A. Kerr, Esq.                    
Committee Chairman

                  /s/ Jeremy Baratta                    
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

                  /s/ Armando V. Hernandez                    
Chapter Commander

                  /s/ Mario D. Flores                    
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.

                  Daniel Contreras                    
Daniel Contreras, Department Adjutant



Resolution #:10

Recommended Committee:

Resolutions & Membership

**Title: Oppose Recovery of Third-Party Payments for Service-Connected Disabilities**

WHEREAS, the primary mission of the Department of Veterans Affairs (“VA”) is to provide high quality medical care to veterans eligible by reason of their service-connected disabilities; and

WHEREAS, the VA is authorized to recover or collect the cost of care from third-party health insurers when insured veterans receive health care from the VA for non-service-connected conditions; and

WHEREAS, the collection of payments from third parties for the treatment of veterans’ service-connected disabilities would abrogate the VA’s and the federal government’s responsibility to provide such care and may result in increased premium payments by veterans; and

WHEREAS, to improve its ability to generate revenue on the backs of service-connected disabled veterans, some continue to propose implementing a policy to eliminate the current practice of first applying third-party payments to offset veteran’s copayment debts; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, opposes any legislation that would require the VA to recover third-party payments for the care and treatment of a veteran’s service-connected disabilities.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

/s/ Michael A. Kerr, Esq.  
Committee Chairman

/s/ Jeremy Baratta  
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

/s/ Armando V. Hernandez  
Chapter Commander

/s/ Mario D. Flores  
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.



Daniel Contreras, Department Adjutant



Resolution #:11

Recommended Committee:

Resolutions & Membership

**Title: Encourage the Department of Veterans Affairs to Process Volunteer Applications in a Timely Manner**

WHEREAS, many DAV members want to join the ranks of volunteers who serve disabled veterans in Department of Veterans Affairs (“VA”) medical facilities and in local communities associated with the VA; and

WHEREAS, there is great variability in both the process and timeliness of providing prospective volunteers all the required screenings, interviews, orientations, and training prescribed by the VA facility; and

WHEREAS, these volunteers must undergo an arduous clearance process and background check that can require months of delay, as well as complete a lengthy application to volunteer and thus lose their services and the opportunity for voluntary activities to aid veterans; and

WHEREAS, it is the responsibility of the VA Voluntary Service program manager to ensure that volunteer applications are processed in an expeditious manner, because volunteers perform a valuable service to veterans in facilities and save taxpayers millions of dollars; and

WHEREAS, Public Law 116–315, the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, passed in January 2021; and

WHEREAS, section 7001 of that law required the Department establish a national policy regarding the medical exams required to certify volunteer drivers for the veterans' transportation network no later than 90 days following its passage; and

WHEREAS, despite briefings alluding to the VA’s work responding to this requirement and multiple requests for updates, Congress is not aware of any such policy more than a year after that deadline passed; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, are calling on the VA to quickly develop and disseminate a straightforward, standardized and timely process for certifying volunteer drivers. Once this process is finalized, the VA should undergo a concerted effort to not only disseminate the updated guidance but also seek out and recruit volunteers, especially those who began the certification process but discontinued it after facing too much bureaucracy to continue.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

\_\_\_\_\_/s/ Michael A. Kerr, Esq.  
Committee Chairman

\_\_\_\_\_/s/ Jeremy Baratta  
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

\_\_\_\_\_/s/ Armando V. Hernandez  
Chapter Commander

\_\_\_\_\_/s/ Mario D. Flores  
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.

  
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Daniel Contreras, Department Adjutant



Resolution #:12

Recommended Committee:

Resolutions & Membership

**Title: Improve Timely Reimbursements by Department of Veterans Affairs for Purchased Care, Protect Veterans from Debt Collection and Adverse Credit Reporting From Such Care**

WHEREAS, the Department of Veterans Affairs (“VA”) is authorized to provide a full continuum of health care to all service- connected veterans enrolled in the VA health care system, including preventive, primary, acute, specialty and rehabilitative care as well as pharmaceutical, mental health and readjustment counseling services; and

WHEREAS, to ensure veterans are able to receive timely comprehensive care, Congress authorized numerous VA programs since the early 1920s to purchase care for veterans from non-VA community providers; and

WHEREAS, according to the Government Accountability Office, the VA’s use of purchased care programs has increased 82% since the access to care crisis in 2014; and

WHEREAS, veterans who are treated by non-VA community providers under any of the VA’s community care programs should not be under any financial obligation to defray the full costs of VA-authorized care; and

WHEREAS, the VA MISSION Act (Public Law 115–182) amended most but not all of the VA’s community care programs and instituted standards for the VA to promptly pay for care provided to veterans by community care providers; and

WHEREAS, in innumerable cases, service-connected veterans have been billed directly for care provided by community providers despite the VA’s obligation to pay in a timely fashion; and

WHEREAS, in some cases, veterans do not receive timely billing or copayment due notification for services rendered through the VA or a network community care provider for more than six months or a year, to include services for emergency care or transportation; and

WHEREAS, should service-connected veterans be without the means to rectify debt assigned by community providers when VA payment is deficient or delinquent, providers are referring such debt-to-debt collection agencies as well as reporting such debt to credit reporting agencies, adversely affecting these veterans’ credit worthiness when in fact no justification supports such collection actions or credit reporting against veterans; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, urges the VA to improve its administrative practices to promptly pay non-VA community providers for care under all of the VA’s purchased care program; AND

BE IT FURTHER RESOLVED that DAV urges Congress to enact legislation requiring the VA to reimburse or require non-VA community providers to forgive any veterans’ copayments for community care, including emergency care or transportation, that are billed more than 180 days after services are rendered; AND



Resolution #:12

Recommended Committee:

Resolutions & Membership

BE IT FURTHER RESOLVED that DAV urges Congress to enact legislation to properly protect veterans' credit ratings and require the VA to protect veterans from collections actions against service-disabled veterans because of delinquent or delayed payment to non-VA community providers.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

          /s/ Michael A. Kerr, Esq.            
Committee Chairman

          /s/ Jeremy Baratta            
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

          /s/ Armando V. Hernandez            
Chapter Commander

          /s/ Mario D. Flores            
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.

*Daniel Contreras*

Daniel Contreras, Department Adjutant









Resolution #:15

Recommended Committee:

Resolutions & Membership

**Title: Support the Construction of a Modern Courthouse for the United States Court of Appeals for Veterans Claims**

WHEREAS, veterans and other persons claiming benefits from the Department of Veterans Affairs have benefited substantially and materially from the jurisprudence of the United States Court of Appeals for Veterans Claims (Court); and

WHEREAS, the Court has existed for 35 years; and

WHEREAS, the courtroom, chambers and other space are inadequate to meet the current and future needs of the Court and those it serves; and

WHEREAS, it is in the interest of veterans and their dependents that the Court be accorded the same appurtenances enjoyed by other appellate courts of the United States; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, shall take such actions as may be necessary or advisable in support of legislation to authorize and fund the construction of a suitable and appropriate courthouse for the United States Court of Appeals for Veterans Claims.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

                  /s/ Michael A. Kerr, Esq.                    
Committee Chairman

                  /s/ Jeremy Baratta                    
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

                  /s/ Armando V. Hernandez                    
Chapter Commander

                  /s/ Mario D. Flores                    
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.

                  Daniel Contreras                  

Daniel Contreras, Department Adjutant



Resolution #:16

Recommended Committee:

Resolutions & Membership

**Title: Expand the Travel Area That Service-Connected Veterans Having a Permanent Disability Rated 100% May Travel from Continental United States to Continental United States and Overseas**

WHEREAS, the 2019 National Defense Authorization Act allows totally disabled service-connected veterans to travel space available aboard military aircraft; and

WHEREAS, the military has interpreted the language in the act to authorize disabled veterans to travel in the continental United States (“CONUS”) or directly between CONUS and Alaska, Hawaii, Puerto Rico, the U.S. Virgin Islands, Guam and American Samoa (Guam and American Samoa travelers may transit Hawaii or Alaska), or traveling within Alaska, Hawaii, Puerto Rico or the U.S. Virgin Islands on flights operated by Air Mobility Command; and

WHEREAS, totally disabled service-connected veterans have sacrificed greatly in terms of their impairments and loss of earning capacity; and

WHEREAS, more than any other living group of Americans, such veterans should be eligible for all benefits and privileges that Congress may provide; and

WHEREAS, such totally disabled veterans should be extended the same privileges as other personnel currently authorized to utilize space-available military air travel; and

WHEREAS, the extension of such travel to totally disabled service-connected veterans would not place any additional burden upon the administration of this program; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, seeks the enactment of legislation that would extend the travel area for space-available travel that service-connected veterans having a permanent disability rated 100% to and from CONUS and overseas.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

/s/ Michael A. Kerr, Esq.  
Committee Chairman

/s/ Jeremy Baratta  
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

/s/ Armando V. Hernandez  
Chapter Commander

/s/ Mario D. Flores  
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.

