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TESTIMONY ON SENATE BILL 1417 S.D.2
RELATING TO FILIPINO VETERANS BURIAL ASSISTANCE

PRESENTATION TO THE
COMMITTEE ON PUBLIC SAFETY, VETERANS, & MILITARY AFFAIRS

BY

MR. RONALD P. HAN
DIRECTOR OF THE STATE OFFICE OF VETERANS SERVICES

March 13, 2019
10:30 a.m.

Good morning, Chair Takayama, Vice Chair Gates, and members of the Committee:

I'm Ron Han, Director of the State Office of Veterans Services (OVS). I appreciate this opportunity to provide testimony **in support** of the concepts in Senate Bill 1417 S.D.2.

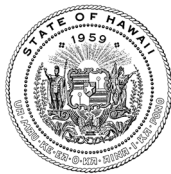
This measure appropriates funds and establishes a special non-lapsing fund if authorized by governing administrative rules for burial grants to qualifying Filipino veterans to provide funeral and burial services and transportation of their remains to the Philippines. Eligible Filipino veterans have earned the right to be buried in a National or State Veterans' Cemetery. This is the same entitlement provided to eligible military members and veterans of the United States Armed Forces. Through Act 105, Sessions Laws of Hawaii 2017, the legislature with approval by the Governor appropriated initial funding for this measure. With coordination with the Hawaii State Attorney General's Office and public hearings throughout the State in 2017, a new Hawaii Administrative Rules Section has been created.

The OVS supports the intent expressed in this measure as long as its implementation does not impact or replace the priorities set forth in the Executive Budget.

Thank you for this opportunity to provide testimony on behalf of Hawaii's Veterans and their families.

Ron Han: ronald.han@va.gov Phone: (808) 433-0422

DAVID Y. IGE
GOVERNOR



RODERICK K. BECKER
DIRECTOR

ROBERT YU
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
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ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

TESTIMONY BY RODERICK K. BECKER
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON PUBLIC SAFETY, VETERANS
AND MILITARY AFFAIRS
ON
SENATE BILL NO. 1417, S.D. 2

March 13, 2019
10:30 a.m.
Room 430

RELATING TO FILIPINO VETERANS BURIAL ASSISTANCE

Senate Bill (S.B.) No. 1417, S.D. 2, appropriates an unspecified amount of general funds for FY 20 and for FY 21 for burial grants for qualified Filipino-American World War II veterans for funeral and burial services and for transportation of their remains to the Philippines. The bill also contains an unspecified lapse date where “funds appropriated and unencumbered as of July 30, 2021, shall not lapse to the credit of the general fund but shall remain available for the purpose of the Act.”

The Department of Budget and Finance appreciates the intent of this bill to provide burial grants for qualified Filipino-American World War II veterans; however, this bill may have a constitutional issue with the lapsing of funds. The Department of the Attorney General has opined that Article VII, Section 11, of the Hawaii State Constitution, provides that general funds may not be appropriated for a biennial appropriation with a lapse date more than one year beyond the biennial period. Thus, the FY 20 and FY 21 appropriations in S.B. No. 1417, S.D. 2, must lapse no later than June 30, 2022, which is one year beyond the close of the Fiscal Biennium 2019-21.

Thank you for your consideration of our comments.

SB-1417-SD-2

Submitted on: 3/11/2019 8:43:49 PM

Testimony for PVM on 3/13/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
amy agbayani	Filipina Advocacy Network FAN	Support	Yes

Comments:

Relating to Filipino Veterans Burial Assistance

My name is Amy Agbayani, Chair of the Filipina Advocacy Network. We support programs and policies that seek equity for Filipinos and improve the status of Filipinos in Hawai'i. We strongly support HB378 to provide stable funding for burial grants for qualifying Filipino-American veterans. These funds would pay for partial funding for funeral and burial services and transportation of their remains to the Philippines; provided that federal funds remain unavailable and there remain eligible Filipino American veterans living in the State. The veterans living in our state do not have resources to transport their remains to the Philippines if that is their final wish. These veterans are in their 90's, most do not have family in Hawai'i and are low-income. Although burial grants to cover this cost were statutorily established, there are no funds available as unused funds lapsed at the end of the fiscal year.

Since most veterans are in their 90s we do not expect funding will be needed for many more years. We urge that funding mechanism will allow benefits be available beyond 2019-2021.

We respectfully request you approve this bill that demonstrates Hawaii's recognition of our Filipino WW II veteran's service and sacrifice. These elderly veterans have faced many barriers and deserve our appreciation. Thank you for hearing this bill and for the opportunity to offer our strong support.



O`ahu County Committee on Legislative Priorities (OCCLP)

COMMITTEE ON PUBLIC SAFETY, VETERANS, & MILITARY AFFAIRS

Rep. Gregg Takayama, Chair

Rep. Cedric Asuega Gates, Vice Chair

DATE: Wednesday, March 13, 2019

TIME: 10:30 a.m.

