

LEGISLATIVE HEARING ON  
H.R. 156, H.R. 585, AND H.R. 704

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

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**LEGISLATIVE HEARING ON  
H.R. 156, H.R. 585, AND H.R. 704**

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**TUESDAY, JUNE 19, 2007**

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

The Subcommittee met, pursuant to notice, at 2:05 p.m., in Room 334, Cannon House Office Building, Hon. John J. Hall [Chairman of the Subcommittee] presiding.

Present: Representatives Hall, Hare, Rodriguez, Lamborn, Bilirakis.

**OPENING STATEMENT OF CHAIRMAN HALL**

Mr. HALL. Good morning, or should I say good afternoon, everyone.

I would ask for us to rise for the Pledge of Allegiance. Flags are in the front and the back of the room.

[Pledge of Allegiance.]

The Subcommittee on Disability Assistance and Memorial Affairs is called to order. We will be holding a legislative hearing on H.R. 156, H.R. 585, and H.R. 704.

We have one unanimous consent request which is that, when she arrives, Representative Herseth Sandlin be allowed to testify from the dais if that is okay. She is on the full Committee, but not on this Subcommittee, and she is not able to actually be here for a little while yet due to a double booking.

Several of us have more than one Committee meeting happening at the same time, so we will be coming and going, but that does not mean that we are not anxious to hear your testimony on these noncontroversial but critical bills.

I want to thank Mr. Holden for appearing before our Subcommittee to present testimony on his bill, H.R. 156, which would change the date of eligibility for Dependency and Indemnity Compensation (DIC) payments to survivors of former prisoners of war (POWs) to include those POWs who died before September 30, 1999.

Current DIC payments for survivors of POWs are only payable to these POWs who died after September 30, 1999. This bill would correct this inexplicable inequity.

I am proud to have one of my constituents from my district here today, Mr. Norman Bussel, past President of the American Ex-Prisoners of War Service Foundation, to testify in support of this legislation.

Welcome, Mr. Bussel, and thank you again for being here to offer your insight as a former POW. Thank you for your service to our country.

As with all mandatory spending, we will have to find the offsets to pay for this change in order to comply with PAYGO rules adopted at the beginning of this Congress. However, as the number of qualifying spouses has dwindled, I hope that we will be able to work in a bipartisan manner to help find the funding to assist this population of mostly widows.

The second bill under consideration today, H.R. 704, sponsored by Mr. Bilirakis also would affect the DIC programs. His bill would change the age of remarriage for surviving spouses from 57 to 55. Currently, if a surviving spouse remarries before age 57, the DIC payments cease automatically. This is a harsh result for surviving spouses who have sacrificed and lost so much.

As Mr. Bilirakis will surely point out, changing the age of remarriage from 57 to 55 will also bring this provision in line with several other Federal survivors programs, particularly the Military Survivor Benefit Plan.

Here he is, Mr. Bilirakis himself. Good to see you, sir. I know this bill enjoys wide support and I certainly support its concept of allowing love to flourish for these survivors in their later years without penalty.

And lastly we will consider H.R. 585, sponsored by Congresswoman Herseth Sandlin, Chair of the Economic Opportunity Subcommittee, which would change the retroactive provisions of the Traumatic Servicemembers' Group Life Insurance (TSGLI) program to allow those servicemembers injured outside of Iraq and Afghanistan between October 7, 2001, and November 30, 2005, to qualify for coverage.

Currently, only those who physically served in these combat areas qualify. Since December 1, 2005, all servicemembers who participate in the SGLI program are automatically covered with TSGLI no matter where they physically served and, thus, no fix is needed for these servicemembers at this time.

The TSGLI program is intended to provide short-term help to the families of severely injured servicemembers to help with incurred expenses and to help them and their families recover from their injuries.

In my own State of New York, 118 servicemembers have benefited from this program and the average payment is \$61,229. In Colorado, 112 servicemembers received payment which averaged \$58,482.

To date, the total number of TSGLI cases paid is 3,266 totaling \$206,230,000. The average payout is \$63,158. Surely many qualifying servicemembers and their families would benefit from this legislative fix and I wholeheartedly support it.

During times of war, all servicemembers offer the same gift to our country, their selfless service in our Armed Forces to defend our Nation. Each of their lives is valuable and potentially at risk no matter what or where the duty assignment may be. This bill, by making this small but substantive change, would recognize that truth.

Lastly, I look forward to hearing from the U.S. Department of Veterans Affairs (VA) on its updated views on these bills.

I would now like to recognize Mr. Bilirakis to make a statement for himself or for Ranking Member Lamborn.

[The prepared statement of Chairman Hall appears on p. 30.]

**OPENING STATEMENT OF HON. GUS M. BILIRAKIS**

Mr. BILIRAKIS. Actually, this will be for Ranking Member Lamborn. Thank you very much, Mr. Chairman. I appreciate it very much.

Thank you, Mr. Chairman, for recognizing me. I look forward to hearing the views of our witnesses and our colleagues on the legislation before us.

Our first bill is H.R. 156 and it provides Dependency and Indemnity Compensation payments to the survivors of veterans rated totally disabled at the time of death who were former prisoners of war.

This bill lifts the payment restriction on families of those veterans who died after September 30, 1999. I know my dad worked on this piece of legislation for years and I strongly support it.

In reading some of the testimony, it seems that there are less than 850 families that would qualify for this legislation, thus making it the least costly of the three.

Our second bill, which is H.R. 585, would extend retroactive payments under the Traumatic Servicemembers' Group Life Insurance program to those servicemembers who were wounded outside of the theater of operations in Iraq and Afghanistan.

This legislation has merit because any time a servicemember is seriously injured and would otherwise qualify for TSGLI, it should not matter where the traumatic injury occurred. And I certainly agree with that.

Our last bill, H.R. 704, of which I am the sponsor, would dispense with the restriction of DIC payments to survivors who remarry before age 57 and allows them to keep their DIC payment if they remarry after age 55.

So, Mr. Chairman, that is my explanation. I believe Doug does too, but I do not want to speak for him, but I personally support all three bills strongly.

[The prepared statement of Congressman Bilirakis appears on p. 31.]

Mr. HALL. Thank you, Mr. Bilirakis.

And before we go on to hear from Mr. Holden, who is our first panel—he is so powerful, he can be a whole panel by himself—I just wanted to offer into the record as part of our ongoing discussions the editorial from the Washington Post today, headlined *Mistreated Casualties*, about their analysis of the current functioning and/or dysfunction at the Department of Veterans Affairs and how it can be improved. And I think some of the things that we are working on right now are all designed to do that. So it is on the first editorial page.

[The article referenced by Chairman Hall, "*Mistreated Casualties*," *The Washington Post*, June 19, 2007, appears on p. 46.]

Ms. Herseth Sandlin is present now and we will recognize her for a statement.

**OPENING STATEMENT OF HON. STEPHANIE HERSETH SANDLIN**

Ms. HERSETH SANDLIN. Well, thank you very much, Chairman Hall, and to the Ranking Member, for the opportunity to be part of your hearing today. I thank you for the hearing and including H.R. 585 in today's hearing. It is a bill that I introduced January 19, 2007, to expand the Traumatic Servicemembers' Group Life Insurance program to certain servicemembers who do not currently qualify for the program's retroactive payments.

Implemented on December 1, 2005, the TSGLI is a traumatic injury protection rider under the Servicemembers' Group Life Insurance program that provides for payment to any member of the uniformed services who sustains a traumatic injury that results in certain severe losses.

In addition to covering all active-duty servicemembers who incur injuries after December 1, 2005, the program makes retroactive payments to servicemembers who incurred injuries since October 7, 2001, in Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF).

In most cases, the insurance program operates as the intended financial link from the time of injury until the soldier is eligible for VA benefits. However, by defining "in Operations Enduring Freedom or Iraqi Freedom" as a requirement for retroactive benefits, the regulation has disqualified a number of traumatically injured servicemembers from payment based solely on their location at the time of their injury.

An example of a servicemember who would benefit from H.R. 585 is Seaman Robert Roeder who was injured in January 2005 when a cable on the aircraft carrier USS *Kitty Hawk* removed his leg below the knee. The USS *Kitty Hawk* was training for missions in Iraq or Afghanistan. However, because his injury occurred before the TSGLI legislation was passed and outside of OIF or OEF, he does not qualify for payment.

In addition to Seaman Robert Roeder, approximately 700 other veterans would benefit from passage of H.R. 585. These service men and women have been denied the same retroactive payment given to their wounded comrades simply because they were wounded outside OEF or OIF.

My legislation would ensure that all servicemembers wounded since the beginning of the War on Terrorism will receive payments for their injuries.

I would like to thank the Wounded Warrior Project for their work in helping bring this problem to my attention and for their work on behalf of our Nation's wounded veterans.

I also want to thank Senator Craig who has been a leading advocate of this issue and has introduced companion legislation in the Senate.

So thank you again, Chairman Hall and Ranking Member Bilirakis, for allowing me the opportunity to speak today, and I look forward to working with you as we move this important bill forward.

Mr. HALL. Thank you very much, Congresswoman.

I would ask our other Members if you would not mind, since we have Mr. Holden waiting to testify, if you could wait for statements or questions, so that we can move to his testimony. I now recognize



the Honorable Tim Holden from Pennsylvania, 17th District, to testify on H.R. 156.

Mr. Holden, welcome.

**STATEMENT OF HON. TIM HOLDEN, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF PENNSYLVANIA**

Mr. HOLDEN. Thank you, Chairman Hall and Mr. Bilirakis and Members of the Subcommittee, for the opportunity to testify before you today in support of H.R. 156 which seeks to correct the inequity or, as the Chairman said, inexplicable inequity in the awarding of Dependency and Indemnity Compensation benefits to surviving spouses of qualifying former prisoners of war.

Current law provides DIC benefits for surviving spouses of former prisoners of war who were rated as totally disabled for service-connected disability at the time of death so long as that former POW passes away after September 30, 1999.

However, surviving spouses of qualifying former POWs who passed away before or on September 30, 1999, do not qualify for any DIC benefits unless the former POW died of a service-connected disability or was 100 percent service-connected for at least 10 years prior to their death.

Prior to 1999, all surviving spouses of qualifying former POWs were eligible for DIC benefits so long as the former POW was rated 100 percent disabled for a minimum of 10 years prior to his or her death.

Since many POWs had difficulty in establishing their eligibility for service-connected compensation benefits until after Congress established certain presumptions, many POWs died while being 100 percent service-connected for less than 10 years. That problem was addressed by the "Veterans Millennium Healthcare Act of 1999" which allowed surviving spouses to qualify if their POW spouse was service-connected for 1 year before death and died after September 30, 1999.

Not too long after the "Veterans Millennium Healthcare Act" was enacted, Mr. Leigh Tallas, a veteran and advocate from one of the county VA offices in my congressional district, contacted me to express his concern with the consequence of limiting the awarding of benefits only in the case where the qualifying former POW died after September 30, 1999. He told me about an active case he was working on where the surviving spouse was being penalized due to this provision.

Following my meeting with Mr. Tallas, I first introduced this legislation you are considering today in the 107th Congress and re-introduced it in each subsequent Congress.

Mr. Chairman, the change my bill seeks to do is very simple and straightforward. This bill will amend Title 38 of the U.S. Code to treat all surviving spouses of qualifying former POWs equally, granting them DIC benefits regardless of when their former POW spouse passed away.

While I was unable to secure a score from the Congressional Budget Office (CBO) in the 110th Congress, CBO estimated in 2003 that about 480 survivors would be newly eligible for DIC under an identical bill. This would have cost \$15 million during the 10-year period from fiscal year 2004 through fiscal year 2013. The cost

would be slightly greater today as DIC payments are adjusted annually for increases in the cost of living.

Mr. Chairman, I thank you for the opportunity to come before you today and testify on this legislation that I think is very important to our veterans, but particularly to surviving spouses of POWs. And I would be willing to answer any questions that the Chair or the Members of the Subcommittee might have.

[The prepared statement of Mr. Holden appears on p. 32.]

Mr. HALL. Thank you, Mr. Holden.

It seems to make eminent sense to me as your statement says to treat surviving spouses of all qualifying former POWs equally.

I have no questions, other than the figure of 480 survivors that was given by CBO in 2003. You say that no more than a third or about 160 of these would be eligible under the bill. I assume that for every year that goes by that number drops. What we are talking about here is catching the last of those who have been unjustly ignored so far and providing for them for the remainder of their lives.

Mr. HOLDEN. You are correct, Mr. Chairman, that number would decrease. But the cost of living adjustments would make the number not 100 percent accurate from the last time we had it scored.

Mr. HALL. Right. Okay.

Mr. Bilirakis, would you like to ask Mr. Holden any questions?

Mr. BILIRAKIS. I do not really have any questions, but I am strongly behind this bill. As a matter of fact, we had some constituents, actually my dad's constituents at the time, but I was also representing that area in the legislature, and I believe Wayne Hitchcock was the National Commander of the POWs and his wife who had just passed away, let us pass this in their memory. Thank you.

Mr. HALL. Mr. Hare, do you have a statement or question?

Mr. HARE. No questions. I just want to thank you, Mr. Holden, for your tenacity and staying with this. It is a great bill.

All three of these are from our perspective. What we have been trying to do here, and I think very well, is to honor the sacrifice and commitment our veterans have made.

And this bill certainly goes a long way toward helping the spouses. It is just too bad it has taken us this long to get here, but I promise you we will do everything we can to get this bill out and get it on the floor, get it passed, and get some fairness back into this.