  
Daniel Contreras, Department Adjutant



Resolution #:17

Recommended Committee:

Resolutions & Membership

**Title: Extend Space-Available Air Travel to Caregivers and Dependents of Eligible Veterans**

WHEREAS, the 2019 National Defense Authorization Act allows totally disabled service-connected veterans to travel space available on military aircraft; and

WHEREAS, this benefit does not include a veteran's caregiver or dependent; and

WHEREAS, active military and retirees are authorized to travel via space-available travel with their dependents; and

WHEREAS, veterans that are eligible are severely disabled and often need the aid or assistance of a caregiver or family member to deal with the rigors of travel; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, supports legislation to authorize air travel for caregivers or dependents traveling with eligible veterans on a space-available basis in order to provide aid or assistance as well as to provide parity with Department of Defense eligibility for military retirees.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

/s/ Michael A. Kerr, Esq.  
Committee Chairman

/s/ Jeremy Baratta  
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

/s/ Armando V. Hernandez  
Chapter Commander

/s/ Mario D. Flores  
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.



Daniel Contreras, Department Adjutant



Resolution #:18

Recommended Committee:

Hospital & Voluntary Services

**Title: SUPPORT NAMING THE VETERANS AFFAIRS MARE ISLAND CLINIC IN VALLEJO, CA AS THE "DELPHINE METCALF-FOSTER VA CLINIC." (H. R. 251)**

WHEREAS, Delphine Metcalf-Foster is a life-long resident of Vallejo, CA, a disabled U.S. Army Reserve Veteran of Operation Desert Storm, a Bronze Star Medal recipient, retired as a First Sergeant (E-8) in 1996, and a life-member of The American Legion, Veterans of Foreign Wars, and Disabled American Veterans; and

WHEREAS, Delphine Metcalf-Foster was the first African-American woman Commander of the Disabled American Veterans Department of California in 2004-2005 and National Commander in 2017-18; and as a past or present member of the VA Advisory Committee on Women Veterans and the VA Research Advisory Committee on Gulf War Veterans' Illnesses, she was very instrumental in the development of more 60 established policies that are currently effective today at Women Veterans Clinics throughout the United States; and she has also testified at House and Senate Veterans Affairs Committee hearings advocating to improve outreach to and services for women and all Veterans; and

WHEREAS, the Department of California Commanders of The American Legion, Veterans of Foreign Wars, and Disabled American Veterans have all written letters to US Representatives Mike Thompson and John Garamendi to support this naming effort; and the California State Commanders Veterans Council which is recognized in state law as the collective voice for California's 23 major veterans service organizations also support this effort via <https://www.voterveice.net/iframes/CSCVC/Campaigns/98358/Respond>.

THEREFORE, BE IT RESOLVED that the Disabled American Veterans hereby urges the US Congress to pass the legislation, H.R.251, to name the Veterans Affairs Mare Island Clinic in Vallejo, CA as the "Delphine Metcalf-Foster VA Clinic."

Adopted by DAV Chapter 21 at the February 25, 2023 Meeting.

\_\_\_\_\_  
Signed by: Chapter Commander, Date

\_\_\_\_\_  
Signed by: Chapter Adjutant, Date

Original Author (Contact Info): Nestor.Aliga@comcast.net 7078530062 Chapter # 21

  
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Daniel Contreras, Department Adjutant



Resolution #:19

Recommended Committee:

Hospital & Voluntary Services

**Title: Require a Veteran's Attending Department of Veterans Affairs Physician to Provide a Medical Opinion with Regard to a Claim for VA Disability Compensation**

WHEREAS, section 5103A, title 38, United States Code, requires the Secretary of Veterans Affairs to assist a veteran by providing a medical examination and opinion when necessary to make a decision on a claim for disability benefits; and

WHEREAS, section 3.159, title 38, Code of Federal Regulations, requires Department of Veterans Affairs (VA) health care providers, under specified circumstances, to provide statements and medical opinions on conditions, employability and degree of disability; and

WHEREAS, Veterans Health Administration ("VHA") policy describes Disability Benefit Questionnaires ("DBQs") as a documentation tool designed for easy use and provides a format for documenting medical evidence that aids Veterans Benefits Administration rating specialists in making decisions on claims; and

WHEREAS, it is also VHA policy that DBQs are intended for use by VHA primary care and specialty care providers, and VHA clinicians who are not disability examiners may complete DBQs; and

WHEREAS, the VA's continued mission is to be a provider of choice for enrolled veterans and delivering to them a comprehensive medical benefits package; and

WHEREAS, through education, training and experience, VA physicians gain special insight into the veterans' experience and specialized knowledge of the diseases and disabilities common to military service; and

WHEREAS, when VA physicians refuse to provide statements or opinions for veteran patients, those denials are inconsistent with the goal of VHA to provide comprehensive care and place a serious burden on veterans who may not be able to afford a private medical opinion; and

WHEREAS, providing medical information for disability evaluations or examinations to support adjudication of claims remains inconsistent, because some local VA facilities' practices resist completing DBQs requested by claimants; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, urges the VA to develop and implement a consistent policy requiring VA health care practitioners to provide medical statements or opinions when requested by veterans in conjunction with claims for VA benefits.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

/s/ Michael A. Kerr, Esq.  
Committee Chairman

/s/ Jeremy Baratta  
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

/s/ Armando V. Hernandez  
Chapter Commander

/s/ Mario D. Flores  
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.

  
Daniel Contreras, Department Adjutant



Resolution #:20

Recommended Committee:

Hospital & Voluntary Services

**Title: Provide Child Care Assistance for Veterans with Dependents Using Veterans Health Administration Services at a VA Facility**

WHEREAS, 38 USC § 1709C, “Assistance for child care for certain veterans receiving health care”, currently calls for the provision of child care for certain Veterans receiving eligible categories of healthcare services;

WHEREAS, Sec. 1709C(b) limits assistance provided for child care to qualified veterans who (1) receive the types of healthcare services described in subsequent subsection (c)(2) at a facility of the Department; and (2) requires travel to and return from such facility for the receipt of such health care services; and

WHEREAS, Sec. 1709C(c) defines a qualified veteran as a veteran who (1) is the primary caretaker of a child or children; and (2)(A) receives from the Department- (i) regular mental health care services; (ii) intensive mental health care services; or (iii) such other intensive health care services that the Secretary determines that provision of assistance to the veteran to obtain child care would improve access to such health care services by the veteran; or (B) is in need of regular or intensive mental health care services from the Department, and but for lack of child care services, would receive such health care services from the Department; and

WHEREAS, the current law significantly limits the categories of Veterans eligible for Child care; and

WHEREAS, Sec. 1709C(c)(1) should be amended so as to include granting child care assistance to all Service-Connected Disabled Veterans regardless of whether they are the primary caretaker of a child or children or the types of medical care they receive; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, supports legislation to amend the definition of “Qualified Veterans” in Title 38 United States Code, Sec. 1709C(c)(2) to permit all Service-Connected Disabled Veterans access to child care assistance for all medical appointments at any Veterans Health Administration facility where a veteran receives medical care for a service-connected medical condition.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

/s/ Michael A. Kerr, Esq.  
Committee Chairman

/s/ Jeremy Baratta  
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

/s/ Armando V. Hernandez  
Chapter Commander

/s/ Mario D. Flores  
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.