PLACE: Conference Room 430, State Capitol

RE: SB 1417, SD 2, Relating to Filipino Veterans Burial Assistance

To the Honorable Gregg Takayama, Chair; the Honorable Cedric Asuega Gates, Vice Chair; and Members of the Committee on Public Safety, Veterans, & Military Affairs:

My name is Melodie Aduja and I serve as Chair of the O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i ("DPH"). Mahalo for this opportunity to submit testimony on SB 1417, SD 2. The O`ahu County Committee on Legislative Priorities ("OCCLP") hereby submits its testimony in **SUPPORT of SB 1417, SD 2, Relating to Filipino Veterans Burial Assistance.**

SB 1417, SD 2, appropriates funds for burial grants for qualifying Filipino American World War II veterans to provide funeral and burial services and transportation of their remains to the Philippines. SB 1417, SD 2, further requires that funds for burial grants to not lapse to the general fund and remain available as needed.

Our country has a sacred, moral responsibility to keep faith with all our veterans and wounded warriors. We must take care of those who have their lives on the line to defend us. That is why we will push for more educational benefits and job training, end chronic homelessness and combat suicide, and protect and preserve the post-9/11 G.I. Bill for future generations. We will also ensure that reservists and Guard members are treated fairly when it comes to employment health, education benefits, deployment, and reintegration.

DPH will fight for every veteran to have timely access to high-quality health care and timely processing of claims and appeals. We must also look for more ways to make certain the VA provides veteran-centric care, such as providing women with full and equal treatment,

including reproductive health services; expanding mental health programs; continuing effort to identify and treat invisible, latent, and toxic wounds of war; treating post-traumatic stress; and expanding the post-9/11 veteran's caregiver program to include all veterans. *Democratic Party of Hawai'i Platform (2018), p. 22, ln. 17-29.*

In this same light, appropriating funds for burial grants for qualifying Filipino American World War II veterans to provide funeral and burial services and transportation of their remains to the Philippines appears just, reasonable and well-deserved.

For the foregoing reasons, OCCLP supports SB 1417, SD 2, and urges its passage out of the Committee on Public Safety, Veterans, & Military Affairs.

Mahalo nui loa
Me ka `oia`i`o

/s/ Melodie Aduja

Melodie Aduja

Chair, O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i

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THE FILIPINO VETERANS RECOGNITION
AND EDUCATION PROJECT

P. O. Box 860654 Wahiawa, HI 96786 Phone: (808) 285-5143

Date: March 12, 2019

To: Rep. Gregg Takayama, Chair
Rep. Cedric Gates, Vice Chair
House Committee on PVM

Re: Testimony on SB 1417 SD2 – Filipino Veterans Burial Assistance
Hearing Date: 3/13/2019

The Filipino Veterans Recognition and Education Project, Region 11 (Hawaii and the Pacific Territories) appreciates the opportunity to submit this testimony in strong **SUPPORT** for S.B. 1417 SD2, which would provide a stable non-lapsing funding source to provide financial assistance for the burial and funeral costs for Filipino-American veterans living in Hawaii who served in World War II and wants to be repatriated to the Philippines upon their death.

Such stable funding is not only critical to lighten the heavy financial burden of transporting a veteran's remains to the Philippines – estimated to cost \$5,000 - \$12,000. It also serves as a symbolic gesture to help remedy a solemn injustice experienced by these brave and loyal servicemen - now in their 90s - as well as their families. We recommend that section 2 of the bill be amended to increase the individual burial assistance to \$10,00 instead of the \$5,000 contained in the bill. The cost of preparing the body (embalming, casket, etc.) and transportation will far exceed \$5,000.

Promised citizenship and veterans' benefits in return for their service, these Philippine Nationals put their lives on the line in the US Armed Forces. Not until *after* these Filipino veterans made great sacrifices to serve our country, did we see legislation and a series of political decisions that stripped away the benefits earned and promises made by our federal government – measures that some have regarded as racist and discriminatory.

Although there have been a few legislative and policy gains to make good on America's commitment to these servicemen, these efforts have been slow-incoming, burdensome to pursue, and falls far too short of what's been pledged and deserved.

It's been heart-breaking for our organization to learn about the sacrifices these veterans have made based on a well-founded expectation that the relevant petitions and visas needed to reunify families in the United States would be provided for, granted, and approved. Instead, they are aging here, alone, far from home and the family that would otherwise care for them.

We believe that passage of this bill will help rectify the indignity of this history; recognize the sacrifices made by these veterans and their families; and highlight the compassion with which our Aloha State understands their collective experience – which has too easily been forgotten on the national level. This measure is long overdue; and sadly, much too late for so many.

We thank you for your support in the passage of this bill.

