Resolution Process and Resolution Writing
Right to Advocate

Congress shall make no law abridging the right of the people to petition the Government for a redress of grievances

- The First Amendment to the Constitution of the United States
DAV Legislative Activities

• Position on any legislation
• Sponsoring or endorsing federal legislation
• Standing mandate to protect benefits
Resolution Process:

1. STATE LEVEL
2. NATIONAL LEVEL
Resolution Process: Submission

- In duplicate
- 14 days before National Convention

Sponsored by Chapter or Department

Approval of State Convention or Executive Committee

Received by National Adjutant
Resolution Process:
Assignment and Coordination
Resolution Process: Consideration and Disposition

- Report of Legislation and Veterans Rights
- Report of General Resolutions and Membership
- Report of Committee on Constitution and Bylaws
- Report of Credentials Committee
- Report of Committee on Finance
- Report of Hospital and Voluntary Services
- Report of Committee on Nomination of National Officers
- Report of Committee on Employment

National Convention

Legislative Program 2013
The Resolution

res·o·lu·tion (rězˈə-lōōˈshən) n.

A formal expression of opinion or statement of a decision put before or adopted by an assembly
EXPAND PRISONER-OF-WAR PRESUMPTIONS

WHEREAS, former prisoners-of-war (POWs) suffered cruel and inhumane treatment, together with nutritional deprivation at the hands of their captors, which resulted in long-term adverse health effects; and

WHEREAS, POWs were subjected to numerous and varying forms of abuse dependent upon the place, time, and circumstance of their captivity by the enemy; and

WHEREAS, for this reason, former POWs suffer from a wide range of physical and psychological maladies;

NOW THEREFORE, BE IT RESOLVED that the Disabled American Veterans in National Convention assembled in New Orleans, Louisiana, August 6-9, 2011, supports legislation which would establish a presumption of service-connected disability in VA benefits applications that are associated with or can be reasonably attributed to the POW experience as presumptive disorders for former POWs; AND

BE IT FURTHER RESOLVED that the Disabled American Veterans urges passage of legislation that would expand eligibility for Dependency and Indemnity Compensation to surviving spouses of POWs who were rated totally disabled at the time of death for a service-connected disability for a period of not less than one year.

REDUCE THE 10-YEAR RULE FOR DEPENDENCY AND INDEMNITY COMPENSATION

WHEREAS, Section 1318 (b) (1), title 38, United States Code, provides Dependent & Indemnity Compensation (DIC) benefits for survivors of certain veterans noted totally disabled for 10 or more years; and

WHEREAS, the financial status of the surviving spouse is compromised due to the care required by the totally disabled veteran and provided by the surviving spouse; and

WHEREAS, the surviving spouse, acting as care-giver for the veteran, most in many case limit or give up her career, or put his or her career on hold; and

WHEREAS, it is inherently unfair that the surviving spouse should have this additional burden placed on her for 10 years or more before he or she can qualify for DIC when this veterans passes; NOW THEREFORE, BE IT RESOLVED that the Disabled American Veterans in National Convention assembled in New Orleans, Louisiana, August 6-9, 2011, support legislation to reduce this 10-year rule for DIC qualification to a more reasonable period of time.

DAV

Statement of Policy

Identifying an Issue
Proper Construction

1. The Title or Statement of Purpose

2. The Whereas Clauses or Justification of Purpose

3. The Resolved Clause or Final Declaration and Course of Action.
RESOLUTION NO. 058

INCREASE DISABILITY COMPENSATION

WHEREAS, it is the historical policy of the Disabled American Veterans that this Nation’s first duty to veterans is to provide for the rehabilitation of its wartime disabled; and

WHEREAS, the percentage ratings for service-connected disabilities represent, as far as can be practicably determined, the average impairment in earning capacity resulting from such disabilities in civil occupations; and

WHEREAS, compensation increases should be based primarily on the loss of earning capacity; and

WHEREAS, disabled veterans who are unable to work because of service connected disabilities should be entitled to compensation payments commensurate with the after-tax earnings of their able-bodied contemporaries; NOW

THEREFORE, BE IT RESOLVED that the Disabled American Veterans in National Convention assembled in New Orleans, Louisiana, August 6-9, 2011, supports the enactment of legislation to provide a realistic increase in Department of Veterans Affairs compensation rates to bring the standard of living of disabled veterans in line with that which they would have enjoyed had they not suffered their service-connected disabilities.
Instant Recognition?

Simple

Clear

Concise
Whereas Clauses

What it should do:  What it should not do:

• Build as case
• Inform
• Persuade

• Be repetitive
• Exaggerate
• Stray
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WHEREAS, disabled veterans who are unable to work because of service connected disabilities should be entitled to compensation payments commensurate with the after-tax earnings of their able-bodied contemporaries; and

NOW

THEREFORE, BE IT RESOLVED that the Disabled American Veterans in National Convention assembled in New Orleans, Louisiana, August 6-9, 2011, supports the enactment of legislation to provide a realistic increase in Department of Veterans Affairs compensation rates to bring the standard of living of disabled veterans in line with that which they would have enjoyed had they not suffered their service-connected disabilities.
The Resolve Clause