  
Daniel Contreras, Department Adjutant



Resolution #:21

Recommended Committee:

Legislation & Veterans Rights

**Title: Supporting a Health Registry and other measures for Veterans subjected to Toxic Exposures at Fort McClellan, Alabama between 1935 and 1999.**

WHEREAS, Fort McClellan. Located in Anniston, Alabama became a United States Army installation in 1917. After World War 11, and until its closing in 1999, Fort McClellan was home to the Army's Chemical Corps and Chemical Weapons School, later known as the Army Chemical Center and School. The school offered (8) eight weeks of training devoted to strictly nuclear, biological, chemical warfare. IN 1953, Fort McClellan secretly conducted Operation Top Hat which used military personnel to test exposure and decontamination methods that included sulfur, mustard, and other nerve agents. In 1962, the U.S. Army Combat Development Command Chemical-Biological - Radiological Agency moved to Fort McClellan. Fort McClellan was also the site of open-air burn pits that were used in staging the Chemical, Biological, Radiological, Nuclear, and High Yield Explosives (CBRNE) tests until 1975. After a short-term relocation in 1973 to Edgewood Arsenal in Maryland, both schools combined and returned to Fort McClellan in 1979 and remained there until its closing in 1999, and

WHEREAS, in a 1998 U.S. Army Environmental Center study, the U.S. Army duly noted the presence of dangerous chemicals and toxic contaminants requiring investigation and cleanup prior to the Fort McClellan property to the public domain: and

WHEREAS, In 2005, The National Academy of Medicine recognized that both the groundwater and soil were contaminated, finding that there were more than 67 different disposal sites at Fort McClellan containing volatile organic compounds (VOC'S), Trichlorethylene(TCE'S): Polychlorinated Biphenyls (PCB's), semi-volatile organic compounds (SVOC's) Pesticides (DDT), Explosives, Heavy Metals(PB), Unexploded Ordinance (UXO), Radioactive isotope sources, and non-stockpiled chemical weapons and materials: and

WHEREAS, The U.S. Department of Veterans Affairs (VA) has duly noted the existence of toxic chemicals used at Fort McClellan and that Potential exposures could have included, but not limited to, are radioactive compounds ( Cesium-137 and Cobalt -60) used in decontamination training activities, chemical warfare agents ( mustard gas, cs or cx tear gas, nerve agents)used in decontamination testing of personnel, friable indoor asbestos pollution inside of barracks buildings which all were required remedial cleanup actions, and a regional PCB decontamination zone in the neighboring town of Anniston, Alabama where Fort McClellan personnel made use of travel stations. And a retail shopping district: and

WHEREAS, While the VA acknowledges the use of toxic chemicals and other potential exposures, the VA does not currently recognize any adverse health conditions associated with military service at Fort McClellan., despite the evidence contradictory that high exposures to high levels of the aforementioned contaminants has been shown to cause a multitude of adverse health effects: and





Resolution #:21

Recommended Committee:

Legislation & Veterans Rights

WHEREAS, The Monsanto Chemical Plant, located south of Fort McClellan in Anniston, Alabama, was instrumental in the development and testing of herbicides and chemicals used during the Vietnam War and settled a \$700 million class action lawsuit brought about by the residents of Anniston, Alabama. The settlement explicitly excluded those individuals who were exposed to toxins, and other chemicals while in military service at Fort McClellan, Alabama.: and

WHEREAS, The Fort McClellan Health Registry Act was first introduced to Congress on June 2<sup>nd</sup>, 2015, but has never passed Congress. This Act would direct VA to create a Registry for military personnel and veterans who served (regardless of length of time) at Fort McClellan, Alabama between January 1<sup>st</sup>, 1935 and May 20<sup>th</sup>, 1999: and who,

1. Applied for care or service from the VA:
2. Files a VA claim for compensation because of any presumptive disability which may be associated with their service at Fort McClellan, Alabama.
3. Dies, or survived by a spouse, child, or parent who files a claim for (DIC) Dependency and indemnity Compensation on the basis of said such service whether it be (AIT) Advanced Individual Training or stationed within the base perimeter:
4. Requests a health exam from any VA facility/clinic. No outside sources are to be used or;
5. Receives a health exam from the VA directly and requests inclusion into the Fort McClellan Health Registry; and

WHEREAS, Comprehensive legislation relating to exposure of toxins in the groundwater (Drinking Water) at Camp Lejeune, North Carolina recently passed Congress with bi-partisan support from the North Carolina Congressional Delegation; and

WHEREAS, On October 1<sup>st</sup>, 2021, the Alabama State Board of Veterans Affairs (SBVA) unanimously passed a detailed resolution urging Alabama legislators to support establishing presumptive service connection for Fort McClellan Veterans; and

WHEREAS, The State Legislature of Alabama ,both House thereof concurring unanimously, passed Act 2022-250 on March 29<sup>th</sup>, 2022, urging Alabama's U.S. Congressional delegation to support federal legislation to study the effects of toxic exposure during military service at Fort McClellan and to direct Secretary of Veterans Affairs to establish and maintain a health registry of veterans stationed at Fort McLellan between 1935 and 1999, whether albeit it a duty station or ( AIT) Advanced Individual Training School and to create a presumptive of service connections of a multitude of disabilities among those particular all- inclusive Fort McClellan veterans; and

WHEREAS, The predecessor bills to the Sergeant First Class Heath Robinson Honoring Our Promises To Address Comprehensive Toxins (PACT ACT) OF 2022, Signed into law by President Biden on August 10<sup>th</sup>,2022 originally contained a provision establishing a health registry for Fort McClellan veterans, but said such provision was removed in an amendment to its final version of the final bill in the heated negotiations before passage of the PACT ACT, the Amendment to the Act instead substituted an epidemiological study of toxic exposures at Fort McClellan by the VA ( in section 801 ) Public Law 117-168; such study to cover the dates of January 1<sup>st</sup>, 1935 to May 20<sup>th</sup>, 1999; and



Resolution #:21

Recommended Committee:

Legislation & Veterans Rights

WHEREAS, An epidemiological study' is an inadequate substitute for addressing the fact that toxic exposures did exist and did occur to all those that were stationed at Fort McClellan and that they should be allowed to seek redress for the diseases and disabilities they incurred thereof, and it will be difficult to do a thorough epidemiological study and find relevant documents related to that exposure; and for VA to produce an adequate ( ILER) 'Individual Longitudinal Exposure Record" that will enable the VA to address presumptive conditions and disability compensation.

NOW, THEREFORE BE IT RESOLVED; THAT THE Disabled American Veterans do hereby beseech Congress to enact legislation to reinstate Assembly bill (section 801) Public Law Bill 117-168 in relation to Fort McClellan Toxic Exposure Compensation and for the VA and Congress to take affirmative action to address toxic exposures for all those who lived or were stationed at Fort McClellan between 1935 and 1999, including but not limited to establishment and maintenance of a VA Health Registry of those impacted Fort McClellan Veterans, and establishment of presumptive of service connection of certain diseases and disabilities among veterans and that in a manner is commensurate with the legislative measure already taken by Congress regarding in the same manner thereof of Camp Lejeune, North Carolina veterans.

SINCERELY SUBMITTED AND ADOPTED BY:  
DISABLED AMERICAN VETERANS  
Chico Chapter 125  
MARCH 9<sup>TH</sup>, 2023.

CMDR. Mike Zylstra  
Adjutant Shane O'NEAL

Daniel Contreras, Department Adjutant



Resolution #:22

Recommended Committee:

Legislation & Veterans Rights

**Title: REPEAL THE RESCISSION ACT OF 1946**

WHEREAS, from July 26, 1941 to December 31, 1946, Filipino US Army soldiers and guerrillas fought and defended a sovereign territory of the United States, as part of the U.S. Armed Forces in the Far East and defeated the Japanese Imperial Forces in Oct 1944 and liberated the Philippines in August 1945; and

WHEREAS, the Rescission Act of 1946 provided that “service in the Commonwealth Army of the Philippines should not be deemed to have been service in the military or naval forces of the United States,” therefore, post-WWII benefits for Filipino Veterans of the U.S. Army were no longer the problem of the U.S. government; and

WHEREAS, in 1998, US Representative Nancy Pelosi stated, “I consider the Rescission Act of 1946 to be a scar on the historical record of the United States,” and this injustice to Filipino WWII veterans remains a dark chapter in U.S. history for as long as the 1946 Rescission Act remains in the books.