Mahalo and Mabuhay,

Anita Loando-Acohido, FilvetREP Region 11 Director and

Wilfredo Tungol, FilvetREP Region 11 Deputy Director

Phone: 808-387-7412



LATE

HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 • PHONE: 586-8636 • FAX: 586-8655 • TDD: 568-8692

March 13, 2019
Rm. 430, 10:30 a.m.

To: Hon. Greg Takayama, Chair
Hon. Cedric Asuega Gates, Vice Chair
Members of the House Committee on Public Safety, Veterans, & Military Affairs

From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No. 1417, S.D. 2

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

S.B. No. 1417, S.D. 2, establishes a stable and dedicated funding source to provide for burial grants for Filipino-American veterans of World War II, to cover funeral and burial costs, including the cost of returning their remains to the Philippines for burial. This follows the 2017 enactment of H.B. No. 1420 as Act 105, which provided for a one-time appropriation for the same purpose.

The HCRC strongly supports S.B. No. 1417, S.D. 2. This program is one small way that Hawai‘i can join the United States in efforts to pay a debt of gratitude and justice, attempting to remedy a history of injustice, broken promises, and discriminatory treatment suffered by a now dwindling generation of heroic Filipino Veterans who served under US command, were promised citizenship and veteran’s benefits, and to this day continue to suffer the consequences of broken promises and belated remedies.

During WWII, members of the Philippine Armed Forces served in the US Armed Forces in the

war against Japan. They were among a broader class of non-citizens serving in the US Armed Forces who were offered naturalization as part of the 1942 enactment of the Second War Powers Act, which waived a number of usual naturalization requirements, including residence in the United States and literacy and education testing in English. The cut-off date for application was set at December 31, 1946.

The US authorized Vice Consul George H. Ennis in August 1945 to naturalize Filipino servicemen pursuant to the law. However, the applicability of the law to Filipino servicemen was questioned, and then Attorney General Tom Clark revoked Ennis' authority to naturalize in September 26, 1945. Eligible Filipino servicemen were then only able to naturalize from August through December, 1946. As a result, only about 4,000 out of more than 250,000 Filipino servicemen applied for and were granted naturalization during those few short months.

With the enactment of the Rescission Act in 1946, these Filipino Veterans who served under US Command were singled out and denied full and equal veterans status and benefits given to others.

This injustice spawned a host of litigated cases on behalf of Filipino Veterans, from the 1960s through the 1980s. Then, in 1990 Congress incorporated provisions for special naturalization for Filipino Veterans in the 1990 Immigration Act, followed by piecemeal legislation providing for limited benefits for Filipino Veterans, but not equity and full veterans benefits.

Many of those Filipino Veterans who naturalized since 1990 have waited for years for relative visas to become available, so their petitions to be reunited with their adult children in the United States can be approved and visas issued. Fewer and fewer remain with us, waiting, as those who fought under US command in WWII are now aged well into their 90s.

The HCRC strongly supports S.B. No. 1417, S.D. 2, which provides for those who wish to return to the Philippines to be buried and reunited with their families in death, too late to be reunited in life.

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LATE

TO: Rep. Gregg Takayama, Chair
Rep. Cedric Asuega Gates, Vice Chair and Committee Members
House Committee on Public Safety, Veterans, & Military Affairs

FROM:  Abelina Madrid Shaw, Esq.

DATE: March 13, 2019 (10:30 a.m.) Conference Room 430

RE: TESTIMONY IN SUPPORT OF S.B. 1417 SD2 RELATING
TO FILIPINO VETERANS BURIAL ASSISTANCE

Notwithstanding the efforts by the legislature to set aside funds for the burial of Filipino Veterans and its related costs to properly bury the Veterans, efforts to meet the last wishes of the Veteran to be buried in the Philippines have been hampered by current statutory rules which preclude families from taking advantage of this benefit, long overdue.

This Bill will provide for the Veteran and their families the peace of mind that their wishes to go home to be buried in his homeland will be met. And, preventing the lapse of these appropriated funds will allow for the intended purpose of this Bill.

Realizing that the Veterans are now nearing their 90's and need more care and attention, Congress, headed by our delegation, have passed legislation that will facilitate the processes to have their children united with their elderly parents living in Hawaii to help care for them. Even this process has been cumbersome. Many Veterans live alone and are under tight budgets, many just receiving SSI and their Philippine military service pension. Elderly Filipino Veterans must also compete for the scarce elderly services offered by our community. Allowing for this amount of \$5,000.00 for each Veteran and the prevention of the lapse of funds will ameliorate the challenges they face. The increase to \$5,000.00 and the non-lapsing of these funds will go a long way to better life here in Hawaii.

Guidelines for preventing the lapse of funds will address the reality that death is not controllable, more so for those Filipino Veterans in the twilight of their years.

Thank you for the opportunity to provide testimony.