So thanks very much.

Mr. HOLDEN. Thank you.

Mr. HARE. Thank you very much, Mr. Bilirakis, for your bill. I think it is a tremendous piece of legislation. And, again, we just have to keep plugging hard here, but I think we have made great progress for our Nation's veterans, but we have a lot more work to do.

So thank you very much, Mr. Chairman.

Mr. HALL. Thank you.

Mr. Rodriguez.

Mr. RODRIGUEZ. Let me just say that I am elated because I have been on this Committee for some time now and for the longest time, we could not pull these off. So I want to congratulate you for staying there and doing the right thing. And hopefully we will get this thing out there and some of the other bills that are online that we should have done a long time ago.

Congratulations, Congressman.

Mr. HALL. Thank you, Mr. Holden. I appreciate your work on this bill. There are no further questions.

Mr. HOLDEN. Thank you, Mr. Chairman.

Mr. HALL. You are excused.

Mr. HOLDEN. Thank you, Members of the Subcommittee, for your attention. Thank you.

Mr. HALL. Our pleasure.

And panel two will now be invited to the table, recognizing Norman Bussel, National Service Officer of the American Ex-Prisoners of War Service Foundation; Jim King, Executive Director of the American Veterans, AMVETS; Sharon Hodge, Associate Director of Government Affairs, Vietnam Veterans of America; Steve Smithson, Deputy Director for Claims Services, Veterans Affairs and Rehabilitation Commission from the American Legion; Vivianne Cisneros Wersel, Member of the Government Relations Committee, Gold Star Wives of America; Meredith Beck, National Policy Director for the Wounded Warrior Project; and Todd Bowers, Director of Government Affairs for the Iraq and Afghanistan Veterans of America. Thank you all for being here and the Chair first recognizes Mr. Norman Bussel, who happens to be from my district and I welcome you here, sir. Thank you. Thank you all for your service. We will recognize Mr. Bussel for 5 minutes. Your written statement will be entered in the record if you want to deviate. Push the button on that microphone and get close to it if you can, please.

**STATEMENTS OF NORMAN BUSSEL, NATIONAL SERVICE OFFICER, AMERICAN EX-PRISONERS OF WAR; JIM KING, EXECUTIVE DIRECTOR, AMERICAN VETERANS (AMVETS); SHARON HODGE, ASSOCIATE DIRECTOR OF GOVERNMENT AFFAIRS, VIETNAM VETERANS OF AMERICA; STEVE SMITHSON, DEPUTY DIRECTOR FOR CLAIMS SERVICES, VETERANS AFFAIRS AND REHABILITATION COMMISSION, AMERICAN LEGION; VIVIANNE CISNEROS WERSEL, MEMBER, GOVERNMENT RELATIONS COMMITTEE, GOLD STAR WIVES OF AMERICA, INC.; MEREDITH BECK, NATIONAL POLICY DIRECTOR, WOUNDED WARRIOR PROJECT; AND TODD BOWERS, DIRECTOR OF GOVERNMENT AFFAIRS, IRAQ AND AFGHANISTAN VETERANS OF AMERICA**

#### **STATEMENT OF NORMAN BUSSEL**

Mr. BUSSEL. Chairman Hall and Members of the Subcommittee, I am a National Service Officer accredited by the Department of Veterans Affairs and I represent the American Ex-Prisoners of War organization. I am a volunteer and I assist veterans who wish to file claims for service-connected disabilities.

As a member of a B-17 bomber crew, I bailed out over Berlin on April 29, 1944. Four members of my crew, as close to me as my brother, died on that mission and I became a POW for just over 1 year.

I thank you for the opportunity to testify today. My comments will focus on H.R. 156 because time is so crucial to those whom this bill will affect. H.R. 156 is designed to correct an oversight that results in a hardship for some survivors of former prisoners of war.

Prior to September 30, 1999, a POW must have died of a service-connected disability or have been rated 100 percent disabled for a minimum of 10 years, before his death for his spouse to qualify for Dependency and Indemnity Compensation benefits (DIC).

When a bill was passed lowering the qualification period from 10 years to 1 year, it did not retroactively include those survivors of POWs who died before September 30, 1999. This is an inequity that passage of H.R. 156 will correct.

What this involves is the plight of POW widows who are presently ineligible to file for DIC benefits because of a technicality, so let me explain why these survivors are so deserving of your consideration.

When POWs return home, they left behind the barbed-wire fence that confined them, but they could not shake off the emotional baggage that would reshape their lives. Physical wounds heal—psychic wounds are forever. These are the wounds that plague our days, the wounds that haunt our nights, the wounds that torment our dreams.

Our hope of picking up our lives where we left off was very difficult, because we were not the same people. Nobody understood what it was like to be beaten, starved, constantly threatened. Our families, neighbors, coworkers, even our mental health counselors couldn't comprehend the horrors we had endured.

So we didn't talk about our problems, about our feelings. We sucked it up and tried to lead productive lives.

The VA was not prepared to treat post-traumatic stress disorder (PTSD) back then. In fact, the term PTSD was not even coined until 1980. The sophisticated psychotropic drugs that help patients now were still waiting to be invented. For many POWs, the medication of choice became alcohol, which offered temporary relief today but even deeper depression tomorrow.

Most of us went back to work or returned to school, got married and raised families. But we could not escape the POW curses of hypervigilance, flashbacks, nightmares, and irritability. And who was most affected by our aberrant behavior? Our wives, of course. At times, living with a POW can be a tremendous challenge. A POW friend calls POW wives "Our Angels." And they are indeed. Without them, many of us would not have reached our eighties.

Like all other husbands, POWs desire to leave their wives financially secure, but this is not always possible. Many of us were liable to achieve our earning potential because we could not control our psychological demons. POW wives often became the primary income producers in the household and because of the difference in earning power, some families lived from paycheck to paycheck.

It wasn't until a few years ago, when I became a National Service Officer and began filing benefit claims for veterans and the survivors of veterans, that I became aware that some POW widows were in dire financial circumstances. A number of them had to swallow their pride and apply for food stamps. Being approved for DIC benefits is not winning the lottery and \$1,067 per month will not permit extravagance. But, along with Social Security, it might just be enough to bridge the gap between poverty and peace of mind.

When compared with almost every other line item in the VA budget, the cost of correcting this error is trivial. In 2003, based on the number of survivors the VA reported were awarded DIC upon the death of a former POW spouse after September 30, 1999, CBO extrapolated that about 480 survivors would be eligible for compensation with the amendment of Title 38. CBO further estimated that no more than one-third, or about 160 of those eligible, would apply for DIC.

In 2003, the CBO estimated it would cost \$15 million in the 10-year period from FY 2004 through FY 2013 if the bill was enacted that year. Because the number of surviving spouses who were denied DIC under the 10-year rule has dwindled over the past 4 years, the cost of H.R. 156 is now likely to be less than \$1.5 million a year, decreasing to about zero by 2015.

In October 2004, then VA Secretary Anthony Principi was instrumental in adding two POW presumptives to illnesses which the VA considered service-connected: heart disease and stroke. These illnesses were presumed to have resulted from the rigors of being a POW. Since heart disease ranks as the Number 1 killer in America, widows who were previously ineligible to receive DIC under the 10-year clause now become eligible to file if their husbands died of heart disease or stroke. Today, 4 years later, that CBO estimated number of 160 widows has obviously dropped even more, since some of them would already be eligible under the new heart disease presumptive and some widows, of course, would have passed away in the meantime.

This bill cries out for passage because these widows, whose POW husbands, in the throes of PTSD, were unable to provide for their future, cannot survive on Social Security. DIC benefits of \$1,067 per month will never build a portfolio that will make them wealthy, but it can help them pay the light bill or the rent and maybe live out their final years without constant anxiety.

POWs suffered enough anxiety when they were captured while fighting for their country. They would be happy to know that their government is fulfilling Abraham Lincoln's pledge: "To care for him whom shall have borne the battle and for his widow and his orphan."

Thank you.

[The prepared statement of Mr. Bussel appears on p. 33.]

Mr. HALL. Thank you very much, Mr. Bussel, for your eloquent and moving testimony.

I now recognize Mr. King for 5 minutes, and your written statement is also in the record.

Mr. King.

#### STATEMENT OF JIM KING

Mr. KING. Thank you, Mr. Chairman.

Mr. Chairman, Members of the Subcommittee, I am pleased to offer testimony on behalf of the American Veterans (AMVETS) regarding pending benefits legislation before this Subcommittee.

AMVETS appreciates the Subcommittee's work to ensure the Department of Veterans Affairs can fulfill its obligation to provide benefits and services to veterans and/or their survivors.

The Department of Veterans Affairs Servicemembers' Group Life Insurance Traumatic Injury Protection program is designed to provide financial protection with payments that range from \$25,000 to \$100,000 to servicemembers who have suffered certain traumatic injuries while on active duty.

Though the insurance program started December 1, 2005, benefits are payable retroactive to October 7, 2001, for servicemembers and veterans who suffered certain traumatic injuries while serving in Operation Enduring Freedom and Operation Iraqi Freedom.

Mr. Chairman, the purpose and intent of any insurance program is to provide some type of financial security for either an individual or surviving family members in the event of injury, disability, or death. When or where deaths or injuries occur is usually not an impediment to the distribution of benefits.

Service personnel are on duty 24 hours a day, 7 days a week. Equally important, service personnel serve where they are directed to serve and are not given a choice on how or where they will serve.

AMVETS believes the guiding principles and purpose that govern Servicemen's Group Life Insurance or providing full coverage regardless of duty location should also be used as a basis for administering the TSGLI program. We support H.R. 585.

H.R. 156 would provide survivor benefits to family members of all servicemembers who were held as prisoners of war and whose death is viewed as a service-connected death and were rated totally disabled for a period of no less than 1 year prior to their death.

Mr. Chairman, this legislation would provide survivor benefits to family members of prisoners of war who became rated 100 percent disabled for 1 year prior to death. This legislation removes an arbitrary date allowing families to receive benefits they were previously denied, and AMVETS supports this legislation.

H.R. 704 would reduce the age from 57 to 55 when a surviving spouse of a deceased veteran can remarry and not lose their Dependency and Indemnity Compensation.

AMVETS believes DIC should not be viewed only as a source of income to replace the wage that was being provided by the servicemember. DIC is a compensation for a loss that was suffered by the survivors. It should continue to be paid regardless of the marital status of a surviving spouse.

Mr. Chairman, AMVETS supports this legislation, and this, sir, concludes my testimony, and thank you for your time.

[The prepared statement of Mr. King appears on p. 34.]

Mr. HALL. Thank you, Mr. King.

And the Chair now recognizes for her testimony Sharon Hodge from Vietnam Veterans of America.

#### **STATEMENT OF SHARON HODGE**

Ms. HODGE. Good afternoon, Mr. Chairman, Ranking Member Lamborn, and distinguished Members of the Subcommittee. Thank you for giving Vietnam Veterans of America the opportunity to testify to you today on the benefits legislation that would enhance the lives of men and women in the current theater operations and those who have left loved ones behind.

You have our statement in front of you and our support of all three bills. I just am quite moved by Mr. Bussel's testimony that I am kind of lost for words, you know. It is so uplifting.

H.R. 585 would amend Title 38 and expand the TSGLI benefits. VVA fully supports the bill.

We know that when Congress passed important legislation last year, it did not take into consideration that even training for war is a dangerous business in itself and whether you are stationed in an active combat zone should not exclude a servicemember from the most important benefit.

Nonbattle wounds can range from injuries in vehicles, accidents, to illness. We feel that whenever the injury or death of servicemembers occurs, the effect on the servicemembers' families is the same. And the impact in terms of the fighting force and future demands on the VA is also the same. VVA is in favor of removing the restrictions on this legislation.

Regarding H.R. 156, we support providing the DIC indemnity of survivors of former prisoners of war who died before September 30th. We support removing the restriction on the current law that provides DIC benefits only to surviving spouses of eligible POWs who died after September 30th.

We feel that the establishment of this date left many widows with unresolved cases penalized due to this cutoff. This legislation would treat all surviving spouses of POWs equally and grant them DIC benefits regardless of when their POW spouses passed away.

Mr. Chairman, these former POWs and their families have clearly sacrificed greatly for our Nation and easing the financial burdens of the surviving spouses is a very appropriate means of trying to repay this debt. And, again, VVA fully supports this legislation.

H.R. 704 would reduce the age of 57 to 55 for the remarrying of the surviving spouses of deceased veterans. VVA commends this Committee for previous legislation which allowed retention of DIC burial benefits, burial entitlements, and VA home loan eligibility for surviving spouses who remarry after age 57.

We strongly recommend the age 57 DIC remarry provisions be reduced to age 55 to make it consistent with all Federal survivor benefit programs, and we fully support passage of H.R. 704. We testified strongly for this when Congress lowered the age to 57 and VVA still believes that this is the appropriate age.

Mr. Chairman and distinguished Members of the Subcommittee, that concludes my formal statement. I will welcome your comments and will be pleased to answer any questions.

I also would like to personally thank the Gold Star Wives of America for all their advocacy on the part of the widows and their spouses. I know that without all of their hard advocacy, a lot of the age restrictions and requirements regarding our widows would not be enacted if it were not for their hard-thought advocacy.

Again, thank you.

[The prepared statement of Ms. Hodge appears on p. 34.]

