

**LEGISLATIVE HEARING ON H.R. 4312, H.R. 6409,  
AND H.R. 6420**

---

---

**HEARING**

BEFORE THE  
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND  
MEMORIAL AFFAIRS  
OF THE  
COMMITTEE ON VETERANS' AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES  
ONE HUNDRED FIFTEENTH CONGRESS  
SECOND SESSION

WEDNESDAY, SEPTEMBER 5, 2018

**Serial No. 115-75**

Printed for the use of the Committee on Veterans' Affairs



Available via the World Wide Web: <http://www.govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

WASHINGTON : 2019

35-829

## COMMITTEE ON VETERANS' AFFAIRS

DAVID P. ROE, Tennessee, *Chairman*

GUS M. BILIRAKIS, Florida, <i>Vice-Chairman</i>	TIM WALZ, Minnesota, <i>Ranking Member</i>
MIKE COFFMAN, Colorado	MARK TAKANO, California
BILL FLORES, Texas	JULIA BROWNLEY, California
AMATA COLEMAN RADEWAGEN, American Samoa	ANN M. KUSTER, New Hampshire
MIKE BOST, Illinois	BETO O'ROURKE, Texas
BRUCE POLIQUIN, Maine	KATHLEEN RICE, New York
NEAL DUNN, Florida	J. LUIS CORREA, California
JODEY ARRINGTON, Texas	CONOR LAMB, Pennsylvania
CLAY HIGGINS, Louisiana	ELIZABETH ESTY, Connecticut
JACK BERGMAN, Michigan	SCOTT PETERS, California
JIM BANKS, Indiana	
JENNIFFER GONZALEZ-COLON, Puerto Rico	
BRIAN MAST, Florida	

JON TOWERS, *Staff Director*

RAY KELLEY, *Democratic Staff Director*

## SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS

MIKE BOST, Illinois, *Chairman*

MIKE COFFMAN, Colorado	ELIZABETH ESTY, Connecticut, <i>Ranking Member</i>
AMATA RADEWAGEN, American Samoa	JULIA BROWNLEY, California
JACK BERGMAN, Michigan	CONOR LAMB, Pennsylvania
JIM BANKS, Indiana	

Pursuant to clause 2(e)(4) of Rule XI of the Rules of the House, public hearing records of the Committee on Veterans' Affairs are also published in electronic form. **The printed hearing record remains the official version.** Because electronic submissions are used to prepare both printed and electronic versions of the hearing record, the process of converting between various electronic formats may introduce unintentional errors or omissions. Such occurrences are inherent in the current publication process and should diminish as the process is further refined.

# CONTENTS

Wednesday, September 5, 2018

	Page
Legislative Hearing On H.R. 4312, H.R. 6409, And H.R. 6420 .....	1
OPENING STATEMENTS	
Honorable Mike Bost, Chairman .....	1
Honorable Elizabeth Esty, Ranking Member .....	2
WITNESSES	
The Honorable Conor Lamb, U.S. House of Representatives .....	3
The Honorable James B. Renacci, U.S. House of Representatives .....	3
The Honorable Doug LaMalfa, U.S. House of Representatives .....	5
Mr. Matthew Sullivan, Deputy Under Secretary for Finance and Planning, National Cemetery Administration, U. S. Department of Veterans Affairs ...	6
Prepared Statement .....	15
Accompanied by:	
Dr. Bryce A. Carpenter, Program Manager, Veterans Legacy Program, National Cemetery Administration, U. S. Department of Veterans Affairs	
Mr. Carlos Fuentes, Director, National Legislative Service, Veterans of For- eign Wars .....	7
Prepared Statement .....	17
Mr. Greg Nembhard, Assistant Director, Claims Discharge Upgrade, Veterans Affairs and Rehabilitation Division, The American Legion .....	8
Prepared Statement .....	18
STATEMENT FOR THE RECORD	
Jeremy M. Villanueva, Disabled American Veterans (DAV) Associate National Legislative Director .....	20



**LEGISLATIVE HEARING ON H.R. 4312, H.R.  
6409, AND H.R. 6420**

---

**Wednesday, September 5, 2018**

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON VETERANS' AFFAIRS,  
SUBCOMMITTEE ON DISABILITY ASSISTANCE  
AND MEMORIAL AFFAIRS,  
*Washington, D.C.*

The Subcommittee met, pursuant to notice, at 1:49 p.m., in Room 334, Cannon House Office Building, Hon. Mike Bost [Chairman of the Subcommittee] presiding.

Present: Representatives Bost, Coffman, Bergman, Banks, Esty, and Lamb.

**OPENING STATEMENT OF MIKE BOST, CHAIRMAN**

Mr. BOST. We are going to go ahead and get started. We are still waiting for a few, but the hearing will come to order.

First off, I want to thank everybody for joining us today. And today we are going to discuss three bills that address a central issue: How can we ensure that our Nation never forgets the brave men and women who serve in national uniform?

One of the bills on today's agenda, H.R. 4312, would require VA's national cemeteries to allow the display of a battlefield cross, which is a monument that depicts a fallen servicemember by an inverted rifle and a helmet and dog tags on top and a pair of combat boots on the bottom. I know everybody has seen those. This is an image that every man or woman who has worn the uniform knows and, unfortunately, all too well. It is sacred for all of us.

At one time, there was confusion as to whether the battlefield cross could be displayed at a VA cemetery, and I appreciate the Department's subsequent clarification that there is no prohibition from use of this image. That being said, I appreciate the fact that Mr. Renacci—under his leadership, we are going to codify this classification, and I am pleased to support this bill.

Another bill, H.R. 6409, would authorize VA to inscribe the names of veterans, spouses, and dependents on the VA markers placed in private cemeteries. Currently, the VA cannot mark the name and date for a deceased spouse on a VA headstone in a private cemetery. And Mr. LaMalfa, when he arrives, will have that bill, and it allow the VA to do so, just so you know, just as it does for spouses buried in the VA national and State cemeteries.

I support the commonsense bill because my office receives numerous calls from veterans around the country who are frustrated

and saddened that their spouses cannot be properly memorialized on the VA marker.

Finally, H.R. 6420, sponsored by Mr. Lamb, would authorize VA to award grants instead of contracts to educational organizations that research the lives of those who are interred in our national cemeteries.

I know many of our colleagues here today have worked hard on their proposals. I look forward to the discussion of how these bills will impact the veterans and their families.

Now I am going to turn it over to Ranking Member Esty for her opening statement.

**OPENING STATEMENT OF ELIZABETH ESTY, RANKING MEMBER**

Ms. ESTY. Thank you, Mr. Chairman.

One of the honors I have as serving as ranking Member of this Subcommittee is to exercise our collective responsibility to oversee and authorize the programs of the National Cemetery Administration.

The excellent work of the national cemetery directors and their staff to fulfill the final wishes of eligible veterans and their families with respect and dignity at the highest standards in the world is something of which all Americans can be proud. I know that family members take great comfort from the fact that their loved ones' final resting places will be maintained at such a high standard in perpetuity long after they themselves are gone.

Today, we have three bills before us, all having to do with the Cemetery Administration. I support all of them and look forward to any suggestions that the witnesses or fellow Members of the Committee have for how these bills might be improved.

I want to thank my colleagues Mr. LaMalfa, Mr. Renacci, and Mr. Lamb for their excellent bills, and, again, to say how proud I am to serve on this Committee, which does such good bipartisan work, hearing from those we are honored to represent and to understand how we can do a better job.

