

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

Resolution No. 146 (EC)

As substituted by the Author.

Introduced by:

B. J.F. Cruz
R. J. Respicio
Judith Paulette Guthertz, DPA
Tina Rose Muña Barnes
Frank F. Blas, Jr.
Edward J.B. Calvo
James V. Espaldon
Mark Forbes
Frank T. Ishizaki
J. A. Lujan
A. B. Palacios, Sr.
v. c. pangelinan
Dr. David L.G. Shimizu
Ray Tenorio
J. T. Won Pat, Ed. D.

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, relative to Veterans Disability Benefits.

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

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

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

7 **WHEREAS**, *I Liheslaturan Guåhan* is concerned with the provisions of
8 America's Wounded Warrior (S. 2674) introduced in the United States Senate;
9 and

10 **WHEREAS**, *I Liheslaturan Guåhan* is equally concerned with the Nobel
11 Warrior Act (H.R. 5509) introduced in the United States House
12 Representatives; and

13 **WHEREAS**, the two (2) measures, as proposed, drastically change the
14 disability compensation system for America's veterans; and

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

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

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

1 **WHEREAS**, under S. 2674 and H.R. 5509, protection for ratings in effect
2 for twenty (20) *or* more years would no longer apply; and

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

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

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

14 **WHEREAS**, S. 2674 and H.R. 5509 are discriminatory in that it allows *or*
15 suggests the VA may take into account the effect on potential future earnings
16 caused by the age of the veteran at the time a disability rating is assigned,
17 effectively allowing the VA to compensate an older veteran at a lower
18 percentage of disability than a younger veteran for the exact same disease *or*
19 injury; and

20 **WHEREAS**, S. 2674 and H.R. 5509 provide that (a) as frequently as the
21 VA considers it appropriate, the VA must reevaluate and adjust the disability
22 rating for any veteran receiving compensation; (b) the VA must take into
23 account any adjustments in the rating schedule that occurred since the last

1 assignment of a rating; and (c) the frequency of reevaluations would be
2 determined by an examining physician; and

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

7 **WHEREAS**, Disabled American Veterans, a 1.2 million-member
8 organization of disabled veterans, opposes S. 2674 and H.R. 5509, because the
9 measures transition veterans into the new system in a manner that will
10 overwhelm the VA's claims process and subject participants to scrutinizing
11 reexaminations indefinitely *or* until a physician directs otherwise; and


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

16 **RESOLVED**, that *I Mina' Bente Nuebi Na Liheslaturan Guåhan* does
17 hereby, on behalf of the people of Guam, hereby express its opposition to S.
18 2674 introduced in the U.S. Senate; and be it further

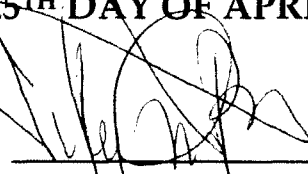
19 **RESOLVED**, that *I Mina' Bente Nuebi Na Liheslaturan Guåhan*, the
20 Twenty-Ninth Guam Legislature, on behalf of the people of Guam, does
21 hereby express its opposition to H.R. 5509 and any other legislation which is
22 detrimental to and/or discriminatory against this nation's veterans; and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

1 **RESOLVED**, that the Speaker certify, and the Secretary of the
2 Legislature attest to, the adoption hereof, and that copies of the same be
3 thereafter transmitted to the Honorable Madeleine Z. Bordallo, Guam's
4 Delegate to the United States Congress; to the Honorable Robert C. Byrd,
5 President Pro Tempore of the Senate; to the Honorable Harry Reid, Majority
6 Leader of the Senate; to the Honorable Mitch McConnell, Minority Leader of
7 the Senate; to the Honorable Daniel Akaka, Chairman of the Senate
8 Committee on Veterans' Affairs; to the Honorable Nancy Pelosi, Speaker of
9 the House; to the Honorable John Boehner, House Republican Leader; to the
10 Honorable Robert Filner, Chairman of the House Committee on Veterans'
11 Affairs; to the Honorable Ike Skelton, Chairman of the House Armed Services
12 Committee; to Secretary of Veterans Affairs James Peake, M.D.; and to the
13 Honorable Felix P. Camacho, *I Maga'lahaen Guåhan*.

**DULY AND REGULARLY ADOPTED BY I MINA'BENTE NUEBI NA
LIHESLATURAN GUÅHAN ON THE 25TH DAY OF APRIL 2008.**



DR. DAVID L.G. SHIMIZU
Acting Speaker



TINA ROSE MUÑA BARNES
Senator and
Secretary of the Legislature