


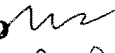


*MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN*  
2008 (SECOND) Regular Session

2008 APR 11 PM 1:35

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Resolution No. 146(Ec)

Introduced by:

B.J.F. Cruz   
R.J. Respicio   
J.P. Guthertz   
T.R. Muña Barnes 

RELATIVE TO EXPRESSING THE OPPOSITION OF *I MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN* ON H.R. 5509 INTRODUCED IN THE UNITED STATES HOUSE OF REPRESENTATIVES; AND TO EXPRESSING THE OPPOSITION OF *I MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN* ON S. 2674 INTRODUCED IN THE UNITED STATES SENATE.

1 BE IT RESOLVED BY *I MINA' BENTE NUEBI NA LIHESLATURAN*  
2 *GUÅHAN*:

3 WHEREAS, we as an island community and as a country owe a debt of  
4 gratitude to all veterans of the U.S. Armed Forces for protecting our freedoms;

5 WHEREAS, we have a moral responsibility to our wounded veterans to  
6 assure them of all the support they need to function independently when they  
7 return from duty;

1           **WHEREAS**, *I Liheslaturan Guahan*, the Guam Legislature, is concerned with  
2 the provisions of America's Wounded Warrior (S. 2674) introduced in the United  
3 States Senate;

4           **WHEREAS**, *I Liheslaturan Guahan* is equally concerned with the Nobel  
5 Warrior Act (H.R. 5509) introduced in the United States House Representatives;

6           **WHEREAS**, the two measures, as proposed, drastically change the  
7 disability compensation system for America's veterans;

8           **WHEREAS**, the measures are loosely based on the recommendations of the  
9 President's Commission on Care for America's Wounded Warriors, also known  
10 as the Dole/Shalala Commission, but the specifics of these bills would do great  
11 harm to most veterans;

12           **WHEREAS**, if passed into law, S. 2674 and H.R. 5509, would offset VA  
13 Disability Compensation by Social Security when the veteran ages 65;

14           **WHEREAS**, S. 2674 and H.R. 5509, as written, would apply to all currently  
15 discharging veterans and any veteran under the U.S. Department of Veterans  
16 Affairs (VA) current compensation system who files a subsequent claim for  
17 additional benefits;

1           **WHEREAS**, under S. 2674 and H.R. 5509, once under the new system the  
2 veteran cannot return to the current system;

3           **WHEREAS**, under S. 2674 and H.R. 5509, protection for ratings in effect for  
4 10 or more years would no longer apply;

5           **WHEREAS**, S. 2674 and H.R. 5509 would require the VA Secretary to  
6 examine or consider: (a) the extent to which disability compensation may be used  
7 as an incentive to undergo treatment; (b) the appropriate injuries to be covered  
8 under the new disability rating system; and (c) "age" as a determining factor  
9 when considering average loss of earnings capacity;

10           **WHEREAS**, S. 2674 and H.R. 5509 amend the law to provide the Secretary  
11 with authority to adopt and apply a rating schedule for "*specific injuries*" which  
12 would expressly limit VA authority over the Rating Schedule and places the  
13 authority in the hands of Congress;

14           **WHEREAS**, S. 2674 and H.R. 5509 provide for a quality of life payment,  
15 but only does so for those enrolled in the "*new*" compensation system;

16           **WHEREAS**, S. 2674 and H.R. 5509 are discriminatory in that it allows or  
17 suggests the VA may take into account the effect on potential future earnings

1 caused by the age of the veteran at the time a disability rating is assigned,  
2 effectively allowing the VA to compensate an older veteran at a lower percentage  
3 of disability than a younger veteran for the exact same disease or injury;

4 **WHEREAS**, S. 2674 and H.R. 5509 provide that (a) as frequently as the VA  
5 considers it appropriate, the VA must reevaluate and adjust the disability rating  
6 for any veteran receiving compensation; (b) the VA must take into account any  
7 adjustments in the rating schedule that occurred since the last assignment of a  
8 rating; and (c) the frequency of reevaluations would be determined by an  
9 examining physician;

10 **WHEREAS**, this places physicians back in the rating business, allowing for  
11 frequent "*adjustments*" to a veteran's rating based on perceived improvement,  
12 and further allows reductions based on a change in the rating criteria even when  
13 no improvement in the disability is shown;

14 **WHEREAS**, Disabled American Veterans, a 1.2 million-member  
15 organization of disabled veterans, opposes S. 2674 and H.R. 5509 because the  
16 measures transitions veterans into the new system in a manner that will

1 overwhelm the VA's claims process and subject participants to scrutinizing  
2 reexaminations indefinitely, or until a physician directs otherwise;

3 **WHEREAS**, the United States of America has the moral responsibility and  
4 capacity to provide the best possible care to all veterans who were injured while  
5 fighting to protecting our country and the freedoms we enjoy; and now therefore  
6 be it

7 **RESOLVED**, that *I Mina' Bente Nuebi Na Liheslaturan Guåhan*, the Twenty-  
8 Ninth Guam Legislature, on behalf of the people of Guam, does hereby express  
9 its opposition to S. 2674 introduced in the U.S. Senate;

10 **RESOLVED**, that *I Mina' Bente Nuebi Na Liheslaturan Guåhan*, the Twenty-  
11 Ninth Guam Legislature, on behalf of the people of Guam, does hereby express  
12 its opposition to H.R. 5509 and any other legislation which is detrimental to  
13 and/or discriminatory against this nation's veterans; and be it further

14 **RESOLVED**, that the Speaker certify, and the Legislative Secretary attest to  
15 the adoption hereof, and that copies of the same be transmitted to the Honorable  
16 Madeleine Z. Bordallo, Member of Congress; to the Honorable Robert C. Byrd,  
17 President Pro Tempore of the Senate; to the Honorable Harry Reid, Majority

1 Leader of the Senate; to the Honorable Mitch McConnell, Minority Leader of the  
2 Senate; to the Honorable Daniel Akaka, Chairman of the Senate Committee on  
3 Veterans' Affairs; to the Honorable Nancy Pelosi, Speaker of the House; to the  
4 Honorable John Boehner, House Republican Leader; to the Honorable Robert  
5 Filner, Chairman of the House Committee on Veterans' Affairs; to the Honorable  
6 Ike Skelton, Chairman of the House Armed Services Committee; to Secretary of  
7 Veterans Affairs James Peake, M.D.; and to the Honorable Felix P. Camacho,  
8 Governor of Guam.

9 **DULY AND REGULARLY ADOPTED BY *I MINA'BENTE NUEBI NA***  
10 ***LIHESLATURAN GUÅHAN* ON THE TH DAY OF APRIL 2008.**

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JUDITH T. WON PAT  
Speaker

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TINA ROSE MUÑA BARNES  
Senator and Legislative Secretary