In particular, I want to congratulate Mr. Lamb for his bill, H.R. 6420, allowing the Veterans Legacy Program to establish a grant program for the purposes of working with institutions of higher education to conduct cemetery research and produce educational materials. Universities are much more accustomed to working with grants than they are with Federal contracts, and this just makes sense and allows us, in fact, to provide better for those who visit our cemeteries and to the families.

So, again, welcome to everyone who is in attendance this afternoon. I look forward to the testimony and the opportunity to ask questions.

Thank you again, Mr. Chairman, and I yield back.

Mr. BOST. Thank you, Ms. Esty.

We are honored this morning by several of our colleagues who are going to be testifying about the bills they have sponsored: Representative Doug LaMalfa of California, Representative Conor Lamb of Pennsylvania, and Representative James Renacci of Ohio.

Welcome. I appreciate all of you taking the time out of your day and bouncing around, with this late time and late start, for spon-

soring this legislation, though, as well, and for our Nation's veterans.

We will begin with our colleague here on the dais, Mr. Lamb. You are recognized for 5 minutes to discuss H.R. 6420.

**STATEMENT OF THE HONORABLE CONOR LAMB**

Mr. LAMB. Thank you, Mr. Chairman. It won't take 5 minutes. This is just a—this is a simple bill but a significant one.

The National Cemetery Administration has advised us that it will be simpler for the participants in this program to take part if it is structured as a grant program instead of a contract program. And basically what that allows is universities, nonprofits, other local educators to receive government funding to do research and develop educational materials about the people buried in their local cemeteries.

So, for us, that is the National Cemetery of the Alleghenies that is located in my district. It is a beautiful cemetery. A lot of heroes from multiple wars are buried there, and people need to know about it. They need to know about who these men and women are, both at the cemetery and also traveling around western Pennsylvania to schools, universities, that kind of thing.

So this will be much easier, there will be less red tape, it will be more efficient if we do it as a grant program instead of a contract program. So I hope everyone on the Subcommittee will support that.

Thank you.

Mr. BOST. Thank you, Mr. Lamb.

Okay. Now turning to the colleagues at the table, Mr. Renacci, you are recognized for 5 minutes to discuss H.R. 4312.

**STATEMENT OF THE HONORABLE JAMES B. RENACCI**

Mr. RENACCI. Thank you, Chairman Bost, Ranking Member Esty, and Members of the Subcommittee. I am thankful to have the opportunity to come before you today and speak on my legislation, the Fallen Warrior Battlefield Cross Memorial Act. This bipartisan legislation will protect the display of those memorials at our Nation's national cemeteries commemorating the service of those who gave their lives for our Nation.

For those unfamiliar with the battlefield cross, also known as the soldier's cross, it consists of an inverted rifle accompanied by a pair of boots at its base, a helmet over the rifle's stock, and a soldier's dog tags. These crosses serve as memorials to fallen soldiers at base camp or in the field.

It is hard to understand the profound meaning that these memorials hold for our servicemembers. As one of my staff members who served in the Armed Forces explained, "I kneeled in front of 16 battlefield crosses during my 15-month deployment in Afghanistan to say goodbye to my brothers in arms."

The presence of the battlefield cross in national cemeteries alongside the graves of our fallen heroes affords those of us who have knelt in the dirt and sand of the battlefields to kneel again and recognize our comrades who, while separated by branch of service, eras of wars, or different decades, are brothers in arms nonetheless.

For a long time, the presence of battlefield cross memorials in a national cemetery was not controversial. However, last September, battlefield cross memorials in Ohio, Illinois, and Michigan were abruptly from their time-honored locations in three national cemeteries, one of which is in my district.

My office contacted the National Cemetery Administration, and we were informed that they were removed because of the policy that such works cannot feature actual ordnance or a realistic replica of actual ordnance. An interpretation of this policy that extends to brass or concrete rifles is not only misguided but strains a reasonable understanding of what constitutes a realistic replica.

Fortunately, under pressure from local veterans and inquiries from the congressional office, the National Cemetery Administration ultimately returned these battlefield crosses to their sites. However, officials did say that no new battlefield crosses would be accepted, again citing the same policy.

This continued misrepresentation of policy ignores the special place that the battlefield cross occupies in the hearts of our veterans. That is why I introduced the Fallen Warrior Battlefield Cross Memorial Act to codify protections for battlefield crosses and clarify that their placement in national cemeteries shall not be prohibited, regardless of whether placed currently or in the future.

Passage of this legislation is important for two critical reasons. First, as the removal last year demonstrated, policies and their interpretations can change. Though the National Cemetery Administration has thankfully returned those battlefield crosses to their location without the force of law, there are no permanent protections in place to assure that in the future some other official may not again misguidedly reinterpret policy and remove them once more.

Second, and even more important, passage of this legislation is important because of what these memorials mean to our veterans and the families of fallen soldiers. Elton Boyer, president of the 555 Honors Detachment, wrote to my office, "It has been said that a soldier's cross is a symbol for caring, honoring, and remembering no one left behind."

Pat Murray, a Gold Star Mother from my district, told me, "The fact that our heroes who lost their brothers and sisters are all fighting to erect this symbol—boots, guns, and a helmet with dog tags—in memory as a memorial makes this as powerful as a tombstone. Our heroes earned this. Allow them to have it."

As my time concludes, I would like to thank the Members of the Subcommittee for holding a hearing on the Fallen Warrior Battlefield Cross Memorial Act, which currently enjoys the support of 40 Members of the House. I would also urge passage of this legislation by the Full Committee at the earliest possible opportunity.

As evidenced by the voices of those affected by the removal of these memorials, we must act to preserve their continued placement in our national cemeteries as a testament to their service and the sacrifice of our fallen warriors.

And I yield back.

Mr. BOST. Thank you, Mr. Renacci.

We will now hear from Mr. LaMalfa on H.R. 6409. You are recognized for 5 minutes.

**STATEMENT OF THE HONORABLE DOUG LAMALFA**

Mr. LAMALFA. Okay. Thank you, Chairman Bost and Ranking Member Esty and all the Committee Members. I appreciate the chance to really right a wrong here, an oversight.

So thank you for allowing me to speak on H.R. 6409, called the Honoring Veterans' Families Act. It is a simple bill that would clarify the current grave marker benefit to ensure that the families, especially spouses of veterans, can be added to their gravestones.

Now, in my town of Chico in my district in California, on the corner of West Third and Normal Avenue, across the street from the Gearhead Barbershop, sits the Bidwell Chapel. Clark Masters, who runs and operates the chapel, came to me with an issue back in April.

Mr. Masters said the VA was no longer adding a spouse to a veteran's gravestone or leaving a space for the family to add the spouse's name later, which seems like an odd issue since there is precedent for it. My staff and myself had seen names of spouses on veterans' graves before, so we brought it to the VA.

We learned that, due to a flaw in current law, that the Department of Veterans Affairs cannot include almost any information about the spouse of a veteran on a VA-provided tombstone. We also found that, while speaking with the VA, there was a mutual interest in addressing this issue, which requires a simple policy change.

As such, it was included in the Department's budget request earlier this year, and they worked with us to craft this legislation we have here today. Not longer after, this Committee reached out to us about their interest in moving this bill. So I thank the Committee.