THEREFORE, BE IT RESOLVED that the Disabled American Veterans hereby urges the US Congress to act and repeal the Rescission Act of 1946 in order to correct the injustice that these Veterans have suffered and to heal the indignation and sorrow they have endured.

Adopted by DAV Chapter 21 at the February 25, 2023 Meeting.

\_\_\_\_\_  
Signed by: Chapter Commander, Date

\_\_\_\_\_  
Signed by: Chapter Adjutant, Date

Original Author (Contact Info): Nestor.Aliga@comcast.net 7078530062 Chapter # 21

  
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Daniel Contreras, Department Adjutant



Resolution #:23

Recommended Committee:

Legislation & Veterans Rights

**Title: EXONERATE THE “PORT CHICAGO FIFTY” AND “PHILADELPHIA FIFTEEN”**

WHEREAS, US Navy sailors were unjustly punished in the 1940s because they were Black, at a time when institutional racism was worse, segregation was the norm, and Blacks were disproportionately disciplined for infractions that arguably did not rise to the severity of their treatment or their punishment; and

WHEREAS, the two famous courts-martial of Black sailors were the “Port Chicago Fifty” for protesting unsafe ammunition handling practices after the deaths of 320 servicemen and the “Philadelphia Fifteen” for writing a letter to a newspaper describing shipboard abuse and discrimination; and

WHEREAS, the Secretary of the Navy can sign a document that clears the Port Chicago Fifty and Philadelphia Fifteen, under authority granted by title 10 USC 1552, wherein the Secretary can “remove an injustice” from the record of a United States Navy sailor.

THEREFORE, BE IT RESOLVED that the Disabled American Veterans hereby urges the Secretary of the Navy to sign a document to remove an injustice and to collaborate with the US Congress to exonerate these Sailors and upgrade their discharges to honorable.

Adopted by DAV Chapter 21 at the February 25, 2023 Meeting.

\_\_\_\_\_  
Signed by: Chapter Commander, Date

\_\_\_\_\_  
Signed by: Chapter Adjutant, Date

Original Author (Contact Info): Nestor.Aliga@comcast.net 7078530062 Chapter # 21

  
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Daniel Contreras, Department Adjutant



Resolution #:24

Recommended Committee:

Legislation & Veterans Rights

**Title: Oppose Any Recommendation by Any Commission or Other Source to Reduce or Eliminate Benefits for Disabled Veterans**

WHEREAS, American citizens owe their freedoms and way of life to disabled veterans who made extraordinary personal sacrifices and who suffer lifelong disabilities as a consequence; and

WHEREAS, those who serve in our armed forces stand ready to endure any hardships and to be exposed to any hazards on behalf of their country and our citizens; and

WHEREAS, our government did not hesitate in asking them to give life or limb if necessary; and

WHEREAS, our elected officials surely should not renege on our reciprocal obligation when our disabled veterans ask for so comparatively little in return; and

WHEREAS, we, as a nation, owe no more important indebtedness nor greater moral obligation than the indebtedness and obligation we have to disabled veterans; and

WHEREAS, some elected officials nonetheless prefer to minimize or ignore the suffering of disabled veterans, despite this debt and this national responsibility; and

WHEREAS, any effort on the part of legislators to find ways to avoid compensating disabled veterans, especially in time of war, is unconscionable; and

WHEREAS, honorable and great nations of conscience do not abandon their wounded, injured or ill wartime veterans; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, reminds our elected officials of our undebatable responsibility to fairly and fully compensate veterans for all the effects of disabilities incurred or aggravated in the line of duty as provided for in the equitable standards of current law and regulations; AND

BE IT FURTHER RESOLVED that DAV vigorously opposes any recommendations made for the purpose of reducing, adding limitations on or eliminating benefits for service-connected disabled veterans and their families.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

/s/ Michael A. Kerr, Esq.  
Committee Chairman

/s/ Jeremy Baratta  
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

/s/ Armando V. Hernandez  
Chapter Commander

/s/ Mario D. Flores  
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.

  
\_\_\_\_\_  
Daniel Contreras, Department Adjutant



Resolution #:25

Recommended Committee:

Legislation & Veterans Rights

**Title: Oppose Reduction, Taxation or Elimination of Veterans Benefits**

WHEREAS, veterans' benefits are earned benefits paid to veterans and their families for their service to the nation; and WHEREAS, veterans' benefits are part of a covenant between our nation and its defenders; and WHEREAS, certain government leaders have continued to attack veterans benefits in an attempt to tax those benefits, reduce them or eliminate them completely; and

WHEREAS, these attacks recur with regularity and serious intent; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, vigorously opposes reduction, taxation or elimination of veteran's benefits.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

                  /s/ Michael A. Kerr, Esq.                    
Committee Chairman

                  /s/ Jeremy Baratta                    
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

                  /s/ Armando V. Hernandez                    
Chapter Commander

                  /s/ Mario D. Flores                    
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.

                  Daniel Contreras                  

Daniel Contreras, Department Adjutant



Resolution #:26

Recommended Committee:

Legislation & Veterans Rights

**Title: Support Legislation Providing That Special Separation Benefit Payments Not Be Withheld from Department of Veterans Affairs Disability Compensation Payments**

WHEREAS, as a result of the downsizing of our military forces, many career military personnel have left service prior to becoming eligible for longevity retirement pay; and

WHEREAS, these individuals are entitled to separation pay; and

WHEREAS, many of these individuals also become eligible for Department of Veterans Affairs (VA) disability compensation; and

WHEREAS, a VA General Counsel opinion held that any funds received as a result of the Special Separation Benefit (“SSB”) must be recouped from any VA disability compensation payment; and

WHEREAS, SSB payments are in no way related to a disability; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, supports legislation to clarify that SSB payments are not disability payments and therefore should not be recouped from VA disability compensation payments.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

                  /s/ Michael A. Kerr, Esq.                    
Committee Chairman

                  /s/ Jeremy Baratta                    
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

                  /s/ Armando V. Hernandez                    
Chapter Commander

                  /s/ Mario D. Flores                    
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.

                  Daniel Contreras                  

Daniel Contreras, Department Adjutant



Resolution #:27

Recommended Committee:

Legislation & Veterans Rights

**Title: Support Legislation to Streamline and Improve the Requirements and Processing of Specially Adapted Housing Grants and the Special Housing Adaptation Grants**

WHEREAS, the Specially Adapted Housing (“SAH”) grant and the Special Housing Adaptation (“SHA”) grant have eligibility requirements, benefits and limitations that are very specific and distinct from each other, which can cause confusion among veterans and Department of Veterans Affairs (“VA”) adjudicators; and

WHEREAS, once eligibility has been established by the VA, the remaining grant processes have numerous requirements, which can be cumbersome and lengthy, that include feasibility studies, minimum property requirements, and the veteran finding three separate contractors to solicit bids and then approval by the VA, all of this even before construction begins; and

WHEREAS, while the required SAH modifications must be compliant with both local municipalities’ building codes and the VA’s own code, there must be a balanced focus on the immediate needs of the veteran; and

WHEREAS, contractors often decline to participate in these projects, as the VA has not completely digitized its payment processes, thus contractors may wait months before payment, all while increasing the processing time; and

WHEREAS, these often-lengthy processes become of great concern for veterans with severely restricting disabilities or terminal illnesses, as veterans with amyotrophic lateral sclerosis (“ALS”) and other terminal illnesses often do not survive long enough to benefit from the improvements that an SAH grant could afford them; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, supports legislation to streamline the SAH and SHA eligibility requirements, improve the length of processing time, digitize VA payments, and expedite all applicants with ALS and other terminal illnesses.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

/s/ Michael A. Kerr, Esq.  
Committee Chairman

/s/ Jeremy Baratta  
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

/s/ Armando V. Hernandez  
Chapter Commander

/s/ Mario D. Flores  
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.