Mr. HALL. Thank you, Ms. Hodge, for your testimony. I echo your words about Mr. Bussel's testimony. I was trying to remember to get him to repeat for us the line about physical wounds heal, but psychological wounds last forever as I have never heard it put exactly that way before.

It is now my pleasure to recognize Mr. Steve Smithson, the Deputy Director for Claims Services, Veterans Affairs and Rehabilitation Commission of the American Legion, for 5 minutes. And your written remarks are entered into the record.

#### STATEMENT OF STEVE SMITHSON

Mr. SMITHSON. Good afternoon, Mr. Chairman and Members of the Subcommittee. The American Legion appreciates the opportunity to present our views on the three bills being considered by the Subcommittee today.

It is the position of the American Legion that the bills being considered, H.R. 156, H.R. 585, and H.R. 704, if enacted, would help to correct shortcomings in current law that have adversely affected certain groups of veterans and their survivors.

Currently, as established by Public Law 109-13, only those who suffered a qualifying traumatic injury while serving in active duty in Operations Enduring Freedom or Iraqi Freedom during the period of October 7, 2001, through November 30, 2005, are eligible to receive retroactive benefit payments under the Traumatic Injury Servicemembers' Group Life Insurance program.

H.R. 585 would eliminate the requirement that only those traumatic injuries and losses occurring from service directly in OIF or OEF would qualify for such retroactive benefits and would open this group to all servicemembers on active-duty status during the retroactive period regardless of where the traumatic injury occurred.

The American Legion fully supports the intent of H.R. 585. It has always been the position of the American Legion that veterans benefits entitlements should apply equally to all those with honorable military service. Military service is inherently dangerous and the very nature of such service often exposes members to hazard of life and limb regardless of the circumstances or location of such service.

The American Legion does not support the creation of different classes of veterans for purposes of different levels or types of veterans benefits. We, therefore, believe that H.R. 585 should proceed successfully through the legislative process and be enacted into law.

H.R. 704 would reduce from age 57 to age 55 the age after which the remarriage of the surviving spouse of a deceased veteran shall not result in termination of Dependency and Indemnity Compensation otherwise payable to that surviving spouse. The American Legion fully supports removing the bar on the payment of DIC benefits to surviving spouses who remarry after age 55.

Public Law 108-83 provided that DIC benefits would not be terminated if the surviving spouse remarried at age 57. It is the position of the American Legion that the use of age 57 was not based on any objective data, but was simply a budget savings tool rather than opting for age 55.

The American Legion has continued to support legislation to remove the remarriage penalty for those surviving spouses age 55 or older who would otherwise have been entitled to DIC. This would better align DIC benefits with similar benefits provided by other government programs.



The American Legion also supports a provision that would allow surviving spouses who remarried at age 55 or older prior to the enactment of the law and whose benefit had been terminated the opportunity to apply for reinstatement of benefits.

We understand that it is the intent to provide the aforementioned individuals the opportunity to apply for reinstatement under the application for benefits section of this bill and we ask that the appropriate technical correction be made in order for this to happen.

The American Legion also urges the inclusion of a provision that directs VA to conduct specific outreach to inform those eligible for reinstatement of DIC benefits under this law of the opportunity to apply for reinstatement.

We also recommend providing at least a 2-year period after the enactment of the law in which such individuals may apply for reinstatement. Limiting the reinstatement period to only 1 year is overly restrictive and would prevent otherwise eligible individuals from reestablishing entitlement to DIC because of missing an overly restrictive and arbitrarily imposed deadline.

Under the current law, survivors of former POWs who died after September 30, 1999, and were continually rated totally disabled due to a service-connected disability for a period of not less than 1 year immediately preceding death are eligible to receive DIC benefits.

Survivors of such former POWs are not eligible to receive DIC benefits if the former POW died on or before September 30, 1999.

The American Legion fully supports H.R. 156 as it would, if enacted, eliminate the arbitrary delimiting date currently in place and establish eligibility to DIC benefits for survivors of former POWs who were totally service-connected disabled for at least a year prior to death no matter the date of the individual's death.

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

[The prepared statement of Mr. Smithson appears on p. 36.]

Mr. HALL. Thank you very much, Mr. Smithson.

And as I mentioned before, I have a double booking and I am going to have to leave to go to another Committee meeting, but I will ask my colleague, Mr. Hare, to assume the chairmanship for the remainder of the hearing, and he will recognize Ms. Wersel.

Thank you all very much for your service and for your presence and testimony.

#### **STATEMENT OF VIVIANNE CISNEROS WERSEL**

Ms. WERSEL. Hi. Can you hear me?

Mr. HARE [presiding]. I sure can. Thank you very much.

Ms. WERSEL. Good. Yes. I am an audiologist. I just need to make sure everyone can hear.

Before I start, I would like to recognize my children, Richard, age 16, and Katie, age 14, who accompanied me today from Emerald Isle, North Carolina. They are here in the audience.

Mr. HARE. Would you have them stand, please. Would you mind standing for a second?

Ms. WERSEL. Can you stand?

Mr. HARE. Can you stand for a second?

Ms. WERSEL. Also, the Gold Star Wives of America that are here for my support, thank you.

Mr. HARE. Thank you for coming.

Ms. WERSEL. Good afternoon. Mr. Chairman, Members of the Subcommittee, I would like to thank you for the opportunity to submit testimony on behalf of all Gold Star Wives regarding H.R. 704.

This bill amends Title 38 to reduce from age 57 to 55 the age after which a surviving spouse may remarry and still retain Dependency and Indemnity Compensation.

My name is Vivianne Wersel. I am the widow of United States Marine Corps Lieutenant Colonel Rich Wersel who died February 4, 2005, a week after returning from his second tour in Iraq.

My husband's unexpected and untimely death at the age of 43 was a tragedy for my children, Richard, then age 14, Katie, age 12, and me. I have spent the past 2 years grieving, helping my children with their grief, and working to end survivor inequities so that we as military survivors can move on with our journeys in life.

Presently remarriage before the age of 57 results in the termination of the DIC benefit for surviving military spouses. I have been employed as an audiologist since 1989, yet I have not earned a retirement since I have had to change jobs with each of the nine duty stations we were assigned during our 15 years of marriage.

To maintain my profession, I have been forced to take grueling licensure examinations in five States when this is typically only done once in one's career. My limited time with each job kept me from accruing significant leave, obtaining seniority, and earning tenure.

At times, I could not work because we lived out of the country and at times was forced to resign the most perfect job so that I could accompany my husband and support him at our next duty station. These sacrifices apply to all military spouses widowed or not.

My primary job, however, was with the Marine Corps as a good Marine Corps wife, maintaining family unity and family readiness. There was never a question about staying behind when a new assignment arose simply so I could continue working to earn a retirement package.

The Marine Corps was our life. We were a team. I considered myself vested in the Marine Corps when I left my job after job to follow my husband after we married. The Marine Corps is still my family.

My husband's pension would have been based on his hard work as a Marine Corps officer and also mine as a supporting spouse who raised our family when he was so often deployed.

Lieutenant Colonel Rich Wersel paid for these benefits with his life and after serving his country for 20 years, why would they be taken away prematurely?

After I buried my husband, my daughter asked me if I would ever marry again. I knew even then I would lose my benefits and could not afford it for the sake of the family.

I choose to stay alone as remarrying would cost me my DIC. It is not fair that a law dictates whether someone can remarry and still retain her survivor benefit or not. A military widow has given

so much and should not be precluded from remarrying based on financial circumstances.

It has been 2 years since my husband's death and I am now out of my fog of grief. I reflect on how bizarre it is that anyone should have to wait until a certain age to find a partner again and remarry. In other words, choose financial security or an emotional one. We should not have to choose.

My children will still be in college when I am 55 and with no Social Security, I will still need to provide for them. Losing my DIC will have an adverse effect on my family's optimal well-being. I will still be the mother of his children raising them as Wersels if I should remarry before 57.

Excuse me. My husband would never have thought a second marriage would compromise the quality of our lives. His advice to me in the event of his death was go straight to the VA because there are good benefits available to me. The quality of life for my children should not be diminished simply because of a decision I might make to remarry.

My personal situation is simply an example. A surviving spouse should not have to be forced to hide relationships or perhaps live in sin based on inequity unique only to surviving military spouses.

I believe if military spouses had a union, we would mirror other Federal programs that allow survivors to maintain their DIC benefits at age 55. Actually, we fall into a category of our own which denies us the right to remarry before 57 without losing our DIC benefit.

I am not asking for anything more than you offer in other Federal survivor benefits of nonmilitary employment. The CIA offers their survivors continued annuity and remarriage at age 55. Our survivor benefits should align with other Federal agencies.

I work diligently with Gold Star Wives to assure that our fallen heroes' survivors are not left behind or forgotten. We support H.R. 704 which allows widows to remarry at age 55 without suffering the loss of the survivor benefit which allows you to continue with your DIC.

Please show these survivors you care and will not forget their sacrifice. Those who would benefit from this bill are those who are retired or preparing to retire, those living on a fixed income, those like me who have foregone continuous careers in which to build their own retirement in order to support the military spouses and family.

We urge you to do what is right and get this legislation enacted into law. I wish to thank the Subcommittee for having this hearing and allowing me to testify in support of H.R. 704. And I am happy to answer any questions you may have about this important piece of legislation. Thank you.

[The prepared statement of Ms. Wersel appears on p. 37.]

Mr. HARE. Thank you very much for some very compelling and difficult testimony. And let me assure you that Chairman Hall and I think everybody on this Subcommittee shares the concerns that you have expressed and we are going to do our very best to see that we get this corrected and corrected quickly. It is very discriminatory.

Our next witness is—just want to make sure I have everybody's title correct. This is what you get when you are the designated hitter—is Meredith Beck who is National Policy Director for the Wounded Warrior Project. Did I get that correct?

Ms. BECK. Yes, sir.

Mr. HARE. Thank you, Ms. Beck

#### STATEMENT OF MEREDITH BECK

Ms. BECK. Mr. Chairman, thank you for the opportunity to testify before you today. My name is Meredith Beck and I am the National Policy Director for the Wounded Warrior Project, a nonprofit, nonpartisan organization dedicated to assisting the men and women of the United States Armed Forces who have been severely injured during the War on Terrorism in Iraq, Afghanistan, and other hot spots around the world.

Beginning at the bedside of the severely wounded, WWP provides programs and services designed to ease the burdens of these heroes and their families, aid in the recovery process, and smooth the transition back to civilian life. We strive to fill the vital need for a coordinated, united effort to enable wounded veterans to aid and assist each other and to readjust to civilian life.

As a result of our direct, daily contact with these wounded warriors, we have gained the unique perspective on their needs and the obstacles they face as they attempt to reintegrate into their respective communities.

I would like to specifically address H.R. 585, introduced by Representative Herseth Sandlin to expand the number of individuals qualifying for retroactive benefits under the Traumatic Servicemembers' Group Life Insurance.

One of our finest achievements as an organization was the role we played in the creation of this insurance program which pays up to \$100,000 to severely wounded servicemembers for immediate expenses following their injuries.

WWP is still amazed by the speed with which this legislation was introduced and passed, approximately 5 weeks, and we are especially pleased the program has paid over \$200 million to injured servicemembers.

Once the original legislation was enacted creating the program, the lion's share of the work done on developing and implementing it was done by the Department of Veterans Affairs Office of Servicemembers' Group Life Insurance as well as by the Department of Defense.

WWP cannot speak highly enough of all the time and effort that has gone into creating this program, and I would like to publicly thank all of the involved agencies on behalf of the severely injured servicemembers and their families who, in their time of greatest need, have had many of their financial fears allayed as a result of these insurance payments.

While WWP is very pleased with the overall implementation of the TSGLI program, H.R. 585 would correct one major inequity. As currently written, the regulation dictates that those injured after December 1, 2005, are covered regardless of where their injuries occurred. In order for a retroactive injury to be covered, however, it

must have occurred in Operations Enduring Freedom or Iraqi Freedom.

It then defines “in Operations Enduring Freedom or Iraqi Freedom” to mean that the servicemember must have been injured while deployed outside the United States on orders in support of Operations Enduring or Iraqi Freedoms or served in a geographic location that qualified the servicemember for the combat zone Tax Exclusion.

By defining the terms as such, the regulation has disqualified a number of traumatically injured servicemembers from payment based solely on their location at the time their injury was incurred.

WWP believes that the same criteria that apply to prospective injuries should also apply to retroactive injuries to October 7, 2001. It is inequitable to deny retroactive payments to those who have suffered the same grievous injuries based solely on the location where the traumatic event took place.

Without corrective action, brave men and women who were traumatically injured after October 7, 2001, but before December 1, 2005, will continue to be denied the same retroactive payment given to their wounded comrades even though the Servicemembers’ Group Life Insurance for which TSGLI is a rider was made retroactive—brave men and women like Navy Seal Toshiro Carrington who was injured in a training accident at Camp Pendleton on December 15, 2004, after having returned from Iraq. He was holding a charge in his left hand when another servicemember accidentally detonated it.

SO 1 Carrington was left with a traumatically severed left hand, a severed right tip of his thumb, and his remaining fingers all fractured. Unfortunately, Toshiro’s severe injuries did not qualify him for a payment under TSGLI due to the date on which the accident occurred.

As mentioned by Representative Herseth Sandlin, another servicemember, Seaman Robert Roeder, was injured on January 29, 2005, when an arresting wire on aircraft carrier USS *Kitty Hawk* severed his left leg below the knee. Seaman Roeder was on his way to the Gulf of Arabia when his injury occurred during flight training operations. Although the ship was on the way to the Gulf and the training exercises being conducted were in preparation for action in either Operation Enduring or Iraqi Freedom, Robert’s injury does not qualify for payment under the law as written.