The reason I wanted to share the brief history behind 6409 is because I believe it serves as a reinforcement of how good policy can be created. Constituents bring issues to us; agencies recognize problems and work with us to make the changes for the better.

So, despite it being just a three-page-long bill, which is kind of nice for a change, this bill will impact nearly 21 million people, our veterans, and their families.

So I hope this Committee will continue this great work on supporting our veterans and pass 6409 at the earliest opportunity possible.

Thanks again for allowing me to testify here today. I look forward to working with this legislation and this Committee. Thank you. I yield back.

Mr. Bost. I want to thank all the Members.

And we will forego any questions for the colleagues at this time. Any questions may be submitted for the record.

Mr. BOST. Again, thank you all for being here. Thank you.

And you are going to stay.

Okay. I invite the second panel up as soon as the table is cleared.

So joining us today from the VA is Mr. Matt Sullivan, the Deputy Under Secretary of Finance and Planning of the National Cemetery Administration. Mr. Sullivan is accompanied by Dr. Bryce Carpenter, who is the Program Manager of the National Cemetery Administration.

We are also joined by Mr. Greg Nembhard, the Assistant Director of Claims Discharge Upgrades of the Veterans Affairs and Re-

habilitation Division for The American Legion, and Mr. Carlos Fuentes, the Director of National Legislative Service of Veterans of Foreign Wars.

Thank you all for being here.

Mr. Sullivan, we will start with you, and you are recognized for 5 minutes to present the Department's testimony.

#### **STATEMENT OF MATTHEW SULLIVAN**

Mr. SULLIVAN. Thank you, Mr. Chairman.

Mr. Chairman and Members of the Subcommittee, I am pleased to be here today to provide the views of the Department of Veterans Affairs on pending legislation affecting VA's programs.

Accompanying me today is Dr. Bryce Carpenter, representing the Veterans Legacy Program.

I am especially pleased to note that two of the three bills being considered today reflect VA proposals contained in the President's budget for fiscal year 2019.

VA supports the passage of H.R. 6409, the Honoring Veterans' Families Act, which would amend VA's statutory authority on headstones and markers to allow us to inscribe a veteran's government-furnished headstone or marker with information about that veteran's deceased spouse or eligible dependent child for use in non-VA cemeteries. This would include headstones or markers placed in veteran cemeteries owned by a tribal government or other State, local, or private cemeteries.

This bill would not change how these headstones and markers are inscribed in national cemeteries or VA-grant-funded State veteran cemeteries and would not expand eligibility for a headstone and marker to spouses and dependents buried outside of a VA national cemetery. Rather, it would allow VA to accommodate a family's request to include information about a veteran's loved one in the inscription on a veteran's government-furnished headstone or marker.

VA also supports the passage of H.R. 6420, which is similar to a VA proposal in the President's budget for fiscal year 2019. The bill would provide VA with the authority to establish a grant program to conduct cemetery research and produce educational materials under the auspices of the Veterans Legacy Program, or VLP.

VLP supports NCA's ongoing mission to honor veterans and their eligible family members with final resting places and lasting tributes by providing engagement and educational tools and opportunities for the public to learn about veterans' service and sacrifice. By engaging educators, students, researchers, and the public, VLP proudly shares the stories of those who served and helps individuals understand why national cemeteries are set aside as national shrines.

The use of grants instead of contracts is a more appropriate vehicle for VA to obtain educational tools and services for VLP in the future by allowing VLP to adopt an award cycle that more closely aligns with the academic calendar of universities and other learning institutions, which are expected to be the entities that will produce VLP learning products.

VLP could also use this vehicle to increase its flexibility and the size of an award, thus making better use of its resources to in-

crease the reach of the program beyond large universities to smaller groups that wish to engage with VA and enhance the memorialization of veterans.

Dr. Carpenter is here to answer any specific questions you may have regarding the VLP and the benefit we hope to gain by use of the grant authority.

Finally, H.R. 4312, the Fallen Warrior Battlefield Cross Memorial Act, would ensure that VA may not prohibit the display of the battlefield cross, which VA refers to as the fallen soldier display, in any national cemetery.

The bill defines the battlefield cross as a memorial monument in honor of fallen members of the Armed Forces that may include a replica of an inverted rifle, boots, helmet, and identification tag.

VA does not support passage of H.R. 4312 in its current form because it would not allow VA any discretion to establish standards to manage the display of these monuments in national cemeteries.

I want to assure the Members of the Committee and our stakeholders that VA recognizes the significant respect accorded to this display. And that is why, in December 2017, we issued a new policy to clarify that national cemeteries may accept and display the fallen soldier display.

However, the NCA policy includes standards that ensure these monuments are displayed in a manner that would enhance the appearance and operations of the national cemeteries. For example, NCA guidance notes that the fallen soldier display may be a three-dimensional replica or a two-dimensional image engraved on a stone. The guidance also includes specifications regarding size and construction materials. These requirements ensure a consistency in appearance, durability of the monument, and ease of maintenance.

The VA notes that this additional guidance is lacking in H.R. 4312, which may raise questions as to VA's ability to apply such design standards. We welcome the opportunity to work with the Committee staff to address these issues should the bill move forward.

This concludes my statement, Mr. Chairman. I would be happy to answer any questions you or the Members of the Subcommittee may have. Thank you.

[THE PREPARED STATEMENT OF MATTHEW SULLIVAN APPEARS IN THE APPENDIX]

Mr. BOST. Okay. Thank you.

Mr. Fuentes, you are recognized for 5 minutes.

#### **STATEMENT OF CARLOS FUENTES**

Mr. FUENTES. Chairman Bost, Ranking Member Esty, and Members of the Subcommittee, on behalf of the VFW and our auxiliary, thank you for the opportunity to present our views on legislation pending before the Subcommittee.

The VFW supports the Fallen Warriors Battlefield Cross Memorial Act.

Last year, members of VFW Post 3345 in Strongsville, Ohio, erected a battlefield cross by the Ohio Western Reserve National Cemeteries Chapel as a sign of respect for their fallen comrades

buried at that cemetery. There were in dismay when the director wrongfully removed the memorial because it depicted violence.

The battlefield cross has a special significance to the VFW and its members, all of whom who have deployed into harm's way in a foreign land. It is used to honor and remember our brothers and sisters who have made the ultimate sacrifice.

The VFW is glad VA reversed the director's decision and issued a notice to all national cemetery directors that makes clear VA's policy to allow the display of the battlefield cross at any VA national cemetery.

The VFW supports the Honoring Veterans' Families Act, which would ensure VA is able to properly recognize surviving spouses and dependents of our Nation's veterans. Current law does not permit VA to replace a veteran's government-furnished headstone to inscribe the name of the deceased veteran's spouse or dependent who is interred with the veteran.

The VFW is also glad this bill would establish a retroactive effective date. The VFW would, however, recommend that the Subcommittee make November 11, 1998, the effective date to align it with a recently enacted law to fix a discrepancy in eligibility for headstones between spouses and children.

The VFW also supports H.R. 6420, which would support and enhance the VA Veterans Legacy Program. Perpetuating the memory and the history of our dead is one of the VFW's founding principles. That is why, this past Memorial Day, 2,300 VFW posts throughout the country partnered with Ace Hardware to mark and honor veterans' graves with 1 million American flags.