Daniel Contreras, Department Adjutant





Resolution #:28

Recommended Committee:

Legislation & Veterans Rights

**Title: Support Legislation to Remove the Prohibition Against DAV Members Who Are Federal Employees from Communicating on Behalf of DAV With Federal Agencies**

WHEREAS, in order to support DAV's mission to provide assistance to service-connected disabled veterans, it often requires DAV members to communicate on behalf of DAV with federal agencies, including the Department of Veterans Affairs; and

WHEREAS, DAV members who are federal employees are subject to federal ethics representational and communication prohibitions, including section 205, title 10, United States Code. Section 205 provides representational and communication prohibitions that any federal employee is barred from acting as agent of any organization other than the federal government when communicating with federal agencies; and

WHEREAS, the Office of Government Ethics ("OGE") is responsible for ethics policy in the federal government; and

WHEREAS, OGE has recognized that section 205 bars many reasonable communications by federal employees acting in their personal capacity with federal agencies, even when assisting charitable and service organizations; and

WHEREAS, OGE has recommended changes to section 205, but the changes have not been enacted; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, supports a legislative amendment to section 205 to establish a statutory exception to the representational and communication prohibitions for the benefit of congressionally chartered veterans service organizations, including DAV.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

/s/ Michael A. Kerr, Esq.  
Committee Chairman

/s/ Jeremy Baratta  
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

/s/ Armando V. Hernandez  
Chapter Commander

/s/ Mario D. Flores  
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.



Daniel Contreras, Department Adjutant



Resolution #:29

Recommended Committee:

Legislation & Veterans Rights

**Title: Oppose Long-Term Rounding Down of Cost-of-Living Adjustments in Veterans Benefits**

WHEREAS, to maintain the worth of veteran's benefits, they must be adjusted to keep pace with the rise in the cost of living; and

WHEREAS, long-term rounding down of adjusted rates to the next lower dollar amount erodes the value of these benefits over time and thus does not keep pace with the rise in the cost of living; and

WHEREAS, the rounding down of veterans' cost-of-living adjustments ("COLA") unfairly targets disabled veterans, their dependents and survivors for cost savings to the government; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, opposes long-term rounding down COLAs for veterans' disability compensation and compensation to their dependents and survivors.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

/s/ Michael A. Kerr, Esq.  
Committee Chairman

/s/ Jeremy Baratta  
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

/s/ Armando V. Hernandez  
Chapter Commander

/s/ Mario D. Flores  
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.



Daniel Contreras, Department Adjutant



Resolution #:30

Recommended Committee:

Legislation & Veterans Rights

**Title: Support Legislation That Would Exempt the Benefits Paid to Wartime Service-Connected Disabled Veterans from the “PAYGO/CUTGO” Provisions of the Budget Enforcement Act**

WHEREAS, wartime disabled veterans have earned the benefits and services they and their dependents and survivors receive from the Department of Veterans Affairs (“VA”) as a result of the injuries sustained during wartime service as a result of their service-connected disabilities is an extension of the cost of war; and

WHEREAS, this country has a moral obligation to continue to care for these citizen soldiers who have risen in defense and support of the ideals of this great nation and who have returned to civilian life with service-connected disabilities; and

WHEREAS, the benefits and services provided to America’s veterans, dependents and survivors have not caused this nation’s deficit problems; and

WHEREAS, the so-called “PAYGO/CUTGO” provisions of the Budget Enforcement Act require any new benefits or services to be paid out of existing benefits or programs, in effect, requiring one group of disabled veterans to give up a benefit or service so that another worthy group of wartime disabled veterans can receive benefits or services to which they are entitled; and

WHEREAS, the adoption of budget caps and sequestration have often limited the ability of congressional appropriations committees to fully fund all veterans’ programs, services and benefits; and

WHEREAS, veterans suffering from ailments associated with their service in the military are compensated from funds generated by cutting the benefits of other service-connected veterans and their survivors; and

WHEREAS, the benefits and services provided to wartime-disabled veterans are unique and not a gratuitous benefit; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, supports legislation to exempt VA benefits and services provided to service-connected disabled veterans, their dependents and survivors from the PAYGO/CUTGO provisions of the Budget Enforcement Act as well as from any budget caps or sequestration legislation.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

\_\_\_\_\_/s/ Michael A. Kerr, Esq.  
Committee Chairman

\_\_\_\_\_/s/ Jeremy Baratta  
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

\_\_\_\_\_/s/ Armando V. Hernandez  
Chapter Commander

\_\_\_\_\_/s/ Mario D. Flores  
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.

  
\_\_\_\_\_  
Daniel Contreras, Department Adjutant



Resolution #:31

Recommended Committee:

Legislation & Veterans Rights

**Title: Oppose Any Proposal That Would Reduce Payments of Department of Veterans Affairs Disability Compensation by Payments of Social Security Insurance, Social Security Disability Insurance or Any Other Federal Benefit Paid to a Veteran**

WHEREAS, consideration has been given to offsetting Social Security Insurance (“SSI”) and Social Security Disability Insurance (“SSDI”) benefits from any other federal benefit; and

WHEREAS, the adoption of such a measure would reduce the overall income provided to veterans who have a compensable service-connected disability; and

WHEREAS, such an offset creates undue hardship on totally disabled service-connected veterans and their families by drastically reducing their total income; and

WHEREAS, benefits received from the Department of Veterans Affairs (VA) or under military retirement pay and other federal programs have differing eligibility criteria compared with eligibility for SSI or SSDI benefits; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, opposes any measure that proposes to offset the payment of any other federal benefit or earned benefit entitlement from VA compensation payments made to service-connected disabled veterans.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

                  /s/ Michael A. Kerr, Esq.                    
Committee Chairman

                  /s/ Jeremy Baratta                    
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

                  /s/ Armando V. Hernandez                    
Chapter Commander

                  /s/ Mario D. Flores                    
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.

                  Daniel Contreras                  

Daniel Contreras, Department Adjutant



Resolution #:32

Recommended Committee:

Legislation & Veterans Rights

**Title: Consider Treatment for a Presumptive Service-Connected Condition as a Claim for Department of Veterans Affairs Compensation**

WHEREAS, many service members have suffered from diseases that are recognized to be presumptive; and

WHEREAS, veterans suffering from diseases that include many types of cancer as well as diabetes and other chronic diseases may not be aware that they may be eligible for service connection, even if they are being treated in a Department of Veterans Affairs (“VA”) facility; and

WHEREAS, many VA medical facilities are not currently staffed or equipped to provide appropriate counseling to veterans or their families on how to file a claim for service-connected benefits; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, urges Congress to enact legislation requiring that treatment by the VA for a condition or disease recognized as presumptively service-connected will be considered to be Intent to File for service connection for compensation purposes.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

                  /s/ Michael A. Kerr, Esq.                    
Committee Chairman

                  /s/ Jeremy Baratta                    
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

                  /s/ Armando V. Hernandez                    
Chapter Commander

                  /s/ Mario D. Flores                    
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.

                  Daniel Contreras                  

Daniel Contreras, Department Adjutant



Resolution #:33

Recommended Committee:

Legislation & Veterans Rights

**Title: Support Legislation to Allow All Veterans to Recover Taxes on Disability Severance Pay**

WHEREAS, certain funds received by military service members determined to be unfit for duty as a result of personal injury or disability are not taxable; and

WHEREAS, the Internal Revenue Service (“IRS”) continues to tax military disability severance pay as regular income; and WHEREAS, a United States District Court held that such military disability severance pay is nontaxable income; and WHEREAS, the IRS has subsequently acquiesced to the District Court holding; and WHEREAS, a three-year statute of limitation prevents individuals who have been discharged for more than three years from recovering the taxed funds taken by the IRS; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, strongly supports legislation that would allow all veterans to recover taxes from their disability severance pay.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

                  /s/ Michael A. Kerr, Esq.                    
Committee Chairman

                  /s/ Jeremy Baratta                    
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

                  /s/ Armando V. Hernandez                    
Chapter Commander

                  /s/ Mario D. Flores                    
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.