Robert was hospitalized at Brooke Army Medical Center in San Antonio, Texas, for over a year and his recovery and rehabilitation has been just as strenuous as it would have been had his ship made it to the Gulf of Arabia prior to this injury.

SO 1 Carrington and Seaman Roeder are not the only wounded servicemembers being impacted by this inequity in the regulation. Therefore, we applaud Representative Herseth Sandlin for her recognition of this inequity and strongly urge Congress to quickly act on H.R. 585 so that Seaman Roeder, SO 1 Carrington, and other wounded warriors like them will not be deprived of this vitally important insurance program.

I would also like to point out separate from my testimony that these servicemembers are paying for the insurance program. A dollar is taken out of their paycheck every month along with their

SGLI payments. So ultimately the program will pay for itself as we reduce the number of wounded.

Again, WWP is very pleased with the overall implementation of the TSGLI program and is very grateful for all of the hard work that has gone into making this program a reality. I cannot overstate how many people and families have benefited from this insurance at a time in their lives when they needed all the assistance they could get.

The Wounded Warrior Project is honored to have played a role in its creation and I thank you again for giving us the opportunity to testify.

[The prepared statement of Ms. Beck appears on p. 38.]

Mr. HARE. Thank you very much, Ms. Beck, for taking the time out and coming before the Subcommittee today.

Our next witness is Todd Bowers, the Director of Government Affairs for the Iraq and Afghanistan Veterans of America.

Welcome, Mr. Bowers, to the Subcommittee and I look forward to your testimony.

#### **STATEMENT OF TODD BOWERS**

Mr. BOWERS. Thank you for having me.

Mr. Chairman, Members of the Committee, and my fellow veterans and their families, it is both an honor and privilege to be here today. Let me begin by thanking the Committee for your continued support in ensuring that our Nation's newest veterans continue to receive the support they have rightfully earned.

My name is Todd Bowers. I am a Sergeant in the Marine Corps Reserves stationed here in Washington, D.C. Previously, I have served two tours voluntarily in Iraq. I am now Director of Government Affairs for the Iraq and Afghanistan Veterans of America, also known as IAVA.

IAVA is the Nation's first and largest organization for veterans of the wars in Iraq and Afghanistan. IAVA believes that the troops and the veterans who have served and are currently serving on the front lines are uniquely qualified to speak about the realities of war.

Veterans are in a position to educate the public and our Nation's leaders regarding the health of our military and its implications on national security.

I have been invited here today to discuss three pieces of legislation, H.R. 585, H.R. 156, and H.R. 704. All three are directed toward benefiting the lives of veterans and, just as importantly, their families.

H.R. 585 expands the number of people who qualify for retroactive benefits from the traumatic injury protection coverage under the Servicemembers' Group Life Insurance. Currently, a traumatic injury must have happened in the OEF/OIF theater of operations for it to be covered. This means that injuries that occur in the line of duty but not in theater are not covered.

My research has shown me that members of the Armed Services have been injured in over 18 countries in addition to Iraq and Afghanistan and I assume this number is larger. H.R. 585 is clearly a sensible fix.

But H.R. 585 raises a larger issue and one that I would like to take some time to address. The requirement that veterans show the precise source of their traumatic injuries is often a daunting task. Many traumatic injuries involve closed head wounds and are often difficult to connect to one particular event among many.

For example, on October 17, 2004, on the outskirts of Fallujah, I was shot in the face while conducting a security patrol. The sniper's round penetrated the scope I was using and sent fragmentation into the left side of my face. The impact of the bullet was strong enough to throw me backward approximately 3 feet.

Though this incident may sound severe, I assure you it was one of the more minimal wounds seen in theater. For this incident, I only received a one-page, handwritten piece of paper documenting my injuries. The rest of the proof is in the form of metal lodged in my cheekbone. I was lucky. Many are far worse off than I am.

Some of these individuals who may have a more difficult time properly documenting and identifying their injuries are those who suffer from traumatic brain injuries (TBI), the signature wounds of the Iraq War. TBI can accumulate when troops are exposed to multiple blasts during their deployments. Often there is little or no physical trace of mild to moderate TBI and the symptoms, such as difficulties with memory or emotional problems, are only recognized months or years later.

As a result, although veterans' advocates believe that between 10 and 20 percent of Iraq veterans, or between 150,000 to 300,000 people, have some level of TBI, their injuries often go undiagnosed and untreated.

More disturbing is the fact that many veterans do not understand the importance of documenting any traumatic incident they may have endured.

I recently spoke to a Marine that was involved in two improvised explosive device (IED) blasts while serving in Iraq on a second tour. When I asked him if he had any paperwork or documentation regarding these incidents, he told me that he thought the military would take care of it. Unfortunately, they have not.

I would like to move on now to H.R. 156. The most common flags seen when walking the halls of Congress other than Old Glory are the prisoner of war, POW, and missing in action, MIA, flags. These flags represent a deeply held sentiment of the American people. We will never forget our brothers in arms who have spent and will spend long months and years away from their families in order to serve our Nation.

It is our duty to ensure that we take care of these families as if they were our own. H.R. 156 is a step in the right direction and I am pleased to see this legislation updating the current benefit system to include more families of veterans.

Taking care of families is a vital part of taking care of those who have served. Those who make the ultimate sacrifice for our country should rest assured that their spouses will be provided for in their absence.

Benefits given to surviving spouses are paid for in immeasurable grief and represent a small part of the debt we as a nation owe to the families of veterans. That is why I am pleased to see legislation such as H.R. 704 receiving the appropriate attention.

Again, I thank you for the opportunity to speak before you today regarding these very important issues. I am prepared to answer your questions to the best of my ability at this time. Thank you.

[The prepared statement of Mr. Bowers appears on p. 40.]

Mr. HARE. Thank you all very much for taking the time to come this afternoon. Just maybe a statement and a couple questions.

You know, I am a new Member here. I do not know if you know that. But, I think we share a common goal. I have listened sometimes to people say how are we going to afford this. And from my perspective, I say that should not be the question. The question is how can we afford not to do this?

How can we afford to not do the types of things, whether it is for POWs, whether it is for widows, whether it is for people who were injured and just because they did not happen to be in the place that somebody says they should have been in in order to get the benefits, I find it mind boggling.

And, you are absolutely right. There is a lot of rhetoric sometimes about supporting the troops and their families, but I think that really the proof is in the pudding. It is up to this Committee and I think we have done a great job of doing it. But as I said earlier, I think we have a very long way to go.

Mr. BUSSEL, I want to just thank you again for your testimony and for your service to the country. I was wondering if you could give your views on why surviving spouses of POWs who died before September 30, 1999, most married to World War II POWs, were left out of the original bill.

Mr. BUSSEL. I am sorry, sir. I did not hear your question.

Mr. HARE. I was just wondering if you had any views on why you thought the surviving spouses of POWs who died before September 30th, who were mostly married to World War II POWs, were left out of the original bill. Do you know why that might be?

Mr. BUSSEL. The number, of course, has dropped. It was 160. And over the last 4 years, it has dropped more than that.

Mr. HARE. Ma'am?

Ms. ROLAN. I am Mary Rolan.

Mr. HARE. Do you want to come up and use the microphone, Mary? You are more than welcome to.

This is what is nice about not being the full-time Chairman. I guess I can do anything I want to do here, right, within reason?

Ms. ROLAN. I am Mary Rolan, Legislative Co-Chairman of the American Ex-Prisoners of War and the widow of Bill Rolan, past Executive Director.

When this bill was worked on, the Executive Director, Bill Rolan, and our Commander at the time had a few hours. Mr. Bilirakis and a couple of them called. We had, I think, 4 hours to make the decision. Either we take the September 29th day or we did not get anything because money was the thing. Rebecca can tell you. So we took what we could get.

Mr. HARE. Thank you very much. I knew somebody had the answer to this one.

Mr. KING, do you have any concerns with the overall process of applying for the TSGLI benefits that you think we need to address or that needs to be addressed from your perspective?

Mr. KING. I am sorry, sir. Could you repeat the question, please.



Mr. HARE. Do you have any concerns with the overall process of applying for the TSGLI benefits that you see that need to be addressed or that we need to be mindful of here?

Mr. KING. No, sir, I do not.

Mr. HARE. Thank you.

Ms. WERSEL, you stated that losing your DIC would have a tremendous effect on you and your family. I am sure that it would. If someone like yourself were to lose the DIC benefits, could you tell us what would be your financial alternatives, if any?

Ms. WERSEL. What would I do if I lost my DIC?

Mr. HARE. Right. If you lost your DIC, what would your financial alternatives be?

Ms. WERSEL. It is hard to tell because I am predicting. Today or when I turn 55 or 57?

Mr. HARE. Either.

Ms. WERSEL. Because as I age, I have no predictive value, what prediction, what is going to become of me, whether or not I can continue working or what my costs are going to be.

Children turn 18. When they are 18, I no longer receive the Social Security and that payment drops off completely. And so, therefore, my pay does go down. My SBP is already offset by my DIC, but my benefits would change at 55 and 57.

Mr. HARE. So it would be a significant impact on you and your family?

Ms. WERSEL. It is. And I think the hardest part about being a widow is when you have a partner, you can predict two people. I am not the person that has to hold on to all the weight as far as the future. When you have a partner, you go, okay, if something happens, at least I am not on a fixed income.

I do not have a position. Even though I am well educated, I left every position to have a retirement. I am now looking at my husband's retirement to be my retirement and that was not in the plan. But because we moved, there was no opportunities for that. So now I am, yes, on a fixed income.

Mr. HARE. Okay. Thank you very much.

Mr. Bilirakis?

Mr. BILIRAKIS. Mr. Chairman, thank you very much.

I do have a couple questions regarding the DIC, but I would like to, if it is okay, I think we need to keep repeating this until we get this bill passed. I want to go ahead and read my opening statement regarding H.R. 705, if that is okay.

Mr. HARE. No objection.

Mr. BILIRAKIS. Okay. Thank you.

First of all, I would like to thank Chairman Hall and Ranking Member Lamborn for including this bill on our agenda, and now we have to get it done.

H.R. 704 provides that the remarriage of the surviving spouse of a veteran after age 55 shall not result in termination of Dependency and Indemnity Compensation, DIC. As my colleagues know, Dependency and Indemnity Compensation is the benefit accorded to the surviving dependents of those members of the Armed Forces who died while on active duty or of a service-connected cause.

Until recently, DIC was the only Federal annuity program that did not allow a widow who is receiving compensation to remarry at an older age and retain her annuity.

My father, Congressman Mike Bilirakis, began work on this issue in 1987 when he introduced DIC remarriage legislation in the 100th Congress. So we have been working on it for this long. He worked on this issue for some time before achieving success in 2003 when a slightly modified version of the bill was enacted into law.

Due to funding constraints, Congress enacted legislation that allowed spouses who remarried after age 57 to retain their DIC benefits. Surviving spouses who remarried after attaining age 57 prior to enactment of the compromise legislation were given 1 year to apply for reinstatement of their DIC.

My father continued his efforts to restore DIC benefits to those widows who remarry after age 55 until he retired from Congress last year. I am pleased to be continuing his efforts on this important issue in the 110th Congress.

I think it is a wonderful thing if an older person finds companionship, falls in love, and decides to marry. I do not think we should be discouraging such marriages by making them financially burdensome.

And, Vivianne, you said it so well. I could not say it better.

For those remarrying after the age of 55, it is often the case that both partners are living on fixed incomes. The prospect of one partner losing financial benefits as a result of the marriage is a real disincentive. And I see that every day. Before this career, I used to practice estate planning, so I went through this with my clients.

And this bill would resolve that. It makes a simple change that could mean a great deal to those who find themselves in this predicament. The bill would allow a widow to remarry at age 55 and retain her DIC benefits. It prohibits retroactive benefits.

But like the previously enacted DIC remarriage law, the intent of my legislation is to give widows who remarry after reaching the age of 55 before the bill was enacted an opportunity, give them an opportunity to apply for the reinstatement of their DIC benefits.

In closing, Mr. Chairman, I want to thank you once again for including my bill in today's hearing and I hope that you and other colleagues on this Subcommittee will join me in supporting this change. And I look forward to the markup.

Thank you very much. And I do have a couple questions if that is okay.

Mr. HARE. Absolutely.

Mr. BILIRAKIS. Thank you.

First of all, Vivianne, can you estimate how many of your members or how many spouses, surviving spouses are in this predicament? How many would take advantage of this opportunity if H.R. 704 were passed into law?

Ms. WERSEL. That is going to be an independent variable because every 2 years, it is going to change. So there is about 60,000 that are eligible right now for SBP DIC; is that correct, Mary? It is about 60,000.

But, remember, it will not be 60,000 all at once getting married. It will not be a mass marriage.

Mr. BILIRAKIS. True. True.

Ms. WERSEL. So it is very hard to give a predictive value as of this year.

I do want to add I have a letter from another Gold Star widow here that I would like to just enter and leave for you all.

Mr. HARE. Without objection.

[The letter has been included in Submissions for the Record, and appears on p. 44.]

Mr. BILIRAKIS. Thank you. And one last question, Vivianne.

As far as when the compromise bill, allowing remarriage after the age of 57, was passed a couple years ago, I know that it says that the spouses, surviving spouses are given 1 year to apply for their DIC to be reinstated. How much outreach was there on behalf of the VA?