The Veterans Legacy Program ensures that the memory and stories of the brave men and women who have worn our Nation's uniforms are preserved and shared. The VFW is a strong supporter of this program and has worked with the National Cemetery Administration to improve and expand it.

Mr. Chairman, this concludes my remarks. I am happy to answer any questions you and the Members may have.

[THE PREPARED STATEMENT OF CARLOS FUENTES APPEARS IN THE APPENDIX]

Mr. BOST. Thank you, Mr. Fuentes.

Mr. Nembhard, are you ready for 5 minutes? Please.

#### **STATEMENT OF GREG NEMBHARD**

Mr. NEMBHARD. The American Legion believes it is a priority to ensure the men and women who selflessly served our Nation receive the benefits they have earned for serving in the U.S. Armed Forces. We believe the government has a sacred obligation to establish the most respectful interment for our fallen heroes.

The American Legion remains committed to working with this critical committee and the National Cemetery Administration regarding veteran interment to adequately provide veterans and their family members the honorable burials they deserve.

Chairman Bost, Ranking Member Esty, distinguished Members of the Subcommittee on Disability Assistance and Memorial Affairs, on behalf of our national commander, Brett Reistad, and the

2 million members of The American Legion, I thank you for the opportunity to testify regarding pending legislation before you.

H.R. 4312, H.R. 6409, and H.R. 6420 are all commonsense solutions, and The American Legion is thankful for your leadership in bringing these forward. These three bills simply protect the honorable burials, the family members, and the benefits earned by those who have raised their right hand and taken the oath to defend the U.S. Constitution from all enemies, foreign and domestic.

H.R. 4312, the Fallen Warrior Battlefield Cross Memorial Act, would ensure the Secretary of Veterans Affairs permits the display of battlefield crosses in all national cemeteries. The American Legion seeks to protect these sacred symbols and supports legislation preventing the removal of battlefield crosses in national cemeteries. This legislation ensures the preservation of these important and meaningful memorials.

The American Legion, through Resolution No. 11, supports and defends veterans and military memorials bearing symbols and/or words historically associated with religious expression. Further, we support such veterans' memorials whether they are on private land or land owned by the Federal, State, or local governments.

Secondly, H.R. 6409, the Honoring Veterans' Families Act, would authorize the Secretary to provide inscriptions for spouses and children on certain headstones and markers furnished by the Department of Veterans Affairs.

The American Legion strives to ensure veterans and their family members receive the support and recognition they deserve. However, current law does not allow the VA to add information about spouses and/or children to the gravestone or marker of a veteran buried with a government-furnished headstone or marker in a non-VA cemetery. This practical legislation ensures these family members receive the same honor customarily practiced in modern society.

Through American Legion Resolution 377, we happily support H.R. 6409.

Finally, H.R. 6420 would permit the Secretary to establish a grant program to conduct cemetery research and produce educational materials for the Veterans Legacy Program.

In 2017, the NCA established the Veterans Legacy Program, a grant-based partnership between NCA and academic institutions to conduct research on the lives of veterans interred in NCA cemeteries. The research illuminates the life of those buried in NCA cemeteries, honoring their contributions to the country and to their communities. VLP makes information available to the public through informative materials such as interactive maps to educate visitors.

The American Legion supports the Veterans Legacy Program. H.R. 6420 will permit cemetery research and educational materials production as well as identification of eligible recipients, such as institutions of higher learning, local agencies, nonprofit organizations, and other eligible recipients as determined by the VA Secretary.

Through American Legion Resolution No. 377, we support legislation aimed at ensuring the stories of veterans are never forgotten, and the Veterans Legacy Program is a great step forward in that initiative.

In closing, The American Legion believes in commonsense solutions that help our veterans. By the actions of this Committee, we can also see that you feel the same way.

Thank you again, Chairman Bost, Ranking Member Esty, and distinguished Members of this Committee. I appreciate the opportunity to present The American Legion's views and look forward to any questions that you may have.

[THE PREPARED STATEMENT OF GREG NEMBARD APPEARS IN THE APPENDIX]

Mr. BOST. Thank you.

And thank all the witnesses for being here.

In the interest of time, I am going to keep everyone, including myself, to no more than 5 minutes for questioning.

So I will start off. My first question is for Mr. Sullivan.

Can you please explain why the battlefield cross was removed from Ohio Western Reserve National Cemetery in the first place?

Oh, did you need to make an opening statement? Okay. We are fine. Okay.

So, Mr. Sullivan, did you get the question? I am sorry.

Mr. SULLIVAN. Yes, sir.

Mr. BOST. All right.

Mr. SULLIVAN. Thank you for the question, Mr. Chairman.

To facilitate a reflective and peaceful atmosphere for visitors at our national cemeteries, NCA has had a longstanding policy to restrict acceptance of donations of memorials that are actual military equipment or implements of war or memorials that feature actual or depictions of ordnance.

Based upon the character and the nature of a fallen soldier display—it can take multiple forms—there can be inconsistencies among cemetery directors, when they receive these donation proposals and apply our standards, could have some inconsistency in making those decisions. So for those reasons, I think there was some confusion in the application of our policy on acceptance of these type of displays. And that is why, in December of 2017, we issued the clarification on the policy to provide more consistency in making those decisions.

Mr. BOST. Okay.

Then a follow-up question from me is specifically this: Without a law, how do we guarantee that a future director, future Secretary would not change it and go back and say, okay, no, we don't want those displays anymore?

Mr. SULLIVAN. Thank you for the question.

In our current policy, we do not prohibit the acceptance of these donations. We simply provide some guidance and standards around the types of donations that we would accept as fallen soldier displays.

So there is nothing in the future that, you know, could prohibit or stop us from changing policy, but our policy is that we will accept these displays. We make certain guidelines about the acceptance of these displays so that we have the uniform appearance, that they accentuate the visitor experience, the appearance, and the operations of our cemeteries. And they are not meant to be re-

strictive; they are meant to accentuate, again, our mission and the visitor experience.

Mr. BOST. And I believe that is your intent. The concern I have—and this is just a statement—is that in the future—and that is why we are here, is to make sure that doesn't happen again. But, you know, I am looking forward to working with you and the sponsor and trying to figure out a way where we get some clear definition but it is set in law so that we can have the answers for that.

And I need to do a second question. It is vitally important here. This is regarding H.R. 6409. Can you explain why the VA has recommended the effective date for that, 6409, be January 1, 2014, and where you came up with that date?

Mr. SULLIVAN. Yes. Thank you for the question.

Mr. Chairman, we believe that that is a good date for the applicability date of that proposed bill because that would allow recent veterans that have died and their surviving spouses to apply for the benefit and receive a headstone or marker that has a spousal inscription.

So, again, if a veteran has recently died, January 1, 2014, or later, a surviving spouse that has recently died would be eligible. And most of those surviving spouses, again, based upon Social Security Administration actuary data and the lifespan of a female versus a male, that they would be eligible for this new benefit.

Mr. BOST. What data are you actually relying on?

Mr. SULLIVAN. The data is the Social Security Administration data that indicates, in general, women living approximately 4.75 years longer than men. Given these assumptions, setting this applicability date retroactively to those veterans that die January 1, 2014, or later would allow us to provide replacements that include spousal inscriptions for those spouses who die in the 5-year period prior to submission of this proposal.