                  Daniel Contreras                  

Daniel Contreras, Department Adjutant



Resolution #:34

Recommended Committee:

Legislation & Veterans Rights

**Title: Support Legislation to Provide for Realistic Cost-of-Living Allowances**

WHEREAS, the Department of Labor provides statistical information and analysis that impacts the annual cost-of-living adjustment (“COLA”) for disabled veterans, military retirees and Social Security recipients; and

WHEREAS, the calculations regarding COLAs are the domain of the Social Security Administration, using a formula that has been directly linked to the Consumer Price Index (“CPI”) since 1975, prescribed by law when calculating any COLA increase; and

WHEREAS, in general, a COLA is equal to the percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers from the third quarter of one year to the third quarter of the next, and if there is no increase, there is no COLA; and

WHEREAS, the formula that derives the level of increase is tied to the United States economy on a very broad basis; stagnant economic activity does not mean disabled veterans’ cost of living is flat or reduced; in fact, as they age and suffer from associated illnesses of aging, their costs increase; and

WHEREAS, it is unfair that disabled veterans are denied necessary increases in disability payments due to a formula that actually has little to do with the costs they bear; and

WHEREAS, there have been recent attempts to adjust the COLA downward in various methods such as “Chained CPI”; and

WHEREAS, disabled veterans’ disability compensation has not kept pace with the rest of the economy; even in years when there were COLA payments, disability benefits lagged; and

WHEREAS, many disabled veterans and their survivors are on fixed incomes and rely on COLAs to keep pace with their current living expenses; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, supports legislation to provide a realistic cost-of-living allowance for our nation’s disabled veterans, their dependents and survivors.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

/s/ Michael A. Kerr, Esq.  
Committee Chairman

/s/ Jeremy Baratta  
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

/s/ Armando V. Hernandez  
Chapter Commander

/s/ Mario D. Flores  
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.

  
\_\_\_\_\_  
Daniel Contreras, Department Adjutant



Resolution #:35

Recommended Committee:

Legislation & Veterans Rights

**Title: Support Legislation to Exclude Veterans Disability Compensation from Countable Income for Purposes of Eligibility for Benefits and Services from Other Government Programs**

WHEREAS, by virtue of their service and sacrifices, disabled veterans deserve special benefits that are separate and in addition to benefits the government provides to other citizens; and

WHEREAS, compensation for the effects of service-connected disabilities is counted as income in determinations of eligibility for other government benefits and programs, such as low-income housing through the Department of Housing and Urban Development; and

WHEREAS, the value of compensation is negated and its purposes are defeated when a veteran's receipt of compensation is used to reduce or deny entitlement to government benefits or services available to other citizens; and

WHEREAS, when a veteran's compensation is offset against other entitlements, it is in effect deducted from eligibility for services generally available to citizens who did not serve, and thus the veteran receives nothing for his or her disability and is thus not compensated; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, seeks legislation to exclude veterans' disability compensation from countable income for purposes of eligibility for benefits or services under other government programs.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

                  /s/ Michael A. Kerr, Esq.                    
Committee Chairman

                  /s/ Jeremy Baratta                    
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

                  /s/ Armando V. Hernandez                    
Chapter Commander

                  /s/ Mario D. Flores                    
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.



Daniel Contreras, Department Adjutant





Resolution #:36

Recommended Committee:

Legislation & Veterans Rights

**Title: Oppose the Imposition of Time Limits for Filing Compensation Claims**

WHEREAS, some veterans suffer lifelong impairments from disabilities incurred in connection with military service; and WHEREAS, disability compensation is a benefit available to veterans at any time they choose to claim it; and

WHEREAS, veterans who, for whatever reason, do not initially desire to claim and receive compensation should not forfeit the right to claim and receive it at some later time; and

WHEREAS, the Veterans' Claims Adjudication Commission, created by Congress to study the Department of Veterans Affairs (VA) claims processing system, suggested a time limit for filing compensation claims as a way to reduce the VA's workload; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, opposes any change in law to limit the time for filing compensation claims.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

                  /s/ Michael A. Kerr, Esq.                    
Committee Chairman

                  /s/ Jeremy Baratta                    
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

                  /s/ Armando V. Hernandez                    
Chapter Commander

                  /s/ Mario D. Flores                    
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.

                  Daniel Contreras                  

Daniel Contreras, Department Adjutant



Resolution #:37

Recommended Committee:

Legislation & Veterans Rights

**Title: Amend Provisions Regarding Eligibility for Automobile Adaptive Equipment to Include Any Veteran Whose Service-Connected Disability Inhibits the Ability to Safely Operate a Motor Vehicle**

WHEREAS, Section 3902, Title 38, United States Code, and section 17.119(a), Title 38, Code of Federal Regulations, restrict the eligibility for adaptive automobile equipment to those veterans who qualify for the automobile grant as specified in section 3901, title 38, USC; and

WHEREAS, not all veterans whose service-connected disabilities prohibit the safe operation of a motor vehicle meet the requirements of section 3901, Title 38 of the United States Code; and

WHEREAS, these service-connected disabled veterans should be provided the adaptive equipment necessary to safely operate a motor vehicle; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, supports the enactment of legislation that would authorize the Department of Veterans Affairs to provide or assist in providing the adaptive equipment deemed necessary to any veteran whose service-connected disability interferes with the safe operation of a motor vehicle.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

/s/ Michael A. Kerr, Esq.  
Committee Chairman

/s/ Jeremy Baratta  
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

/s/ Armando V. Hernandez  
Chapter Commander

/s/ Mario D. Flores  
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.



Daniel Contreras, Department Adjutant



Resolution #:38

Recommended Committee:

Legislation & Veterans Rights

**Title: Support Legislation Authorizing the Presumption of Service Connection for All Radiogenic Diseases and Eliminate Dose Estimate Requirements**

WHEREAS, members of the United States armed forces participated in test detonations of nuclear devices; served in Hiroshima or Nagasaki, Japan, following the detonation of nuclear weapons, including “cleanup” operations at test sites; and have conducted other activities exposing them to ionizing radiation; and

WHEREAS, the United States government knew or should have known the potential harm to the health and well-being of these service members but did not consistently keep adequate records on radiation exposure; and

WHEREAS, those described as “atomic veterans” served our nation with honor, courage and devotion to duty; and

WHEREAS, remedial legislation passed by Congress in 1984 has not been effective in ensuring that all atomic veterans are compensated for their radiogenic diseases; and

WHEREAS, the Department of Veterans Affairs (“VA”) has indicated only about 50 claimants have been awarded disability compensation and Dependency and Indemnity Compensation pursuant to Public Law 98-542, the Veterans’ Dioxin and Radiation Exposure Compensation Standards Act; and

WHEREAS, section 3.311, title 38, Code of Federal Regulations, requires dose estimate exposure levels for claims based on radiation and is a higher standard than for other disabilities associated with exposure, such as claims based on herbicide exposure during the Vietnam War; and

WHEREAS, the government has spent tens of millions of dollars to provide dose reconstruction estimates that do not accurately reflect actual radiation dose exposure of these veterans; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, calls on Congress to enact legislation to provide presumptive service connection to atomic veterans for all recognized radiogenic diseases; AND

BE IT FURTHER RESOLVED that any veteran involved in cleanup operations following a detonation of a nuclear device hereinafter be considered an atomic veteran for purposes of eligibility for benefits and services provided by the VA; AND

BE IT FURTHER RESOLVED that DAV calls on Congress to support the elimination of dose exposure estimates required for diseases presumptive to ionizing radiation exposure and presume exposure to ionizing radiation for any radiation-exposed veteran with proof of radiation risk activities, to include atmospheric and underwater detonations.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

/s/ Michael A. Kerr, Esq.  
Committee Chairman

/s/ Jeremy Baratta  
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

/s/ Armando V. Hernandez  
Chapter Commander

/s/ Mario D. Flores  
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.

  
Daniel Contreras, Department Adjutant



Resolution #:39

Recommended Committee:

Legislation & Veterans Rights

**Title: Support an Increase in the Department of Veterans Affairs Burial Allowance for Service-Connected Veterans and Provide Automatic Annual Adjustments**

WHEREAS, the National Cemetery Administration burial allowance provides partial reimbursement for eligible funeral and burial costs, with a maximum payment of \$2,000 for service-connected burial allowance, \$300 for non-service-connected burial allowance and \$749 for non-service-connected plot allowance; and

WHEREAS, passage of Public Law 111-275, the Veterans' Benefits Act of 2010, resulted in an increase in both plot allowance and burial allowance from \$300 to \$749 for non-service-connected deaths in Department of Veterans Affairs (VA) facilities, effective October 1, 2011; and

WHEREAS, this law did not increase the \$2,000 for burial and funeral expenses for service-connected deaths outside of VA facilities, nor is it indexed to the Consumer Price Index for annual adjustments; and

WHEREAS, the plot allowance introduced in 1973 was an attempt to provide a plot benefit for veterans who did not have reasonable access to a national cemetery, but neither the plot allowance nor the burial allowance was intended to cover the full cost of a civilian burial in a private cemetery; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, supports legislation to increase the burial allowance payable in the case of death due to service-connected disability regardless of whether the death occurs in a VA facility and provide for automatic annual adjustments indexed to the rise in the cost of living.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

                  /s/ Michael A. Kerr, Esq.                    
Committee Chairman

                  /s/ Jeremy Baratta                    
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

                  /s/ Armando V. Hernandez                    
Chapter Commander

                  /s/ Mario D. Flores                    
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.