Ms. WERSEL. You know, I am a fairly new widow, but I have a colleague that I work with whose husband was killed in Beirut and she was telling me that one day she received a phone call from a friend. And if it was not for her friend, she never would have known she could have, you know, reapplied to get her benefits back.

But the problem is that was the past. And I think the VA has done a really good job right now. They are doing great with communication. They have improved a lot. So I sort of cannot go and look in the rearview mirror, but I think right now the VA is doing an excellent job reaching spouses or making an effort to get the word out. And communication has changed immensely in 10 years, so that would be a hard question to answer honestly.

Mr. BILIRAKIS. Okay. Well, we can look forward and when this legislation passes, we want to make sure we get the good word out because we can pass all the good bills on the books and then if people do not know about it, it does not do any good.

Ms. WERSEL. No.

Mr. BILIRAKIS. Well, thank you very, very much for your testimony. I appreciate it.

Thank you, Mr. Chairman.

Mr. HARE. Thank you, Mr. Bilirakis, and thank you for your wonderful piece of legislation. I look forward to cosponsoring it. I think I am already doing that, but hopefully we can get this bill moving quickly.

Mr. Bowers, first of all, I want to thank you for your service to this country. I have three questions I would like to ask you because I think they are very important not just for the record but to help me understand this a little bit.

In your testimony, you state that the requirement that the veteran show the precise source of their traumatic injuries is often a daunting task. Given the rise in these TBIs in OIF and OEF, what do you believe is the best course of action to deal with the requirement that soldiers show the precise source of injury?

Mr. BOWERS. I would recommend more precise paperwork in regards to that. When people are admitted to a treatment facility, where they are actually injured is usually found in what is called the sit-rep, their situational report, which is essentially the story as to what has occurred for them to have this injury. That is separate from their medical records. Their medical record begins from their treatment center.

So, for example, I was wounded in a certain area when I made it to Bala Surgical at Camp Fallujah. That is where my paperwork was documented. My instance was not that great, but there are people who have to be medivac'd and/or helo'd and sometimes through the paperwork, it is lost.

Also, the SDAP, which is the military statistical information site, shows where many injuries occur and in some instances, it can be on the Red Sea. They sort of fall back on what their orders are calling them for.

Mr. HARE. So, generally speaking, do you think there is a better way that we can inform injured soldiers as to what needs to be done to get the benefits to which they are entitled?

Mr. BOWERS. I do believe. But I think, just as importantly, it needs to be conveyed to the soldiers and/or their leaders that no matter how minor the incident may seem, if they were the third vehicle back in an IED, it needs to be documented and it needs to be placed somewhere in their medical field jacket.

Mr. HARE. Given that, you also said that many veterans do not understand the importance of documenting those injuries or any traumatic incident that they may have endured. Does the military or the VA do outreach to educate servicemembers on the importance of documenting injuries?

Mr. BOWERS. I believe it is in its early phases right now, but the difficult part is for the 19-year-old Lance Corporal on the front lines. He cannot envision himself having an injury 10 years down the road. So it is very difficult to convey. It is something that needs to be done from the top all the way down to the bottom that they can sort of convey these messages.

Ms. BECK. Sir, can I actually respond to a partial portion of that one?

Mr. HARE. Thank you, Ms. Beck. Sure.

Ms. BECK. One thing that we have suggested is in recognizing the limitations of paperwork sometimes in the 19-year-old who never thinks he is going to be injured, we have actually requested that there be the adoption of a pre- and post-deployment cognitive screening that regardless of the paperwork that is available, there would be a baseline test that is done. This falls a little bit outside of TSGLI because nine times out of ten, it is going to be a very traumatic injury that actually affects their activities of daily living and their abilities to perform those.

But for the mild to moderate TBIs, having that kind of baseline screen can prove very beneficial when they come back and suddenly do not understand why they cannot remember anything if they have been involved in a series of concussive events. It can explain behavioral differences and problems and it can also then facilitate their efforts to receive treatment for it.

Mr. HARE. Thank you.

Let me thank you all very much for taking the time out of I know busy schedules and also thank you for the people that you represent. You do a wonderful job. So thank you for coming before the Subcommittee today. We will push these as fast as we can. Thank you very much for coming.

Our next panel is Mr. Jack McCoy. He is the Associate Deputy Under Secretary for Policy and Program Management.

Welcome, Mr. McCoy. Thank you for coming this afternoon.

Mr. MCCOY. Thank you.

Mr. HARE. At this time, we are ready for your testimony. And did you want to introduce the persons with you in case I do not have it here in my notes, which I do not think I do?

**STATEMENT OF JACK MCCOY, ASSOCIATE DEPUTY UNDER SECRETARY FOR POLICY AND PROGRAM MANAGEMENT, VETERANS BENEFITS ADMINISTRATION, U.S. DEPARTMENT OF VETERANS AFFAIRS; ACCOMPANIED BY DAVID BARRANS, DEPUTY ASSISTANT GENERAL COUNSEL, PROFESSIONAL STAFF GROUP II, OFFICE OF GENERAL COUNSEL, U.S. DEPARTMENT OF VETERANS AFFAIRS**

Mr. MCCOY. Yes, sir. Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to testify today on the three bills under consideration.

I am accompanied today by Mr. David Barrans from the Office of General Counsel.

H.R. 585 would remove the geographic requirements for eligibility to retroactive Traumatic Servicemembers' Group Life Insurance, TSGLI, benefits. It would extend eligibility for retroactive benefits for traumatic injury protection coverage under TSGLI to all members of the uniformed services who sustained a qualifying loss from a traumatic injury between October 7, 2001, and November 30, 2005, regardless of geographic location.

Section 1032 of Public Law 109-13 authorized the payment of TSGLI to any servicemember insured under Servicemembers' Group Life Insurance who sustains a serious traumatic injury that results in certain losses.

Under section 1032(c) of Public Law 109-13, TSGLI also was authorized for a member of the uniformed services who incurred a qualifying loss between October 7, 2001, and December 1, 2005, provided the loss was a direct result of injuries incurred in Operation Enduring Freedom or Operation Iraqi Freedom.

Section 501(b)(1) of the "Veterans' Housing Opportunity and Benefits Improvement Act of 2006," Public Law 109-233, subsequently narrowed eligibility for retroactive TSGLI to apply only to servicemembers who suffered scheduled losses as a direct result of traumatic injury incurred in the theater of operations for OEF or OIF beginning on October 7, 2001, and ending November 30, 2005.

Section 1 of H.R. 585 would amend section 501(b)(1) by extending eligibility for retroactive TSGLI to servicemembers whose injuries occurred between October 7, 2001, and December 1, 2005, outside the OEF or OIF theater of operation.

VA estimates the enactment of section 1 would result in 695 additional TSGLI claims and would cost \$47.7 million. VA defers to the Department of Defense (DoD) on the merits of the proposed bill because DoD will bear the costs associated with its enactment.

H.R. 156. Chapter 13 of Title 38, United States Code, currently provides for the payment of Dependency and Indemnity Compensation to survivors of former prisoners of war who died after September 30, 1999, and who were rated as totally disabled due to service-connected disability for at least 1 year immediately preceding death.

H.R. 156 would amend Chapter 13 to authorize payment of DIC to survivors of former POWs who died on or before September 30, 1999, under the same eligibility conditions applicable to payment of DIC benefits to the survivors of POWs who died after September 30, 1999.

We regret that due to the short notice we received concerning this hearing, we do not yet have cleared views and estimates concerning H.R. 156, but we will be providing them for the record.

[Administration views on H.R. 156 were not provided from the U.S. Department of Veterans Affairs.]

H.R. 704, section 1(a) of H.R. 704, would amend eligibility requirements for certain survivor benefits for remarried surviving spouses. Under current law, a surviving spouse who remarries is not eligible for DIC, medical care, educational assistance, or housing loans based on a prior marriage to a deceased veteran unless the surviving spouse remarries after age 57, after age 55 in the case of medical care.

Section 1(a) of H.R. 704 would reduce from 57 to 55 the age after which a surviving spouse may remarry without losing eligibility for DIC, educational assistance, and housing loans.

Section 1(b) would specify that this amendment shall take effect on the later of the first day of the first month that begins after the date of enactment of the bill or the first day of the fiscal year that begins in the calendar year of enactment of the amendment.

Section 1(c) would prohibit the payment of any benefits based on the amendment for any period before the effective date of the amendment.

Section 1(d) would permit an individual who remarried before the bill's enactment and after age 57 to apply for reinstatement of benefits before the end of the 1-year period beginning on the date of enactment.

We regret that due to the short notice we received concerning this hearing, we do not yet have cleared views and estimates concerning H.R. 704, but we will be providing them for the record.

[Administration views from the U.S. Department of Veterans Affairs on H.R. 704 were received on October 26, 2007, and appear on p. 50.]

This concludes my statement, Mr. Chairman.

[The prepared statement of Mr. McCoy appears on p. 41.]

Mr. HARE. Thank you, Mr. McCoy, for being here this afternoon. Actually, I have about six or seven questions and I do not want to keep you too long.

But to clarify for everyone, can you walk the Subcommittee through the process for a soldier suffering a traumatic injury seeking to utilize the Traumatic Servicemembers' Group Life Insurance.

Mr. MCCOY. The initial process takes place on the DoD side. DoD actually certifies to the insurance center that someone is eligible for Traumatic Servicemembers' Group Life Insurance. And then the insurance center in Philadelphia, through Prudential Insurance, administers the benefit.

Mr. HARE. This is sort of a four-part question, so bear with me here. How does the average claim present itself to the VA would be the first part and then what type of medical evidence or docu-

mentation does the VA require to support the claim and grant the life insurance for traumatic injury?

Mr. MCCOY. We require the certification from the Department of Defense that the person has incurred one of the number of traumatic injuries and we make the payment based on the certification from DoD.

Mr. HARE. Why must a servicemember survive 7 days from the day of the traumatic event to qualify for the TSGLI?

Mr. MCCOY. That I cannot answer.

Mr. HARE. If you could try.

Mr. MCCOY. I can, yes, sir.

Mr. HARE. I would appreciate that.

[The following was subsequently received from Mr. McCoy:]

**Issue**

The enacting legislation for the TSGLI program provided authority for the Secretary to set out, by regulation, a delimitating period that a member must survive after sustaining a traumatic injury in order to qualify for a benefit under the TSGLI program. Under 38 CFR, 9.20, published in December 2005, that period was established as seven days. Information on the origin and logic of this period has been requested.

**Background**

In commercial insurance design, if a payment is made for accidental dismemberment, the amount of the award is deducted from any future death award. While the intent of TSGLI was not to reduce the amount of the typical \$400,000 death benefit for SGLI neither was it intended that the TSGLI program be a supplemental benefit for a traumatic death.

TSGLI was designed to provide severely injured servicemembers who suffer a loss as a direct result of a serious traumatic injury with monetary assistance to help the member and the member's family through an often long and arduous treatment and rehabilitation period. TSGLI is modeled after commercial Accidental Death and Dismemberment (AD&D) insurance coverage, specifically, the "dismemberment" portion of the coverage, but deviates in some respects from the commercial AD&D model, to account for the unique needs of military personnel.

**Discussion**

When formulating the program design for the TSGLI program, we selected a seven day period based on a review of data gathered by DoD concerning traumatic injuries incurred in Operations Enduring Freedom and Iraqi Freedom. That data showed that it usually takes a minimum of seven to ten days following a traumatic injury to stabilize the injured member and transport the member back to the United States for further treatment and to begin the rehabilitation process. During this initial period, the service department pays most if not all major expenses that are incurred by an injured member and/or the member's family relating to travel by the family to be at the member's side. As a result, TSGLI benefits are not needed during the initial period following a traumatic injury.

Once the member's condition is stabilized and doctors and the member decide on a course of treatment, TSGLI benefits are needed and are available to help pay for expenses incurred after the initial period. Furthermore, if the insured member dies within seven days after a traumatic injury, although no TSGLI benefit is payable, the basic SGLI death benefits, up to \$400,000 plus the military death gratuity of \$100,000 are available and are paid to the beneficiary designated by the member or other eligible beneficiary.

Mr. HARE. And can you tell us specifically what TSGLI does not cover?

Mr. MCCOY. It would be easier to tell you, I mean, there are 40—actually, 44 different categories of injuries that are covered. I guess to answer your question, it would be something that is not a severe injury. I do not know a better answer than that.

Mr. HARE. Does that include PTSD?

Mr. MCCOY. It does in the sense of if someone cannot function with the activities of daily living, but PTSD in itself is not a listed disability for TSGLI.

Mr. HARE. Do you know why that is?

Mr. MCCOY. Pardon me?

Mr. HARE. Do you know why that is, why it is not?

Mr. MCCOY. No, sir. But I can assure you that it is something we are looking at very closely. From an insurance standpoint of the TSGLI program, we are actually getting very close to the end of our first year review of the program and this is something that we are looking at.

Mr. HARE. Okay. The TSGLI program has paid about 3,266 cases totaling about \$206 million with an average claim payment of about \$63,000 plus. Is this an expense to the Department of Defense and, if not, how does the VA pay for the claims? Is that through mandatory or discretionary spending?

Mr. MCCOY. Sir, I do not have the cleared views of the Department on that.

Mr. HARE. Could you get that for the Committee?

Mr. MCCOY. Yes, sir.

[The answer is included in the response to Question 3 in the post-hearing questions for the record, which appears on p. 48.]