Mr. BOST. And my time is almost up. The only concern I have there is spouses are not only just female. They are male, female, because we have serving male and female. So I just want to make sure that we have the right information so that we can move forward in the right way. We don't want to cut anybody out and say, okay, we made a mistake on the date.

But we look forward to working with that.

With that, my time has expired. And Ms. Esty?

Ms. ESTY. Thank you very much. And I will get as far as I can get, and hopefully we can get our questions asked and answered.

For Mr. Nembhard, first, congratulations to the Legion on the 100th anniversary. And we particularly appreciate that you made the time to answer the questions and appear today, knowing that you have been very busy in the last few weeks. So, again, congratulations and thank you.

One of the questions that I think we had—and, again, it is going back to the battlefield cross—is, should there be other symbols? Because I assume that is part of the question, is, what are the standards we establish for symbols? And in the view of the Legion—and, Mr. Fuentes, I will ask you that as well—are there other ones that have come into common usage?

I certainly know, in my own district, we are certainly seeing the fallen warrior battlefield cross. But are there others that you are

aware of that we should kind of have on our radar and begin to think about?

And that goes to Mr. Sullivan's point somewhat about standards, is thinking about how do we be as inclusive as possible and yet maintain the dignity, sacredness, and some consistency and continuity.

Mr. NEMBARD. Thank you for that question, Ranking Member Esty.

As you know, the tradition of the battlefield cross, inverting the rifle, goes back to the Revolutionary War. It was a crude way of marking the spot of a fallen soldier. It remains today a patriotic symbol, a tribute to our servicemembers who have been killed in action.

I am not aware currently of any other symbols, but if I should become of one, we look forward to bringing that up later on.

Mr. FUENTES. Yes, ma'am, there's been a number of issues with whether there are some memorials that are donated that meet the standards laid out by NCA. But that was actually one of our concerns with the bill. You know, is there going to be a litmus test to determine what else we are going to be adding? Are we setting a standard where we are going to just have to keep adding different types of memorials and specific types of donations?

Ultimately, the VFW would support a more broad authority or requirement that VA accept something that is, you know, acceptable that wouldn't really, you know, tarnish the image of a national cemetery.

Ms. ESTY. Again, I think we want to work with the VA and accomplish what I think we all are here to do, which is to accomplish the wishes of veterans and their families, to recognize the service and sacrifice.

But I think the points you raised, Mr. Sullivan, about three-dimensional versus two-dimensional, appropriate placement, are ones that we are certainly open on the Committee, I think, to working with you to get full support by everyone to move forward.

We have had testimony, Mr. Sullivan, about trying to understand why—is it a financial issue not to go further back? And there was an equity issue that was mentioned about going further back, 1998. Why should we not go further back to incorporate spouses and children? Because, certainly, that Social Security data would establish whether that, in fact, was true at the time or not.

So, again, we are trying to get a handle on, is this a financial decision? Is this a decision made about replacement of a certain number of headstones? Please illuminate that a little bit.

Mr. SULLIVAN. Okay. Thank you for the question, Ranking Member Esty.

There is definitely a financial implication in terms of the bill. By going back, setting an applicability date back to 1998, that would definitely increase the cost associated with the proposal.

Right now, we are—we did estimate cost by looking at the annual workload in terms of how many headstones or markers we issue in a given year and by taking certain subsets of the eligible population, such as looking at only the subset where the headstone or marker is issued for placement in a non-VA cemetery, like a local or private cemetery in which this bill destines these types of

headstones and markers to be placed—we kind of carved that piece out. And then we further took another subset of those issued to veterans where they had surviving spouses. And then we estimated, based upon program subject matter expertise, what the utilization rate would be.

So, if we took the applicability date back to 1998, that would definitely increase the cost associated with the bill, and we are very conscious of that cost.

Ms. ESTY. Thank you.

And I see my time has expired.

Mr. BOST. Thank you.

Mr. BERGMAN, you are recognized for 5 minutes.

Mr. BERGMAN. Well, first of all, thanks for the hearing, Chairman.

And thank you for all of you to be here. I am really not going to ask you any questions, from the standpoint of I know we are all here in this room for the right reason, and that is to appropriately honor our veterans and their families over a long period of time.

Because I can tell you, one of the beauties of Arlington—and these are in the words of my at that time 14-year-old grandsons as we walked there on a November day in 2015. What they saw was a very solemn place which had the grave sites of our men and women, to include a former President and others and leaders of our country, who, when you come there, you see what we are and who we are as a country. We guard our memories carefully, and we have to do it in such a way that it is respectful over centuries.

And I thank you for being pragmatic. I thank you for, if you will, looking forward, that what makes sense to still continue to honor our veterans.

So I will just leave it at that and just say we are partners in this together, and if there is some reason that we have to come together here to make a decision, we will, because we honor that service.

Thank you.

Mr. BOST. Thank you.

Mr. Lamb?

Mr. LAMB. Gentlemen, I don't have any questions either. I just want to thank you for coming today and for supporting the legislation and giving us the information that you have. It really helps us.

And, Mr. Chairman, I yield back. Thank you.

Mr. BOST. Okay.

If there are no further questions for our second panel, I will recognize Ms. Esty to close.

Ms. ESTY. Again, I want to thank the Chairman, my fellow Subcommittee Members, to all of you here today, for helping us do right by those who have given their lives in service to their country.

And, again, as General Bergman noted, it is a multigenerational commitment. Our national cemeteries and our State cemeteries are truly an important part of this country's heritage, a learning opportunity for young and old and those older about the service and sacrifice that has been built this Nation.

So, again, I want to thank all of you and encourage you to reach out with suggestions as to how we can improve the legislation in front of us today.

And, again, want to commend Mr. Lamb and our other colleagues for bringing forward these commonsense ideas that can improve the lives of Americans and improve the history of this country and recognize the service and sacrifice.

Thank you, Mr. Chairman.

Mr. BOST. Thank you to everyone for joining us today and for sharing your views with the Subcommittee. Your testimony provides us with important insights into the proposals as we move forward through this legislative process.

I ask unanimous consent that DAV's written statement for the record be included in the hearing record.

Without objection, so ordered.

Mr. BOST. I also ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on any of the bills under consideration this afternoon.

And, without objection, so ordered.

Mr. Bost. This hearing is now adjourned.

[Whereupon, at 2:30 p.m., the Subcommittee was adjourned.]

## A P P E N D I X

### Prepared Statement of Matt Sullivan

Mr. Chairman and Members of the Subcommittee, I am pleased to be here today to provide the views of the Department of Veterans Affairs (VA) on pending legislation affecting VA's programs. Accompanying me today is Bryce Carpenter, Educational Outreach Program Officer, National Cemetery Administration (NCA).

H.R. 6409

#### **H.R. 6409, the "Honoring Veterans' Families Act," would amend 38 United**

States Code (U.S.C.) Section 2306 to allow VA to provide inscriptions regarding a deceased spouse or eligible dependent child on a Veteran's Government furnished headstone or marker. If feasible and upon request, VA would be authorized to inscribe information regarding a spouse or eligible dependent child who has pre-deceased the Veteran on the Veteran's Government furnished headstone or marker destined for placement in a non-VA cemetery at the time of the Veteran's death. VA would also be authorized to replace, if feasible and upon request, a previously-furnished headstone or marker for a Veteran buried in a non-VA cemetery to inscribe information about the Veteran's spouse or eligible dependent child following the death of the spouse or child. The bill would define "non-VA cemetery" as a Veterans' cemetery owned by a State, or a State, local, tribal, or private cemetery. The provisions of the bill would be effective for deaths on or after January 1, 2014.