                  Daniel Contreras                  

Daniel Contreras, Department Adjutant



Resolution #:40

Recommended Committee:

Legislation & Veterans Rights

**Title: Support Legislation to Provide a Realistic Increase in Department of Veterans Affairs Compensation Rates to Address Loss of Quality of Life**

WHEREAS, the Veterans' Disability Benefits Commission ("Commission") was established by Public Law 108-136, the National Defense Authorization Act of 2004, to address several measures, one of which was loss of quality of life; and

WHEREAS, current law requires that the Department of Veterans Affairs (VA) rating schedule compensate service-disabled veterans for average impairment of earning capacity; and

WHEREAS, the Commission concluded early in its deliberations that VA disability compensation should recompense veterans not only for average impairments of earning capacity but also for their inability to participate in usual life activities and for the impact of their disabilities on quality of life; and

WHEREAS, the Institute of Medicine (now the National Academy of Medicine) reached the same conclusion; moreover, it made extensive recommendations on steps to develop and implement a methodology to evaluate the impact of disabilities on veterans' quality of life and to provide appropriate compensation; and

WHEREAS, the Commission concluded that the VA rating schedule should be revised to include compensation for the impact of service-connected disabilities on quality of life; and

WHEREAS, for some veterans, quality of life is addressed in a limited fashion by special monthly compensation for loss of limbs or loss of use of limbs; and

WHEREAS, the Commission urged Congress to consider increases in some special monthly compensation awards to address the profound impact of certain disabilities on quality of life and to assess whether other ancillary benefits might be appropriate; and

WHEREAS, while a recommended systematic methodology is being developed for evaluating and compensating for the impact of disability on quality of life, the Commission recommended that an immediate interim increase of up to 25% of compensation rates be enacted; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, supports the enactment of legislation to provide a realistic increase in VA compensation rates to address loss of quality of life.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

/s/ Michael A. Kerr, Esq.  
Committee Chairman

/s/ Jeremy Baratta  
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

/s/ Armando V. Hernandez  
Chapter Commander

/s/ Mario D. Flores  
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.

  
Daniel Contreras  
Daniel Contreras, Department Adjutant



Resolution #:41

Recommended Committee:

Legislation & Veterans Rights

**Title: Support Legislation to Clarify and Expand Entitlement to Dependents' Educational Assistance Under Chapter 35 for Children of a Two-Veteran Household**

WHEREAS, current law and regulations allow for the child of a veteran permanently and totally disabled ("P&T") due to service-connected conditions to receive Dependents' Educational Assistance ("DEA") under chapter 35; and

WHEREAS, upon establishing DEA benefits, the veteran is no longer allowed to claim that adult child attending school as a dependent on their compensation claim; and

WHEREAS, this limitation is carried forward to both veteran parents, despite the fact that the child receiving chapter 35 benefits only under the P&T parent's entitlement; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, supports legislation to clarify and expand the law and regulations to allow for continued dependency claim for the veteran parent who is not the P&T party upon which DEA benefits are being claimed.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

                  /s/ Michael A. Kerr, Esq.                    
Committee Chairman

                  /s/ Jeremy Baratta                    
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

                  /s/ Armando V. Hernandez                    
Chapter Commander

                  /s/ Mario D. Flores                    
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.

*Daniel Contreras*

Daniel Contreras, Department Adjutant



Resolution #:42

Recommended Committee:

Legislation & Veterans Rights

**Title: Support Legislation to Allow Expanded Entitlement to Dependents' Educational Assistance Under Chapter 35 for Children of a Two-Veteran Household Where Both Parents Are Shown with Permanently and Totally Disabled Status Due to Service-Connected Conditions**

WHEREAS, current law and regulations allow for the child of a permanently and totally disabled ("P&T") veteran to receive Dependents' Educational Assistance ("DEA") under chapter 35; and

WHEREAS, every P&T veteran achieved such a rating based on his or her own personal military service and service-incurred disabilities; and

WHEREAS, the Department of Veterans Affairs (VA) does not allow the child of two parents who are permanently and totally disabled due to service-connected conditions to receive chapter 35 benefits based on the separate entitlement of each P&T parent; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, supports legislation to require the VA to afford the child of two parents who are permanently and totally disabled due to service-connected conditions separate chapter 35 benefits under each P&T parent.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

/s/ Michael A. Kerr, Esq.  
Committee Chairman

/s/ Jeremy Baratta  
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

/s/ Armando V. Hernandez  
Chapter Commander

/s/ Mario D. Flores  
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.



Daniel Contreras, Department Adjutant



Resolution #:43

Recommended Committee:

Legislation & Veterans Rights

**Title: Support Legislation to Allow a Veteran Permanently and Totally Disabled Due to Service-Connected Conditions to Continue to Receive Dependents Compensation for Their Adult Child Attending School While That Child Is in Receipt of Dependents' Educational Assistance Under Chapter 35**

WHEREAS, veterans are able to claim their adult child attending school as a dependent while that child continues to attend school; and

WHEREAS, current law and regulations mandate that once a child establishes entitlement to Dependents' Educational Assistance ("DEA") benefits, the veteran-parent is forbidden from claiming that child as a dependent on his or her for the purpose of VA disability compensation; and

WHEREAS, the veteran-parent is not directly involved in the child's claim other than having established permanent and total disability ("P&T") status where the child, usually with the assistance of a veteran counselor at the school, files their own claim; and

WHEREAS, the Department of Veterans Affairs does not share the claim information of the adult child attending school with the parent veteran because an individual over the age of 18 is considered to be capable of handling their own matters and it would be a privacy violation to inform the parent veteran of the child's claim status; and

WHEREAS, the parent veteran is frequently charged with overpayment for having received the dependency compensation while the child is also receiving DEA; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, supports legislation to allow for a P&T veteran to continue to claim their adult child attending school as a dependent while that child is separately in receipt of DEA under chapter 35.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

/s/ Michael A. Kerr, Esq.  
Committee Chairman

/s/ Jeremy Baratta  
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

/s/ Armando V. Hernandez  
Chapter Commander

/s/ Mario D. Flores  
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.



Daniel Contreras, Department Adjutant





Resolution #:44

Recommended Committee:

Legislation & Veterans Rights

**Title: Support Legislation to Grant the President, Vice President and Members of Congress the Privilege to Use the Veterans Health Care System and to Receive Their Care Exclusively from the Department of Veterans Affairs**

WHEREAS, even though veterans' health care is funded through an advance appropriation, it is still at the discretion of Congress to provide the level of funding necessary for the veterans' health care system to meet the medical care needs of ill and injured veterans; and

WHEREAS, despite the increases in funding for the Department of Veterans Affairs (VA) health care system over the past decade, veterans often have difficulty accessing the care they need in a timely manner; and

WHEREAS, the VA is recognized as the best health care system in the United States and for providing high-quality health care services; and

WHEREAS, by using the VA health care system, the President, Vice President and members of Congress would be in a better position to judge the resource needs of the VA to enable it to provide timely, high-quality health care to our nation's veterans; and

WHEREAS, similar to the members of the military, the President, Vice President and most members of Congress are required to spend a significant amount of time away from their homes, families and friends while Congress is in session; and

WHEREAS, because of the patriotism, devotion and sacrifices of our President, Vice President and members of Congress, ours is the freest nation on earth, where our citizens enjoy unequalled rights, privileges and prosperity; and

WHEREAS, the President, Vice President and members of Congress should therefore be granted the privilege of using the VA health care system for their health care needs; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, supports legislation to grant the President, Vice President and members of Congress the privilege to use the veterans' health care system and to receive their care exclusively from the VA.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

/s/ Michael A. Kerr, Esq.  
Committee Chairman

/s/ Jeremy Baratta  
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

/s/ Armando V. Hernandez  
Chapter Commander

/s/ Mario D. Flores  
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.