Mr. HARE. I appreciate that.

As the VA works to improve this processing of the TSGLI and have undertaken a year one review, what have you learned that is going to help improve this processing time to speed payments to servicemembers and their families?

Mr. MCCOY. I really cannot answer that until we see the results of that first-year review.

Mr. HARE. And when is that due to occur?

Mr. MCCOY. I will have to get that to you also. It is very soon. [The following was subsequently received from Mr. McCoy:]

We intend to brief the Committee staffs in August and a complete written report will be available in September.

Mr. HARE. Okay.

Mr. MCCOY. We visited with, or insurance has visited with all the service departments to look at exactly what we are doing and how we are doing it.

Mr. HARE. Can the VA provide the population figures with regard to H.R. 156?

Mr. MCCOY. Yes, sir.

[The answer is included in the response to Question 6 in the post-hearing questions for the record, which appear on p. 49.]

Mr. HARE. Okay. I appreciate that.

Mr. MCCOY. That will be in part of the estimate.

Mr. HARE. Okay. And my last question with regard to H.R. 704, could the VA also provide the Subcommittee the population figures for that legislation?

Mr. MCCOY. Absolutely.

[The answer is included in the response to Question 7 in the post-hearing questions for the record, which appears on p. 49.]

Mr. HARE. Thank you, Mr. McCoy.

Mr. Bilirakis.



Mr. BILIRAKIS. Thank you, Mr. McCoy.

Thank you, Mr. Chairman.

Thanks for coming. Regarding H.R. 704, you stated that the Department has not had time to prepare its response, yet the VA has encountered this issue before and had a definite response.

In fact, the Subcommittee conducted a hearing on DIC remarriage legislation in the 107th Congress, H.R. 1108, and this bill also allowed for the retention of DIC benefits if a surviving spouse remarried after age 55.

At the hearing on April 11, 2002, Under Secretary Cooper testified, and I quote, "the VA supports enactment of this legislation." And Admiral Cooper also said in that testimony that the use of the age 55 would align DIC benefits with benefits provided to surviving spouses of military retirees under DoD's Survivor Benefit Plan and to surviving spouses under the Social Security program.

A couple questions. What has changed if you can—

Mr. MCCOY. I cannot answer that, sir.

Mr. BILIRAKIS. Okay. Can you take this testimony under consideration or the VA, can you look into this, take this testimony, the prior testimony under consideration when they take a—

Mr. MCCOY. Yes, sir.

Mr. BILIRAKIS [continuing]. Position on this bill?

Mr. MCCOY. Absolutely.

Mr. BILIRAKIS. Okay. All right. Thank you very much. I appreciate it.

Mr. HARE. Just one other question, Mr. McCoy. Do you know when the VA may develop a position on these bills?

Mr. MCCOY. Very shortly. I mean, it is fair to say we are doing it as we speak. So it will be very soon.

[Administration views from the U.S. Department of Veterans Affairs on H.R. 704 were received on October 26, 2007, and appear on p. 50. Administration views on H.R. 156 were not provided from the U.S. Department of Veterans Affairs.]

Mr. HARE. Well, it is my hope that the VA will look favorably upon these three bills because they are tremendous pieces of legislation that will help veterans and spouses. And, it is my hope that the VA will get back to the Committee with a position so we can work together to get these through.

Mr. Bilirakis, anything else?

Mr. BILIRAKIS. Thank you, Mr. Chairman. A great hearing and I look forward to the markup on all three bills. Thanks very much.

Mr. HARE. Thank you, Mr. McCoy.

Are there any other Members? We are it, Gus.

I just want to thank you all for your statements this afternoon. This concludes our hearing.

And, as I said to everybody on the panel, please be assured that this is a bipartisan effort and we are going to work very hard to get these bills through.

So, with that, this Committee meeting stands adjourned.

[Whereupon, at 3:30 p.m., the Subcommittee was adjourned.]

## A P P E N D I X

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### **Opening Statement of the Honorable John J. Hall, Chairman, Subcommittee on Disability Assistance and Memorial Affairs**

I would first like to thank all of the witnesses for their testimonies on these three noncontroversial but critical bills.

I want to thank Mr. Holden for appearing before our Subcommittee to present testimony on his bill, H.R. 156, which would change the date of eligibility for Dependency and Indemnity Compensation (DIC) payments to survivors of former POWs to include those POWs that died *before* September 30, 1999. Current DIC payments for POWs only cover those qualifying POWs that die *after* September 30, 1999. This bill would correct this inexplicable inequity. I am proud to have one of my constituents from New York, District 19, here today, Mr. Norman Bussel, past President of the American Ex-Prisoners of War Service Foundation, to testify in support of this legislation.

Welcome, Mr. Bussel. Thank you again for being here to offer your insight as a former POW and thank you for your service to our country.

As with all mandatory spending, we will have to find the offsets to pay for this change in order to comply with PAYGO rules adopted at the beginning of this Congress. However, as the number of qualifying spouses has dwindled, I pray that we will be able to work in a bipartisan manner to find the funding to help this small population of mostly widows.

We will also receive testimony on a bill sponsored by Mr. Bilirakis that would affect the DIC, H.R. 704. His bill would change the age of remarriage for surviving spouses from age 57 to 55. Currently, if a surviving spouse remarries before age 57, the DIC payments cease automatically. This is a harsh result for surviving spouses who have sacrificed and lost so much as a mate to these veterans. As Mr. Bilirakis will surely point out, changing the age from 57 to 55 will also bring this provision in line with several other Federal survivors programs, particularly the Military Survivor Benefit Plan.

I know this bill enjoys wide support and I certainly support its concept of allowing love to flourish for these survivors in their later years without penalty even earlier.

Lastly, we will consider H.R. 585, sponsored by Congresswoman Herseth Sandlin, Chair of the Economic Opportunity Subcommittee, which would change the retroactive provisions of the Traumatic Servicemembers' Group Life Insurance (TSGLI) program to allow those servicemembers injured *outside of* Iraq and Afghanistan between October 7, 2001, and November 30, 2005, to qualify for coverage. Currently, only those who physically served in these combat areas qualify. Since December 1, 2005, all servicemembers who participate in the SGLI program are automatically covered with TSGLI no matter where they physically served and, thus, no fix is needed for these servicemembers at this time.

The TSGLI program is intended to provide short-term help to the families of severely injured servicemembers to help with expenses incurred in helping them and their families recover from their injuries. In my own State of New York, 118 servicemembers have benefited from this program and the average payment is \$61,229. In Colorado, 112 servicemembers received payment which averaged \$58,482.

To date, the total number of TSGLI cases paid is 3,266 totaling \$206,235,000. The average payout is \$63,158. Surely many qualifying servicemembers and their families would benefit from this legislative fix and I wholeheartedly support it.

During times of war, all servicemembers offer the same gift to our country, their selfless service in our Armed Forces to defend our Nation. Each of their lives is valuable and potentially at risk no matter what the duty assignment. This bill, by making this small but substantive change, would recognize that truth.

Lastly, I look forward to hearing the VA's updated views on these bills.

**Opening Statement of the Honorable Doug Lamborn, Ranking Republican Member, Subcommittee on Disability Assistance and Memorial Affairs**

Thank you, Mr. Chairman, for recognizing me. I look forward to hearing the views of our witnesses and our colleagues on the legislation before us.

Our first bill, H.R. 156, provides Dependency and Indemnity Compensation (DIC) payments to the survivors of veterans, rated totally disabled at the time of death, who were former prisoners of war. This bill lifts the payment restriction on families of those veterans who died after September 30, 1999.

In reading some of the testimony it seems that there are less than 850 families that would qualify for this legislation, thus making it the least costly of the three.

Our second bill, H.R. 585, would extend retroactive payments under the Traumatic Servicemembers' Group Life Insurance (TSGLI) program to those servicemembers who were wounded outside of the theater of operations in Iraq and Afghanistan. This legislation has merit because any time a servicemember is seriously injured and would otherwise qualify for TSGLI, it should not matter where the traumatic injury occurred.

Our last bill, H.R. 704, would dispense with the restriction of DIC payments to survivors who remarry before age 57 and allows them to keep their DIC payment if they remarry after age 55.

This brings the DIC program in line with other survivor programs such as Social Security and DoD's Survivors Benefit Plan (SBP) when it comes to the continuance of payments after remarriage.

Mr. Chairman, while in principle I support all of the bills before us, I do understand that all of them have mandatory funding issues. My question to you is whether any offsets for these bills have been identified?

If there are no offsets then perhaps this hearing is premature. It would be my hope that a legislative hearing would be part of a deliberate process that would lead to a markup of legislation for the Full Committee's consideration. I know everyone's time is at a premium and I share with you a desire to make the most of it.

That being said, I hope that we can find offsets to move these bills forward and I look forward to working with you and your staff to make sure we do this.

My thanks to my colleagues and the witnesses for their testimony and I yield back.

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**Opening Statement of the Honorable Gus M. Bilirakis, a Representative in Congress from the State of Florida**

I want to thank Chairman Hall and Ranking Member Lamborn for including my legislation, H.R. 704, on today's hearing agenda. H.R. 704 provides that the remarriage of the surviving spouse of a veteran after age 55 shall not result in termination of Dependency and Indemnity Compensation (DIC).

As my colleagues know, Dependency and Indemnity Compensation is the benefit accorded to the surviving dependents of those members of the Armed Forces who died while on active duty or of a service-connected cause. Until recently, DIC was the only Federal annuity program that did not allow a widow who is receiving compensation to remarry at an older age and retain her annuity.

My father, former Representative Mike Bilirakis, began work on this issue in 1987 when he introduced DIC remarriage legislation in the 100th Congress. He worked on this issue for some time before achieving success in 2003 when a slightly modified version of his bill was enacted into law.

Due to funding constraints, Congress enacted legislation that allowed spouses who remarried after age 57 to retain their DIC benefits. Surviving spouses who remarried after attaining age 57 prior to enactment of the compromise agreement were given 1 year to apply for reinstatement of their DIC.

My father continued his efforts to restore DIC benefits to those widows who remarry after age 55 until he retired from Congress in 2006. I am pleased to be continuing his efforts on this important issue in the 110th Congress.

I think it is a wonderful thing if an older person finds companionship, falls in love and decides to marry. I don't think we should be discouraging such marriages by making them financially burdensome. For those remarrying after the age of 55, it is often the case that both partners are living on fixed incomes. The prospect of one partner losing financial benefits as a result of the marriage is a real disincentive.

My bill, H.R. 704, makes a simple change that could mean a great deal to those who find themselves in this predicament. The bill would allow a widow to remarry at age 55 and retain her Dependency and Indemnity Compensation (DIC) benefits. It prohibits retroactive benefits, but like the previously enacted DIC remarriage law,

the intent of my legislation is to give widows who remarried after reaching age 55 before the bill was enacted an opportunity to apply for the reinstatement of their DIC benefits.

In closing, Mr. Chairman, I want to thank you once again for including my bill in today's hearing. I hope that you and our other colleagues on the Subcommittee will join me in supporting this change. I look forward to hearing the testimony from today's witnesses.

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**Statement of the Honorable Tim Holden,  
a Representative in Congress from the State of Pennsylvania**

Chairman Hall, Ranking Member Lamborn, and Members of the Subcommittee, I want to thank you for the opportunity to testify before you today in support of H.R. 156, which seeks to correct an inequity in the awarding of Dependency and Indemnity Compensation (DIC) benefits to surviving spouses of qualifying former prisoners of war.

Current law provides DIC benefits for surviving spouses of former prisoners of war who were rated as totally disabled for service-connected disability at the time of death—so long as that former POW dies *after* September 30, 1999. However, surviving spouses of qualifying former POWs who died *before or on* September 30, 1999, do not qualify for any DIC benefits unless the former POW died of a service-connected disability or was 100% service-connected for at least 10 years prior to death.

Prior to 1999, all surviving spouses of qualifying former POWs were eligible for DIC benefits so long as the former POW was rated 100 percent disabled for a minimum of 10 years prior to his or her death. Since many POWs had difficulty in establishing their eligibility for service-connected compensation benefits until after Congress established certain presumptions, many POWs died while being 100% service-connected for less than 10 years. That problem was addressed by the Veteran's Millennium Healthcare Act of 1999, which allowed surviving spouses to qualify if their POW spouse was service-connected for 1 year before death and died after September 30, 1999.

Not too long after the Veteran's Millennium Healthcare Act was enacted, Mr. Leigh Tallas, a veteran and an advocate from one of the county VA offices in my congressional district, contacted me to express his concern with the consequence of limiting the awarding of benefits only in the case where the qualifying former POW died after September 30, 1999. He told me about an active case he was working on where the surviving spouse was being penalized due to this provision.

Following my meeting with Mr. Tallas, I first introduced this legislation you are considering today in the 107th Congress and reintroduced it in each subsequent Congress.

Mr. Chairman, the change my bill seeks to do is very simple and straightforward. This bill will amend Title 38 of the U.S. Code to treat all surviving spouses of qualifying former POWs equally, granting them DIC benefits regardless of when their former POW spouse passed away.

While I was not able to secure a score by the Congressional Budget Office (CBO) on H.R. 156 during the first part of the 110th Congress, CBO estimated in 2003 that about 480 survivors would be newly eligible for DIC under an identical bill. Because many of these deaths occurred over the last 50 years or more, during which survivors may have lost touch with veterans' organizations that could inform them about the new benefit, and considering that some survivors may have remarried making them ineligible for DIC, CBO assumed that no more than one-third, or about 160, of these eligible survivors would apply for DIC under the bill. CBO also assumed that these new DIC cases would phase in over a 5-year period as eligible survivors learn about their eligibility and complete the process of applying for benefits from VA.