INCREASE DISABILITY COMPENSATION

WHEREAS, it is the historical policy of the Disabled American Veterans that this Nation’s first duty to veterans is to provide for the rehabilitation of its wartime disabled; and

WHEREAS, the percentage ratings for service-connected disabilities represent, as far as can be practically determined, the average impairment in earning capacity resulting from such disabilities in civil occupations; and

WHEREAS, compensation increases should be based primarily on the loss of earning capacity; and

WHEREAS, disabled veterans who are unable to work because of service connected disabilities should be entitled to compensation payments commensurate with the after-tax earnings of their able-bodied contemporaries; NOW

THEREFORE, BE IT RESOLVED that the Disabled American Veterans in National Convention assembled in New Orleans, Louisiana, August 6-9, 2011, supports the enactment of legislation to provide a realistic increase in VA compensation rates to bring the standard of living of disabled veterans in line with that which they would have enjoyed had they not suffered their service-connected disabilities.
SUPPORT LEGISLATION TO REMOVE THE PROHIBITION AGAINST CONCURRENT RECEIPT OF SBP AND DIC

WHEREAS, the Survivor Benefit Plan (SBP) payments are payments of an insurance annuity and the retired military member pays premiums for this coverage; and

WHEREAS, Dependency and Indemnity Compensation (DIC) is paid to the surviving spouse of a service member, retiree or veteran who dies of a service-connected condition; and

WHEREAS, these two programs are unrelated to each other; and

WHEREAS, under current law SBP payments are reduced, by the amount of DIC received; and

WHEREAS, this offset is extremely unfair to the approximately 61,000 spouses whose service member faithfully paid premiums in anticipation of a fair annuity based on premium payment; and

WHEREAS, there should not be a statute of limitation to apply for SBP as the current six-year statute of limitation has severe and adverse consequences on survivors; NOW

THEREFORE, BE IT RESOLVED that the Disabled American Veterans in National Convention assembled in New Orleans, Louisiana, August 6-9, 2011, support legislation to repeal the offset between SBP annuity payments and DIC Compensation Payments; AND

BE IT FURTHER RESOLVED that the six-year statute of limitation should be waived if the offset between DIC and SBP is removed.
Example Resolution

URGE GREATER COOPERATION AMONG DEPARTMENTS OF DEFENSE, VETERANS AFFAIRS AND CONGRESS ON EASING THE BURDEN OF ESTABLISHMENT OF SERVICE CONNECTION FOR RESIDUALS OF MILITARY SEXUAL TRAUMA, AND FOR IMPROVING THE AVAILABILITY OF RECORDS ASSOCIATED WITH EVIDENCE OF MILITARY SEXUAL TRAUMA

WHEREAS, the Disabled American Veterans maintains a longstanding resolution from our membership that advocates an open process to govern establishment of service connection for diseases and injuries incurred in or aggravated in the line of duty during service in the United States armed forces;

WHEREAS, establishing a causal relationship between injury and later disability can be daunting due to lack of records or certain human factors that obscure or prevent documentation or even basic investigation of such incidents after they occur;

WHEREAS, military sexual trauma is evermore recognized as a hazard of service for one percent of men serving and upwards of 20 percent of women serving in the armed forces and later represents a heavy burden of psychological and mental health care for the Department of Veterans Affairs (VA);

WHEREAS, an absence of documentation of military sexual trauma in the personnel or military unit records of injured individuals prevents or obstructs adjudication of claims for disabilities of this deserving group of veterans injured during their service, and may interrupt or prevent their care by VA once they become veterans;

WHEREAS, the Department of Defense (DOD) has established an office of Sexual Assault Prevention and Response (SAPRO) to establish department-wide policies and procedures for the handling of sexual assault and injury cases for active military service members and members of reserve and Guard units, including documentation, records retention and protection of the privacy of the individuals involved in such cases;

WHEREAS, both DOD and VA have agreed on some procedures that would govern documentation sufficient to justify service connection of sexual assault and other military sexual trauma;

WHEREAS, presumptive service connection may be established in existing law (section 1112, title 38, United States Code) and statutory regulation (section 3.307, title 38, Code of Federal Regulations) for certain diseases that manifest to a degree of ten percent or more disabling within a date certain from date of discharge; and

WHEREAS, bills have been introduced in Congress that, if enacted, would ease rules associated with documentation of sexual trauma in an effort to provide equitable relief to those suffering these effects while protecting the confidentiality of such records and the individuals about whom they are maintained; NOW

THEREFORE, BE IT RESOLVED that the Disabled American Veterans in National Convention assembled in New Orleans, Louisiana, August 6-9, 2011, supports continuing and stronger efforts by VA, DOD and Congress to ease the burden of establishment of service-connected disability from the effects of military sexual trauma by making evidentiary records more readily available; AND

BE IT FURTHER RESOLVED that Disabled American Veterans urges VA to use existing legal precedent for establishing presumptive service connection for illnesses associated with military sexual trauma when symptoms consistent with such trauma manifest in a veteran to a degree of ten percent or more disabling within a date certain, set either by Congress or the Secretary of Veterans Affairs, from date of discharge from military service.
In Summary

- What is the Issue
- Statement of Policy
- Title
- Build the Case
- Explicit Course of Action
- Use your resources