  
Daniel Contreras, Department Adjutant





Resolution #:46

Recommended Committee:

Legislation & Veterans Rights

**Title: Repeal Beneficiary Travel Deductible for Service-Connected Disabled Veterans, and Increase Reimbursement Rates**

WHEREAS, the Secretary of the Department of Veterans Affairs (“VA”) is authorized under section 111 (g)(1), title 38, United States Code, to reimburse transportation expenses for certain service-connected veterans for VA-authorized examination, medical treatment or care; and

WHEREAS, Public Law 110–387 required the VA to permanently reduce to \$3.00 the applicable deductible, but service-connected disabled veterans are still subject to the deduction from the amount otherwise payable for each one-way trip unless the Secretary determines in an individual case that such deductible would cause severe financial hardship; and

WHEREAS, veterans currently receive a flat rate of 41.5 cents per mile for all transportation, effective November 17, 2008; and

WHEREAS, service-connected disabled veterans eligible for beneficiary transportation reimbursements should not be required to help defray the cost of travel, in the form of a deductible, to and from a VA medical facility for medical examination or health care treatment; and

WHEREAS, it is grossly unfair for the VA Secretary to impose the deductible upon service-connected disabled veterans seeking treatment for service-connected conditions and service-connected veterans rated 30% or more when traveling in connection with any disability; and

WHEREAS, adequate travel expense reimbursement is directly tied to access to care for veterans, and is not a luxury; and

WHEREAS, the VA, in consultation with the Administrator of General Services, the Secretary of Transportation, the Comptroller of the United States and representatives of veteran’s service organizations, is required to conduct periodic investigations on the actual cost of travel incurred by veterans traveling to and from VA facilities for covered purposes; and

WHEREAS, after analyzing and adopting the findings of an Internal Revenue Service (IRS) report on operating costs for a privately owned automobile, the General Services Administration (GSA) determined that the per-mile operating costs for the official use of a privately owned vehicle by a federal employee as of July 1, 2022, is 62.5 cents per mile; and

WHEREAS, the VA continues to maintain that increasing veterans’ beneficiary travel reimbursement rate to a rate more comparable to the GSA-approved rate would result in a reduction of funds available for direct medical care to our nation’s veterans, and service-connected veterans should not shoulder the burden of receiving either medical care or adequate beneficiary travel payments; and



Resolution #:46

Recommended Committee:

Legislation & Veterans Rights

WHEREAS, when rates do not cover the cost of travel, veterans without resources are likely to delay health care access until their needs may become critical, resulting in higher health care costs and poorer health outcomes; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, supports legislation to repeal the Secretary's authority to impose a deductible for service-connected disabled veterans from the amount payable for beneficiary travel pay for medical examination, treatment or care; AND BE IT FURTHER RESOLVED that DAV urges the VA to adopt the GSA mileage reimbursement rate to protect against erosion of the value of the benefit due to inflation; AND

BE IT FURTHER RESOLVED that DAV urges the VA to make provision in its budget for the cost of increasing veterans' beneficiary travel reimbursement rates to a more reasonable amount so that it can make the needed adjustment without the reduction in funds for direct medical care to sick and disabled veterans.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

                  /s/ Michael A. Kerr, Esq.                    
Committee Chairman

                  /s/ Jeremy Baratta                    
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

                  /s/ Armando V. Hernandez                    
Chapter Commander

                  /s/ Mario D. Flores                    
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.

                  Daniel Contreras                  

Daniel Contreras, Department Adjutant



Resolution #:47

Recommended Committee:

Legislation & Veterans Rights

**Title: Eliminate the Delimiting Date for Eligible Spouses and Surviving Spouses for Benefits Provided Under Chapter 35, Title 38, United States Code**

WHEREAS, dependents and survivors eligible for Department of Veterans Affairs (“VA”) education benefits under chapter 35, title 38, United States Code, have 10 years in which to apply for and complete programs of education; and

WHEREAS, this 10-year period begins either from the date a veteran is evaluated by the VA as permanently and totally disabled from service-connected disabilities or 10 years from the date of such veteran’s death due to service-connected disability; and

WHEREAS, in many instances, because of family obligations or the need to provide care to the veteran, spouses and surviving spouses may not have had an opportunity to apply for these benefits; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, seeks the enactment of legislation to eliminate the delimiting date for spouses and surviving spouses for purposes of benefits provided under chapter 35, title 38, United States Code.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

                  /s/ Michael A. Kerr, Esq.                    
Committee Chairman

                  /s/ Jeremy Baratta                    
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

                  /s/ Armando V. Hernandez                    
Chapter Commander

                  /s/ Mario D. Flores                    
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.

                  Daniel Contreras                  

Daniel Contreras, Department Adjutant



Resolution #:48

Recommended Committee:

Women Veterans

**Title: Provide Child Care Assistance for Veterans with Dependents Using Veterans Health Administration Services at a VA Facility**

WHEREAS, 38 USC § 1709C, “Assistance for child care for certain veterans receiving health care”, currently calls for the provision of child care for certain Veterans receiving eligible categories of healthcare services;

WHEREAS, Sec. 1709C(b) limits assistance provided for child care to qualified veterans who (1) receive the types of healthcare services described in subsequent subsection (c)(2) at a facility of the Department; and (2) requires travel to and return from such facility for the receipt of such health care services; and

WHEREAS, Sec. 1709C(c) defines a qualified veteran as a veteran who (1) is the primary caretaker of a child or children; and (2)(A) receives from the Department- (i) regular mental health care services; (ii) intensive mental health care services; or (iii) such other intensive health care services that the Secretary determines that provision of assistance to the veteran to obtain child care would improve access to such health care services by the veteran; or (B) is in need of regular or intensive mental health care services from the Department, and but for lack of child care services, would receive such health care services from the Department; and

WHEREAS, the current law significantly limits the categories of Veterans eligible for Child care; and

WHEREAS, Sec. 1709C(c)(1) should be amended so as to include granting child care assistance to all Service-Connected Disabled Veterans regardless of whether they are the primary caretaker of a child or children or the types of medical care they receive; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, supports legislation to amend the definition of “Qualified Veterans” in Title 38 United States Code, Sec. 1709C(c)(2) to permit all Service-Connected Disabled Veterans access to child care assistance for all medical appointments at any Veterans Health Administration facility where a veteran receives medical care for a service-connected medical condition.

Reported out of Homer Blevins Chapter #1, Department of California Resolutions Committee on January 15, 2023.

/s/ Michael A. Kerr, Esq.  
Committee Chairman

/s/ Jeremy Baratta  
Committee Secretary

Approved as a Resolution by Homer Blevins Chapter #1, Department of California on February 21, 2023.

/s/ Armando V. Hernandez  
Chapter Commander

/s/ Mario D. Flores  
Chapter Adjutant

Adopted by the Department of California, at its 101<sup>st</sup> Department Convention, June 1<sup>st</sup> – June 4<sup>th</sup>, 2023.

  
Daniel Contreras, Department Adjutant



Resolution #:48

Recommended Committee:

Women Veterans

**Title: Support Legislation to Strengthen the Veterans' Employment Emphasis Under Federal Contracts Statute**

WHEREAS, section 4212, title 38, United States Code, (alternately referred to as the “Vietnam Era Veterans’ Readjustment Assistance Act,” or “VEVRAA”) supposedly requires federal contractors to give preference in hiring to disabled veterans; and

WHEREAS, veterans themselves are required to enforce the law—specifically, veterans who are “covered” by the law, are aware of it, and are able to detect violations; and

WHEREAS, the requirement does not take effect unless a legally mandated provision is included in federal contracts; and

WHEREAS, federal agencies regularly omit the mandatory provision from applicable contracts; and

WHEREAS, millions of veterans entitled to valuable employment assistance are being denied it without recourse; NOW

THEREFORE, BE IT RESOLVED that DAV in National Convention assembled in Atlantic City, New Jersey, August 5-8, 2023, supports legislation that will amend 38 USC §4212 to clearly require automatic, active recruiting and hiring of veterans by federal contractors.

Daniel Contreras, Department Adjutant