Our Nation's POWs sacrificed their liberty for the freedom we enjoy. Their surviving spouses deserve to receive Dependency and Indemnity Compensation. The unequal eligibility criteria should be eliminated. This bill does that.

Mr. Chairman, I thank you and the Subcommittee for considering this bill and urge you to report it favorably.

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**Statement of Norman Bussel,  
National Service Officer, American Ex-Prisoners of War**

Chairman Hall and Members of the Subcommittee, I am a National Service Officer accredited by the Department of Veterans Affairs and I represent the American Ex-Prisoners of War organization. I am a volunteer and I assist veterans who wish to file claims for service-connected disabilities. As a member of a B-17 bomber crew, I bailed out of my burning plane 7 seconds before it exploded over Berlin on April 29, 1944. Four members of my crew, as close to me as my brother, died on that mission and I became a POW for just over 1 year.

I want to thank you for this opportunity to bring to your attention legislation that is of vital importance to a small, but select group of American citizens: widows of former prisoners of war, in their eighties, and in need of assistance now. I was President of American Ex-Prisoners of War Service Foundation for 4 years and I'm pleased to be their spokesman.

POWs have always faced obstacles in filing claims because we had no medical records to document our wounds and illnesses upon capture, or while in prison camp. The subject of POW medical care is an oxymoron, since it was nonexistent unless your wounds were life-threatening and too often, even severe injuries were ignored, leading to unnecessary fatalities.

Then, about 10 years ago, this inequity was addressed by the Congress and bills began to be passed acknowledging "presumptives." The premise was that certain illnesses suffered by POWs, even though undocumented, obviously resulted from their confinement and maltreatment, therefore, they must be presumed service-connected. For example, peripheral neuropathy can be a result of frostbite; irritable bowel syndrome can be caused by harsh diet; and PTSD can be provoked by the total barbed wire environment.

My statement will focus on H.R. 156 because its passage is so time-critical to these survivors of POWs who died on or before September 30, 1999. Prior to September 30, 1999, a POW must have died of a service-connected disability, or have been rated 100 percent disabled for a minimum of 10 years before his death in order for his spouse to qualify for Dependency and Indemnity Compensation benefits (DIC).

When a bill lowering the qualification period from 10 years to 1 year became law, it did not retroactively include all those who should have become eligible under the new legislation: specifically survivors of POWs who died before September 30, 1999. Comprised almost entirely of POW widows with an average age of at least eighty, many of these unfortunate spouses are existing below the poverty level because under the present law, they are not eligible for DIC.

The purpose of H.R. 156 is: To amend Title 38, United States Code, to provide for the payment of DIC to the survivors of former prisoners of war who died on or before September 30, 1999, under the same eligibility conditions as apply to payment of DIC to the survivors of former prisoners of war who die after that date.

In 2003, based on the number of survivors the VA reported were awarded DIC upon the death of a former POW spouse after September 30, 1999, CBO extrapolated that about 480 survivors would be eligible for compensation with the amendment of Title 38. CBO further estimated that no more than one-third, or about 160 of those eligible, would apply for DIC.

In October 2004, then VA Secretary Anthony Principi was instrumental in adding two new POW presumptives to illnesses which the VA considered service-connected: heart disease and stroke. These illnesses were presumed to have resulted from the rigors of being a POW. Since heart disease ranks as the Number 1 killer in America, widows who were previously ineligible to receive DIC under the 10-year clause, now became eligible to file if their husbands died of heart disease or stroke. Today, 4 years later, that CBO estimated number of 160 widows has obviously dropped even more, since some of them would already be eligible under the new heart disease presumptive and some widows, of course, would have passed away in the meantime.

World War II veterans, at an average age of 84, are dying at the rate of about 1,200 per day. Of the nearly 140,000 POWs captured during World War II, only 20,000 are now alive. Actuarial tables predict that 80-year-old females have a life expectancy of almost 9 years. Surviving spouses of POWs who died on, or before, September 30, 1999, must not be denied this entitlement which can make their lives easier. As a National Service Officer, I am saddened because a number of the widows I assist have had to resort to food stamps in order to survive. It is heart-breaking to see a POW's surviving spouse spend her remaining days in destitution.

In the scheme of things, the amount of funds needed to correct this injustice is trivial. Because the number of surviving spouses who were denied DIC under the

10-year rule has dwindled over the past 4 years, the cost of H.R. 156 is now likely to be less than \$1.5 million a year, decreasing to about zero by 2015.

This bill deserves your approval because POW widows cannot survive on Social Security. No one will live lavishly on DIC benefits of \$1,067 per month, but to POW widows, it can mean the difference between worrying about paying the light bill or the rent, and living out their final years without constant anxiety. POWs suffered enough anxiety when they were captured while fighting for their country. They would be happy to know that their widows were being taken care of. Please, pass H.R. 156—in their memory. Thank you.

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**Statement of Jim King,  
Executive Director, American Veterans (AMVETS)**

Mr. Chairman and Members of the Subcommittee:

I am pleased to offer testimony on behalf of American Veterans (AMVETS) regarding pending benefits legislation before this Subcommittee. AMVETS appreciates the Subcommittee's work to ensure the Department of Veterans Affairs can fulfill its obligation to provide benefits and services to veterans and/or their survivors.

**H.R. 585** would expand the number of individuals qualifying for retroactive benefits from traumatic brain injury coverage under the Service Group Life Insurance program. The Department of Veterans Affairs (VA) Servicemembers' Group Life Insurance Traumatic Injury Protection (TSGLI) program is designed to provide added financial protection with payments that range from \$25,000 to \$100,000, to servicemembers who have suffered certain traumatic injuries while on active duty. Although the insurance program started December 1, 2005, benefits are payable retroactively to October 7, 2001, for servicemembers and veterans who suffered certain traumatic injuries while serving in Operation Enduring Freedom or Operation Iraqi Freedom.

Mr. Chairman, the purpose and intent of any insurance program is to provide some type of financial security for either an individual or surviving family members in the event of injury, disability or death. When and where deaths or injuries occur are usually not an impediment to the distribution of benefits. Service personnel are on duty 24 hours a day and 7 days a week. Equally important, service personnel serve where they are directed to serve and are not given a choice on how or when they will serve. AMVETS believes that the guiding principles and purpose that govern Servicemembers' Group Life Insurance or providing full coverage regardless of duty location should also be used as the basis for administering the TSGLI program. AMVETS supports this legislation.

**H.R. 156** would provide survivor benefits to family members of all servicemembers who were held as prisoners of war and whose death is viewed in the same manner as a service-connected death as outlined in section 1318(b) Title 38 U.S.C., and were rated totally disabled for a period of no less than 1 year prior to their death.

Mr. Chairman, this legislation would provide survivor benefits to family members of prisoners of war who became rated 100% disabled for 1 year prior to death. This legislation removes an arbitrary date, allowing approximately 850 families to receive benefits they were previously denied. AMVETS supports this legislation.

**H.R. 704** would reduce the age from 57 to 55 when a surviving spouse of a deceased veteran can remarry and not lose their Dependency and Indemnity Compensation (DIC).

Mr. Chairman, AMVETS supports this legislation. AMVETS believes DIC should not be viewed only as a source of income to replace the wage that was being provided by the servicemember. DIC is a compensation for a loss that was suffered by the survivors, and should continue to be paid regardless of the marital status of the surviving spouse.

Mr. Chairman, this concludes my testimony.

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**Statement of Sharon Hodge,  
Associate Director of Government Affairs, Vietnam Veterans of America**

Good afternoon, Chairman Hall, Ranking Member Lamborne and distinguished Members of the Subcommittee. Thank you for giving Vietnam Veterans of America (VVA) the opportunity to offer our comments regarding pending benefits legislation that would enhance the lives of the men and women serving in the current theater of operations and those who have left loved ones behind in previous wars.

***H.R. 585, to amend Title 38, U.S. Code, to expand the number of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance.***

P.L. 109-233, the Veterans Housing Opportunity and Benefits Improvement Act of 2006, mandated that the Servicemembers' Group Life Insurance (TSGLI) be retroactive to October 7, 2001, for members who incur a qualifying loss as a direct result of injuries incurred on or after October 7, 2001, through and including November 30, 2005, in Operation Enduring Freedom (OEF) or Operation Iraqi Freedom (OIF). This means that the servicemember must have been deployed outside the United States on orders in support of OEF or OIF or serving in a geographic location that qualified the servicemember for the Combat Zone Tax Exclusion under the Internal Revenue Service Code. However, when Congress passed this important legislation last year they did not take into consideration that even training for war is a dangerous business in itself. Whether or not you are stationed in an active combat zone should not exclude a servicemember from this most important benefit. Non-battle wounds can range from injuries in vehicle accidents to illnesses. As an example, an Air Force pilot was killed last week in simulated close air combat over Alaska. Every time a unit goes to 29 Palms to train in desert warfare someone is seriously injured because training for war is sometimes almost as dangerous as war itself.

Wherever the injury or death of a servicemember occurs, the effects on the servicemember's families are the same. And the impact in terms of the current fighting force and future demands on the VA are also the same. VVA is in favor of removing the restriction on this legislation.

***H.R. 156, to amend Title 38, U.S. Code, to provide payment of Dependency and Indemnity Compensation to the survivors of former prisoners of war who died on or before September 30, 1999, under the same eligibility conditions as apply to payment of Dependency and Indemnity Compensation to the survivors of former prisoners of war who died after the date.***

Current law provides DIC benefits only to surviving spouses of eligible POWs who died after September 30, 1999. Before 1999, surviving spouses of POWs were eligible for DIC benefits providing the POW was rated 100% disabled for a minimum of 10 years prior to the POW's passing. Due to unresolved eligibility issues, many POWs passed away prior to being considered 100% disabled for 10 years. This problem was addressed by enactment of the Veteran's Millennium Healthcare Act of 1999, which allowed surviving spouses to qualify for DIC benefits if their POW spouse was rated 100% disabled for at least 1 year and died after September 30, 1999. However, establishment of this date left many widows with unresolved cases penalized due to this cutoff. This legislation would treat all surviving spouses of POWs equally and grant them DIC benefits regardless of when their POW spouse passed away.

Mr. Chairman, these former POWs, and their families, have clearly sacrificed greatly for our Nation. Easing the financial burdens of their surviving spouses is a very appropriate means of trying to repay this debt. VVA fully supports this legislation.

***H.R. 704, to amend Title 38, U.S. Code, to reduce from age 57 to age 55 the age after which the remarriage of the surviving spouse of a deceased veteran shall not result in termination of Dependency and Indemnity Compensation otherwise payable to that surviving spouse.***

VVA commends this Committee for previous legislation, which allowed retention of DIC, burial entitlements, and VA home loan eligibility for surviving spouses who remarry after age 57. The majority of the surviving spouses are in fact women who are nearing retirement age, or have been retired for some time if they ever worked outside the home. In many cases, these women devoted themselves to taking care of their spouse who was profoundly disabled, and therefore did not have the opportunity to build a career as a result.

While DIC is frankly inadequate to be able to support an adult in most of the country, these spouses deserve DIC to recognize their sacrifice and service to their country by means of caring for profoundly disabled veterans. We strongly recommend the age 57 DIC remarriage provision be reduced to age 55 to make it consistent with all other Federal survivor benefit programs, and fully support passage of H.R. 704. VVA testified strongly for this when the Congress lowered the age to 57, and VVA still believes this is the appropriate age.

Mr. Chairman and distinguished Members of this Subcommittee, that concludes VVA's formal statement. I welcome your comments, and will be pleased to answer any questions you may have. Again, on behalf of VVA National President John

Rowan, the VVA National Board of Directors, and our membership, thank you for allowing VVA to appear here today to share our views.

**Statement of Steve Smithson,  
Deputy Director for Claims Services,  
Veterans Affairs and Rehabilitation Commission, American Legion**

Mr. Chairman and Members of the Subcommittee:

Thank you for this opportunity to present The American Legion's views on the three bills being considered by the Subcommittee today. The American Legion commends the Subcommittee for holding a hearing to discuss these important bills.

***H.R. 585***

H.R. 585 seeks to amend Title 38, United States Code, to expand the number of veterans qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance. This bill will enlarge the group of those who, while on active duty status from October 7, 2001, through November 30, 2005, suffered a traumatic injury and associated covered loss, and under certain conditions of service qualified for retroactive benefits payments under the Traumatic Injury Servicemembers' Group Life Insurance (TSGLI) program (as initially established by Public Law 109-13 in 2005) by eliminating the requirement that only those traumatic injuries and losses occurring from service directly in Operations Enduring Freedom or Iraqi Freedom would qualify for such retroactive benefits. H.R. 585 would open this group to include all servicemembers on active duty status during the retroactive period, regardless of where the traumatic injury occurred. The Department of Veterans Affairs (VA) has issued a Final Rule to its Code of Federal Regulations, as published in the Federal Register of March 8, 2007, that for purposes of TSGLI payments, servicemembers did not have to actually be insured under the Servicemembers' Group Life Insurance (SGLI) program in order to be eligible for this benefit. Therefore, were H.R. 585 to be enacted into law as currently presented, all such servicemembers, insured under SGLI or not, who suffered a qualifying loss during the stated retroactive period, would be eligible for payment of TSGLI benefits.