This legislation is consistent with a VA proposal in the President's Budget for fiscal year (FY) 2019; VA supports H.R. 6409, provided Congress can identify corresponding funding offsets.

In recent years, VA has received an ongoing and steady interest by families to have information about a Veteran's loved one, beyond just general terms of endearment referring to a spouse, inscribed on the Government-furnished headstone or marker. These headstones or markers would mark the gravesites of Veterans who are eligible for burial in a National cemetery, but not buried there, including gravesites in private and local government cemeteries as well as VA grant-funded Veterans cemeteries.

The bill would not expand eligibility for the headstone and marker benefit to spouses and dependents buried outside of a VA National cemetery (who, under current statutory authority in 38 U.S.C. § 2306 are not eligible for a headstone or marker of their own in local, private, or VA-funded tribal cemeteries). Rather, the bill will allow VA to inscribe information about a deceased spouse or dependent child on a Veteran's headstone or marker at the time of the Veteran's death. The information would be included either when the Veteran's headstone or marker is requested (if the spouse or dependent child has pre-deceased the Veteran) or on a replacement headstone or marker (if the spouse or dependent child dies after the Veteran). Replacement is the most cost-efficient way to provide this additional inscription, as VA does not have resources to add inscriptions to pre-set headstones in cemeteries outside the national cemetery system.

VA estimates that this bill will result in costs to the mandatory Compensation and Pension appropriation of approximately \$1.1 million in 2019, \$4.7 million over 5 years, and \$8.9 million over 10 years. By making this benefit available for deaths on and after January 1, 2014, the bill will allow VA to process requests to provide a replacement headstone or marker to add information about recently-deceased spouses and dependent children (in cases where the spouse or child has recently died after the Veteran and the Government has already furnished the Veteran's headstone or marker).

#### **H.R. 6420**

H.R. 6420 would provide VA with the authority to establish a grant program to conduct cemetery research and produce educational materials under the auspices of the Veterans Legacy Program (VLP). VLP supports the ongoing mission of the Na-

tional Cemetery Administration to honor Veterans and their eligible family members with final resting places and with lasting tributes by providing engagement and educational tools and opportunities for the public to learn about Veterans' service and sacrifice. By engaging educators, students, researchers, and the public, VLP proudly shares the stories of all those who served to help build an appreciation of what earlier generations have given to the Nation, and to help individuals understand why national cemeteries are set aside as national shrines.

VA supports H.R. 6420, which is similar to a proposal in the President's Budget for FY 2019. VLP seeks to continually develop learning products to ensure educational opportunities to commemorate Veterans' service and sacrifice to our Nation are available to educators, students, researchers, and the public. To date, VA, working through the VLP, has awarded 12 separate contracts to conduct cemetery research and produce VLP educational material for use in elementary and high schools and the public to promote community engagement with Veterans' history. These contracts were awarded to procure a framework of digital and non-digital tools based on research that focused on Veterans interred at national cemeteries. In addition to developing biographies of Veterans, which are available on-line (including video presentations on YouTube), lesson plans and walking tours have been developed that can be employed without digital media/computers, so that teachers can print out a lesson plan and its accompanying resources to use with all students in the classroom, or on-site at the national cemetery. VLP has produced over 119 Veteran biographies, 10 documentary films about Veterans, and 6 Veterans cemetery walking tours, all based on research conducted on-site in VA national cemeteries by students. Under the contracts issued to date, VLP will have engaged almost 9,000 students from kindergarten through high school, over 300 teachers and 200 undergraduate students, nearly 40 graduate students, and over 50 scholars.

The use of grants instead of contracts would be a more appropriate vehicle for VA to obtain educational tools and services for VLP in the future. In particular, the use of grants would allow VLP to adopt an awards cycle that more closely aligns with the academic calendar of universities and other learning institutions, which are largely expected to be the entities to produce VLP learning products. VLP could also use this vehicle to increase its flexibility in the size of an award, thus making better use of its resources to increase the reach of the program beyond large universities to smaller groups that wish to engage with VA in enhancing the memorialization of Veterans.

This bill would incur no additional cost to VA, as funds are already allocated for VLP. Grants authorized by this bill would be an additional tool, beyond contracts, for the appropriate disbursement of existing allocated funds for VLP.

#### **H.R. 4312**

H.R. 4312, the "Fallen Warrior Battlefield Cross Memorial Act," would ensure that VA may not prohibit the display of the "Battlefield Cross" in any national cemetery. The bill defines the "Battlefield Cross" as a "memorial monument in honor of fallen members of the Armed Forces that may include a replica of an inverted rifle, boots, helmets, and identification tag."

VA does not support passage of H.R. 4312 in its current form because it would not allow VA any discretion to establish standards for the display of these monuments, which VA refers to as "fallen soldier displays." VA has an existing policy that includes standards, such as those related to size and construction materials, that allow these monuments to be displayed in a manner that would enhance the appearance and operation of the national cemeteries. These standards may be rendered unenforceable under this bill as currently drafted.

To facilitate a reflective and peaceful atmosphere for visitors, NCA has a long-standing policy prohibiting acceptance of donations of military equipment or implements of war in its national cemeteries. Similarly, NCA guidelines restricted acceptance of memorials featuring actual or realistic replicas of ordnance. However, in recent years, VA has noted an increased interest in donations of the fallen soldier display to several national cemeteries. Review and acceptance of these donation offers was inconsistent across cemeteries, based on varying interpretations of the policies. Upon review, NCA determined that the familiarity of the fallen soldier display and its particular use of a rifle was sufficient to warrant an exception from the established policy, with some additional guidelines regarding size and construction of the monument. For example, NCA guidance notes that the fallen soldier display may be a three-dimensional replica or it may be an engraved image on a stone. The guidance also includes specifications regarding size and construction materials. These requirements ensure a consistency in appearance, durability of the monument, and ease of maintenance for cemetery personnel. VA notes that this additional guidance is lacking in H.R. 4312, which may raise questions as to VA's ability to apply such

design standards. We welcome the opportunity to work with committee staff to address these issues, should the bill move forward.

VA estimates that VA would not incur any significant additional cost if H.R. 4312 were enacted because VA already has statutory authority to accept donations of monuments to VA. Maintenance for donated memorials is part of VA's overall operational expenses for the national cemeteries.

This concludes my statement, Mr. Chairman. We would be happy now to entertain any questions you or the other Members of the Subcommittee may have.

---

### **Prepared Statement of Carlos Fuentes**

Chairman Bost, Ranking Member Esty, and members of the Subcommittee, on behalf of the men and women of the Veterans of Foreign Wars of the United States (VFW) and its Auxiliary, thank you for the opportunity to provide our remarks on legislation pending before the Subcommittee.

#### **H.R. 4312, Fallen Warrior Battlefield Cross Memorial Act**

The VFW supports this bill, which would prevent the Department of Veterans Affairs (VA) from prohibiting the display of a battlefield cross in a VA national cemetery.

This past year, VFW members from VFW Post 3345 in Strongsville, Ohio, erected a battlefield cross by the Ohio Western Reserve National Cemetery's chapel as a sign of respect for their fallen comrades buried at the cemetery. They were in dismay when the then director wrongly removed the memorial because it depicted violence. To VFW members, all of whom have deployed into harms way in a foreign land, the battlefield cross has a special significance. It is used to honor and remember our brothers and sisters who have made the ultimate sacrifice.

The VFW is glad VA reversed the Ohio Western Reserve National Cemetery director's decision and issued a notice to all national cemetery directors entitled "Acceptance of Donations Featuring the Fallen Soldier Display," which makes clear VA's policy to allow the display of the battlefield cross at any VA national cemetery. VFW Post 3345 members report that the Ohio Western Reserve National Cemetery instance was resolved within three days and has not reoccurred. For that reason, the VFW does not believe this legislation is needed, but agrees with the intent of ensuring veterans can continue to honor their loved ones.

#### **H.R. 6409, Honoring Veteran's Families**

The VFW supports this legislation, which would authorize VA to properly recognize the surviving spouse and dependents of our nation's veterans, and has two recommendations to improve it.

Current law does not permit VA to replace a veteran's government-furnished headstone to inscribe the deceased veteran's surviving spouse or dependent who is interred with the veteran. This bill would authorize VA to replace a veteran's headstone to ensure it rightfully honors the spouse or dependent that is laid to rest with the veteran.

It would also authorize VA to replace a headstone that has been used to mark the grave of a spouse or dependent that precedes the veteran. However, the bill does not specifically authorize VA to replace a private marker for the spouse or dependent, or provide a government-furnished headstone to a spouse or dependent who precedes the veteran. To prevent veterans from bearing the cost of a private headstone to honor the veteran's spouse or dependent, whom the veteran plans to join in interment, the VFW urges the Subcommittee to authorize VA to provide government-furnished headstones to such individuals. Currently, VA lacks the authority to furnish a headstone for an eligible spouse or dependent who precedes an eligible veteran in death and is interred in a private or tribal cemetery.

Regardless, this bill must be amended to specifically authorize VA to replace a spouse's or dependent's private headstone with a government-furnished headstone. Without such authority, veterans who wish to be interred with their loved ones who preceded them may be afforded the opportunity to obtain government-furnished headstones, which have become identifying symbols to mark the final resting places of our nation's heroes.

The VFW is also glad this bill would establish a retroactive effective date to authorize VA to properly recognize a spouse or dependent who is already interred with an eligible veteran, but lacks the proper recognition on the veteran's headstone. The VFW would, however, recommend that the Subcommittee amend this bill to align the effective date with Public Law 115-136, which corrected the disparity of eligi-

bility for headstones between spouses and dependents. It authorized VA to provide headstones for certain spouses and dependents who die on or after November 11, 1998. The VFW urges the Subcommittee to establish the same effective date for this authority.

**H.R. 6420, to establish a grant program to conduct cemetery research and produce educational materials for the Veterans Legacy Program**

The VFW supports this bill, which would support and enhance the VA Veterans Legacy Program.

Perpetuating the memory and history of our dead is one of the VFW's founding principles. That is why the VFW has collaborated with Ace Hardware to honor veterans by giving out 1 million American-made flags nationwide. This past Memorial Day, 2,300 VFW posts throughout the country used the donated flags to mark and honor veteran's graves.

The Veterans Legacy Program ensures the memories and stories of the brave men and women who have worn our nation's uniform are preserved in perpetuity. While it is still being fully developed, the program provides an avenue for students, descendants, friends, and fellow veterans to learn about the contributions veterans who are interred at VA national cemeteries made to their communities and the country. The VFW is a strong supporter of this program and has worked with the National Cemetery Administration to improve and expand it.

This bill would establish a grant to help VA conduct research and produce educational materials for the program, which are the most labor-intensive and often difficult parts of the program. The VFW believes that such a grant would expedite the research process and ensure this important program is expanded to all VA national cemeteries as soon as possible.

Mr. Chairman, this concludes my testimony. I am prepared to take any questions you or the Subcommittee members may have.

---

**Prepared Statement of Greg Nembhard**

Chairman Bost, Ranking Member Esty and distinguished members of the Subcommittee on Disability Assistance and Memorial Affairs (DAMA); on behalf of National Commander Brett Reistad and the 2 million members of The American Legion, serving every man and woman who has worn a uniform for this country, thank you for the opportunity to testify on the following pending legislation. Established in 1919, and as the largest patriotic service organization in the United States with a myriad of programs supporting veterans, The American Legion appreciates the Committee focusing on these critical issues that will affect veterans and their family members.

A sacred obligation of the government is to establish the most respectful interment for our fallen heroes. One of the priorities of The American Legion is to ensure the men and women who selflessly served our nation receive the benefits they earned for serving in the U.S. Armed Forces. The American Legion recognizes the commitment to excellence displayed daily by the men and women of the National Cemetery Administration (NCA). The American Legion remains committed to working with the NCA regarding veteran interment to adequately provide veterans and their family members the honorable burials they deserve.

**H.R. 4312 - Fallen Warrior Battlefield Cross Memorial Act**

To amend title 38, United States Code, to ensure the Secretary of Veterans Affairs permits the display of Battlefield Crosses in national cemeteries.

The Fallen Warrior Battlefield Cross Memorial consists of a helmet, inverted rifle, boots, and identification tags (dog tags) draped from the rifle, in honor and remembrance of those who died on the field of battle while protecting our nation's freedoms. A United States Army field manual describes a battlefield cross, also known as a Fallen Soldier Display, as a helmet and identification tags to signify the dead soldier; an inverted rifle with a bayonet to signal a time for prayer; a break in the action to pay tribute to a comrade; and combat boots to represent the final march of the last battle.<sup>1</sup>

Current law authorizes national and state cemeteries to display the Fallen Warrior Battlefield Cross, however, recent guidance from the Department of Veterans Affairs (VA) and NCA led to the removal of memorial monuments featuring actual

<sup>1</sup>A Soldier's Guide - Field Manual (FM) 7-21.13

or realistic replicas of weaponry, resulting in the removal of battlefield cross memorials in numerous national cemeteries.<sup>2</sup>

In October 2017, at Ohio's Western Reserve National Cemetery, a battlefield cross was removed by cemetery officials. NCA removed the memorial because it violated their policy regarding monuments depicting weaponry. While the cemetery ultimately decided to restore the cross, this incident demonstrated the need for a law to protect these memorials. In response to, and to guarantee a similar incident does not occur, H.R. 4312 ensures the VA Secretary will allow the display of battlefield crosses in national cemeteries.

The Fallen Warrior Battlefield Cross is a patriotic tribute to servicemembers who were killed in action. The American Legion seeks to protect these sacred symbols and supports legislation preventing the removal of battlefield crosses in national cemeteries. H.R. 4312, The Fallen Warrior Battlefield Cross Memorial Act, will guarantee NCA officials recognize and authorize memorial crosses as tributes to our nation's servicemembers who were killed in action.

Through American Legion Resolution No. 11, Support and Defend Veterans and Military Memorials,<sup>3</sup> we support and defend veteran and military memorials bearing symbols and/or words which may be alleged to be historically associated with religious expression, including, but not limited to crosses, stars of David, crescents, and the word "God." The American Legion supports such veterans' monuments whether they are on private land or land owned by federal, state or local governments.

**The American Legion supports H.R. 4312.**

**H.R. 6409 - Honoring Veterans' Families Act**

**To amend title 38, United States Code, to authorize the Secretary of Veterans**

Affairs to provide inscriptions for spouses and children on certain headstones and markers furnished by the Secretary.

Under current law, veterans who are honorably discharged from military service are authorized a government-issued headstone or marker in an NCA cemetery or a privately-owned cemetery. Further, veteran's spouses and eligible children buried in an NCA cemetery can receive a headstone or marker. However, current law does not allow the VA to add information about spouses and/or children to the gravestone or marker of a veteran buried with a government-furnished headstone or marker in a non-VA cemetery.

The American Legion strives to ensure veterans and their family members receive the support and recognition they deserve. Including family information on a headstone or marker is a standard custom in society, and the families of veterans should not be any different. H.R. 6409, The Honoring Veteran Families Act, will alter current law by allowing, if feasible and upon request, the VA to make inscriptions on a veteran's headstone or marker regarding their spouse and/or children. It would also allow the VA to replace a veteran's headstone or marker to add such an inscription if the veteran predeceased their spouse and/or dependent child and already has a government-issued headstone or marker.

Through American Legion Resolution No. 377: Support for Veterans Quality of Life,<sup>4</sup> we support authorizing the Secretary of VA to add an inscription to a government-issued headstone or marker for a veteran's eligible spouse and/or children buried in all cemeteries with the veteran. This common-sense bill would allow the VA Secretary to provide, if feasible and upon request, these inscriptions for individuals who died on or after January 1, 2014.

**The American Legion supports H.R. 6409.**

H.R. 6420 - To permit the Secretary of Veterans Affairs to establish a grant program to conduct cemetery research and produce educational materials for the Veterans Legacy Program.

To permit the Secretary of Veterans Affairs to establish a grant program to conduct cemetery research and produce educational materials for the Veterans Legacy Program.

In 2017, the NCA established the Veteran Legacy Program (VLP), a grant-based partnership between NCA and academic institutions to conduct research on the lives of veterans interred in NCA cemeteries. The research illuminates how those buried

<sup>2</sup>Incident News Article

<sup>3</sup>The American Legion Resolution No. 11 (2016): Support and Defend Veterans and Military Memorials

<sup>4</sup>The American Legion Resolution No. 377 (2016): Support for Veteran Quality of Life

in NCA cemeteries contributed to their country as servicemembers and to their community as veterans. VLP makes information available to the public through informative materials such as interactive maps to educate the visitors.<sup>5</sup>

There is currently no law that authorizes a grant program to conduct cemetery research. H.R. 6420 will permit cemetery research and educational materials production, as well as identification of eligible recipients including institutions of higher learning, local agencies, non-profit organizations, and other eligible recipients as determined by the VA secretary. The legislation will also permit the establishment of appropriate utilization of funds for research and educational material to promote community engagement for Fiscal Year (FY) 2019 under grant authority. The American Legion supports memorializing those who served our great nation.

Through American Legion Resolution No. 377: Support for Veterans Quality of Life,<sup>6</sup> we support the Secretary of the Department of Veterans Affairs in establishing a grant program to conduct cemetery research and produce educational materials for the Veteran Legacy Program. The American Legion urges Congress and the VA to enact legislation and programs within the VA that will enhance, promote, restore or preserve benefits for veterans and their dependents, including final resting places in national shrines and with lasting tributes that commemorates their service.

**The American Legion supports H.R. 6420.**

## CONCLUSION

Chairman Bost, Ranking Member Esty, and distinguished members of this veteran-centric committee, The American Legion thanks you for the opportunity to elucidate the position of the 2 million veteran members of this organization.

Ensuring those who have selflessly raised their right hand in defense of this nation receive the honorable and respectful final resting place they deserve is a priority of The American Legion, and by action of this Committee, we can see that it is for you as well.

For additional information regarding this testimony, please contact Ms. Lindsay Dearing, Legislative Associate in The American Legion's Legislative Division at (202) 861-2700 or [ldearing@legion.org](mailto:ldearing@legion.org).

---

## Statements For The Record

### DISABLED AMERICAN VETERANS

Mr. Chairman and Members of the Subcommittee:

Thank you for inviting DAV (Disabled American Veterans) to testify at this legislative hearing of the Subcommittee on Disability Assistance and Memorial Affairs of the House Veterans' Affairs Committee. As you know, DAV is a non-profit veterans service organization comprised of more than one million wartime service-disabled veterans that is dedicated to a single purpose: empowering veterans to lead high-quality lives with respect and dignity. DAV is pleased to offer our views on the bills under consideration by the Subcommittee.

#### **H.R. 4312, the Fallen Warrior Battlefield Cross Memorial Act**

H.R. 4312, the Fallen Warrior Battlefield Cross Memorial Act, would prevent the National Cemetery Administration (NCA) from barring the display of the Battlefield Cross. The Battlefield Cross is a memorial used in wartime to honor a fallen service member consisting of a military helmet, pair of boots, and an inverted rifle with the dog tags of the fallen hanging from it. Currently, NCA guidelines bar memorials that depict "actual or realistic replicas of ordnance". In October 2017, a similar monument was removed from a National Cemetery in Ohio but was replaced after the VA determined that its policy was misinterpreted.

DAV does not have a resolution that addresses this issue and takes no position on this bill.

H.R. 6420, to permit the Secretary of Veterans Affairs to establish a grant program to conduct cemetery research and produce educational materials for the Veterans Legacy Program.

H.R. 6420 would permit the Secretary to establish a grant program with institutions of higher learning to conduct cemetery research and produce educational mate-

<sup>5</sup> Veteran Legacy Program

<sup>6</sup> The American Legion Resolution No. 377 (2016): Support for Veteran Quality of Life

rials for the Veterans Legacy Program (VLP). The VLP is NCA's educational outreach initiative whose mission is to memorialize our nation's veterans through sharing their personal stories and military history. The NCA partners with universities, schools, teachers, professors, and students at all levels to research veterans interred in NCA cemeteries and learn how they contributed to their country and their communities.

This bill would streamline the funding process for the VLP by forgoing the contract process and creating a grant program. Currently, the NCA sponsors research for the VLP through federal contract, which has a different purpose than a grant. The government uses grants and cooperative agreements as a means of assisting researchers in developing research for the public good, whereas it uses contracts as a means of procuring a service for the benefit of the government. Grants are also much more flexible than contracts. Typically in federal contracts, changes cannot be made to the scope of work or budget, whereas in grants these changes can usually be made with the university's approval. Failure to deliver under a federal contract can have potential legal or financial consequences to all parties at the University, whereas in the case of a grant, typically a final report explaining the outcome is sufficient.

While DAV does not have a resolution specific to this program, we support the intent of the program to remember those who have served and sacrificed and are laid to rest in our National Cemeteries and therefore have no objection to its passage.

#### **H.R. 6409, the Honoring Veterans' Families Act**

H.R. 6409, the Honoring Veterans Families Act, would allow the Department of Veterans Affairs to make an inscription on a veteran's grave regarding their spouse or dependent child if that veteran is buried in a non-VA cemetery. It would also allow the VA to replace a veteran's grave marker to add such an inscription if the veteran predeceased their spouse or dependent child and already has a marker. Current law does not provide for any inscription honoring spouses or dependents.

DAV does not have a resolution that pertains to this issue but we would not oppose its passage.

This concludes my testimony, Mr. Chairman. DAV would be pleased to respond for the record to any questions from you or Subcommittee Members concerning our views on these bills.