The American Legion fully supports the intent of H.R. 585. It has always been the position of The American Legion that veterans' benefits entitlements should apply equally to all those in service on active duty. Military servicemembers serve under the command of their respective service departments and it is not their prerogative to determine the location of such service and the duties assigned. Such service and duties may very well be located well outside a combat theatre of operations, but it is military service to the nation nonetheless, and the nature of such military service often exposes members to hazard of life and limb. The American Legion does not support the creation of different classes of veterans for purposes of different levels or types of veterans' benefits. We believe, therefore, that H.R. 585 should proceed successfully and be enacted into law.

***H.R. 704***

This bill would reduce from age 57 to age 55 the age after which the remarriage of the surviving spouse of a deceased veteran shall not result in termination of Dependency and Indemnity Compensation (DIC) otherwise payable to that surviving spouse. The American Legion fully supports removing the bar on the payment of DIC benefits to surviving spouses who remarry after age 55.

Public Law 108-83 provided that DIC benefits would not be terminated if the surviving spouse remarried at age 57. It is the position of The American Legion that the use of age 57 was not based on any objective data, but was simply a "budget savings" tool rather than opting for age 55. The American Legion has continued to support legislation to remove the remarriage penalty for those surviving spouses age 55 or older who would otherwise have been entitled to DIC. This would better align DIC benefits with benefits provided to surviving spouses of military retirees under the Department of Defense's Survivor Benefit Plan (SBP), which uses age 55, and to surviving spouses under Social Security, which uses age 60.

The American Legion also supports a provision that would allow surviving spouses who remarried at age 55 or older prior to the enactment of the law, and whose benefits had been terminated, the opportunity to apply for reinstatement of benefits. We understand that it is the intent to provide the aforementioned individuals the opportunity to apply for reinstatement under (d) of this bill and we ask that the appropriate technical correction be made in order for this to happen. The American Legion also urges the inclusion of a provision that directs VA to conduct



specific outreach to inform those affected by this change in law, and whose DIC benefits were terminated prior to the enactment of the law, of the opportunity to apply for reinstatement of benefits. We also recommend providing at least a 2-year period after the enactment of the law in which those individuals who remarried at age 55 or older prior to the enactment of the law, and whose DIC benefits were previously terminated, may apply for reinstatement. Limiting the reinstatement period to only 1 year is overly restrictive and would prevent otherwise eligible individuals from re-establishing entitlement to DIC because of missing an arbitrarily imposed deadline.

***H.R. 156***

This bill seeks to provide for the payment of DIC to the survivors of former prisoners of war (POWs) who died on or before September 30, 1999, under the same eligibility conditions as apply to payment of DIC to the survivors of former POWs who die after that date.

Under current law, survivors of former POWs who died after September 30, 1999, and were continually rated totally disabled due to service-connected disabilities for a period of not less than 1 year immediately preceding death, are eligible to receive DIC benefits. Survivors of former POWs who were continually rated totally disabled due to service-connected disabilities for a period of not less than 1 year immediately preceding death are not eligible to receive DIC benefits if the former POW died on or before September 30, 1999. The American Legion fully supports this proposed legislation as it would, if enacted, eliminate the arbitrary delimiting date currently in place and establish eligibility to DIC benefits for survivors of former POWs who were totally service-connected disabled for at least a year prior to death no matter the date of the individual's death.

**Conclusion**

Thank you again, Mr. Chairman, for allowing The American Legion to present comments on these important measures. As always, The American Legion welcomes the opportunity to work closely with you and your colleagues on enactment of legislation in the best interest of America's veterans and their families.

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**Statement of Vivianne Cisneros Wersel, Member  
Government Relations Committee, Gold Star Wives of America, Inc.**

Mr. Chairman and Members of the Subcommittee, I would like to thank you for the opportunity to submit testimony on behalf of all Gold Star Wives regarding H.R. 704. This bill amends Title 38, U.S.C., to reduce from age 57 to 55 the age after which a surviving spouse may remarry and still retain Dependency Indemnity Compensation (DIC).

My name is Vivianne Wersel and I am the widow of Marine Corps Lt. Col. Rich Wersel. My husband's unexpected and untimely death, at age 43, 1 week after he returned from his second tour in Iraq on 4 February 2005, was a tragedy for my children, Richard, then age 14, Katie, then age 12, and me. I have spent the past 2 years grieving my husband's death, helping my children with their grieving, and working to end survivor inequities so that we as military survivors can move on with our journeys in life. Presently, remarriage before the age of 57 results in the termination of the DIC benefit for surviving military spouses. At my present age and the age of my children, I cannot afford to live without my DIC if I remarry before the age of 57. No other VA benefit turns with remarriage at 57, but rather at 55. Equity alone dictates that DIC should be categorized similarly.

I have been employed as an audiologist since 1989, yet I have not earned a retirement since I had to change jobs with each of the nine duty stations we were assigned during our 15 years of marriage. These duty assignments resulted in limited part-time positions or some full-time work in my field. While stationed in South America my career was put on hold because audiology is very limited there. My primary job, however, was with the Marine Corps as a good Marine Corps wife, maintaining family unity and family readiness. There was never a question about staying behind when a new assignment arose simply so I could continue working to earn a retirement package. The Marine Corps was our life; we were a team. I considered myself vested in the Marine Corps when I left job after job to follow my husband after we married. The Marine Corps is still my family. My husband's pension would have been based on his hard work as a Marine Corps officer and also mine as a supporting spouse who raised our family when he was so often deployed. Now I find myself suddenly alone raising our two children and working to end inequities in survivor benefits.

After I buried my husband, my daughter asked if I would ever marry again. I knew even then that I would lose my benefits and could not afford it for the sake of my family. I choose to stay alone as remarrying would cost me my DIC. It is not fair that a law dictates whether someone can remarry and still retain her survivor benefit or not. A military widow has given so much and should not be precluded from remarrying based on financial circumstances.

It has been 2 years since my husband's death and I am now out of my fog of grief. I reflect on how bizarre it is that anyone should have to wait until a certain age to find a partner again and remarry, in other words, choose financial security or an emotional one. We should not have to choose.

My children will still be in college when I am 55 and with no Social Security, I will still need to provide for them. Losing my DIC will have an adverse effect on my family's optimal well-being. My husband would never have thought a second marriage would compromise the quality of our lives. His advice to me in the event of his death was "go straight to the VA because they would care for me and our children." The quality of life for my children should not be diminished simply because of a decision I might make to remarry.

My personal situation is simply an example. Gold Star Wives of America supports legislation which allows widows to remarry at age 55 without suffering the loss of a survivor benefit. Marital decisions often involve consideration of economic consequences and often those consequences are different for older surviving spouses who live on a fixed income, which includes DIC, to maintain a basic standard of living regardless of whether they remarry or not. Those who would benefit from this bill are those who are retired or are preparing to retire, those living on a fixed income, and those, like me, who have foregone continuous careers in which to build their own retirement in order to support their military spouses and family. It should not be up to the government to provide disincentives to marriage and particularly not for widows of those who served their country. The choice to remarry is one that should be left to the surviving military spouse. Her service to our country has been great even though she was never formally sworn into military service. Our government should not make this decision for her. It is hers alone to make and should be made without penalty.

I work diligently with Gold Star Wives to assure that our fallen heroes' survivors are not left behind or forgotten. H.R. 704 is an important piece of legislation which reduces the surviving military spouse's remarriage age from 57 to 55 and allows her to continue to retain DIC. Please show these survivors you care and will not forget their sacrifice. We urge you to do what is right and get this legislation enacted into law.

I wish to thank the Subcommittee for having this hearing and allowing me to testify in support of H.R. 704. I am happy to answer any questions you may have about this important piece of legislation to all of our surviving military spouses.

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**Statement of Meredith Beck,  
National Policy Director, Wounded Warrior Project**

Mr. Chairman, thank you for the opportunity to testify before you today. My name is Meredith Beck, and I am the National Policy Director for the Wounded Warrior Project (WWP), a nonprofit, nonpartisan organization dedicated to assisting the men and women of the United States Armed Forces who have been severely injured during the War on Terrorism in Iraq, Afghanistan and other hot spots around the world. Beginning at the bedside of the severely wounded, WWP provides programs and services designed to ease the burdens of these heroes and their families, aid in the recovery process and smooth the transition back to civilian life. We strive to fill the vital need for a coordinated, united effort to enable wounded veterans to aid and assist each other and to readjust to civilian life. As a result of our direct, daily contact with these wounded warriors, we have gained a unique perspective on their needs and the obstacles they face as they attempt to reintegrate into their respective communities.

I would like to specifically address H.R. 585, introduced by Representative Herseth Sandlin to expand the number of individuals qualifying for retroactive benefits under the Traumatic Servicemembers' Group Life Insurance (TSGLI). One of our finest achievements as an organization was the role we played in the creation of this insurance program which pays up to \$100,000 to severely wounded servicemembers for immediate expenses following their injury. WWP is still amazed by the speed with which this legislation was introduced and passed and we are especially

pleased that the program has paid over \$200 million to injured servicemembers, with an average payment of \$67,000 per individual.

Once the original legislation was enacted creating this program, the lion's share of the work done on developing and implementing this program was by the Department of Veterans Affairs Office of Servicemembers' Group Life Insurance as well as by the Department of Defense and the contact and claims certifying officials from the individual Service branches. WWP cannot speak highly enough of all the time and effort that has gone into creating this program, and I would like to publicly thank all of the involved agencies on behalf of the severely injured servicemembers and their families who, in their time of greatest need, have had many of their financial fears allayed as a result of these insurance payments. This program has, in most cases, become the intended financial bridge from the time of injury until the warrior is eligible for VA benefits.

While WWP is very pleased with the overall implementation of the TSGLI program, H.R. 585 would correct one major inequity. As currently written, the regulation dictates that those injured after December 1, 2005, are covered regardless of where their injuries occurred. In order for a *retroactive* injury to be covered, however, it must have been incurred "in Operations Enduring Freedom or Iraqi Freedom." It then defines "in Operations Enduring Freedom or Iraqi Freedom" to mean that the servicemember must have been injured while deployed "outside the United States on orders in support of Operations Enduring or Iraqi Freedoms or served in a geographic location that qualified the servicemember for the combat zone Tax Exclusion under 26 U.S.C. 211."

By defining "in Operations Enduring Freedom or Iraqi Freedom" as such, the regulation has disqualified a number of traumatically injured servicemembers from payment based solely on their location at the time their injury was incurred. WWP believes that the same criteria that apply to prospective injuries should apply to retroactive injuries to October 7, 2001. It is inequitable to deny retroactive payments to those who have suffered the same grievous injuries based solely on the location where the traumatic event took place.

Without corrective action, brave men and women who were traumatically injured after October 7, 2001, but before December 1, 2005, will continue to be denied the same retroactive payment given to their wounded comrades even though the Servicemembers' Group Life Insurance for which TSGLI is a rider was made retroactive—brave men and women like Navy Seal Toshiro Carrington who was injured in a training accident at Camp Pendleton on December 15, 2004. He was holding a charge in his left hand when another servicemember accidentally detonated it. SO 1 Carrington was left with a traumatically severed left hand, a severed right tip of his thumb and his remaining fingers all fractured. Unfortunately, Toshiro's severe injuries did not qualify him for a payment under TSGLI due to the date on which the accident occurred. Another servicemember, Seaman Robert Roeder, was injured on January 29, 2005, when an arresting wire on the aircraft carrier, the USS *Kitty Hawk*, severed his left leg below the knee. Seaman Roeder was on his way to the Gulf of Arabia when his injury occurred during flight training operations. Although the ship was on its way to the Gulf and the training exercises being conducted were in preparation for action in either Operation Enduring or Iraqi Freedom, Robert's injury does not qualify for payment under the law as written. Robert was hospitalized at Brooke Army Medical Center in San Antonio, Texas, for over a year and his recovery and rehabilitation has been just as strenuous and arduous as it would have been had his ship made it to the Gulf of Arabia prior to his injury.

SO 1 Carrington and Seaman Roeder are not the only wounded servicemembers being impacted by this inequity in the regulation. Therefore, we applaud Senators Akaka and Craig for their recognition of this inequity and strongly urge Congress to quickly act on S. 225 so that Seaman Roeder, SO 1 Carrington, and other wounded warriors like them will not be deprived of this vitally important insurance program.

Again, WWP is very pleased with the overall implementation of the TSGLI program and is very grateful for all of the hard work that has gone into making this program a reality. I cannot overstate how many people and families have benefited from this insurance at a time in their lives when they needed all the assistance they could get. The Wounded Warrior Project is honored to have played a role in its creation and I thank you again for giving us this opportunity to testify.

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**Statement of Todd Bowers, Director of Government Affairs,  
Iraq and Afghanistan Veterans of America**

Mr. Chairman, Members of the Committee and my fellow veterans, it is both an honor and a privilege to be here today. Please let me begin by thanking the Committee for your continued support in ensuring that our Nation's newest veterans continue to receive the support they have rightfully earned. My name is Todd Bowers and I am a Sergeant in the Marine Corps Reserves stationed here in Washington D.C. Previously, I served in two voluntary tours in Iraq and I am now the Director of Government Affairs for Iraq and Afghanistan Veterans of America, also known as IAVA. IAVA is the Nation's first and largest organization for veterans of the wars in Iraq and Afghanistan. IAVA believes that the troops and veterans who have served and are currently serving on the front lines are uniquely qualified to speak about the realities of war. Veterans are in a position to educate the public and our Nation's leaders regarding the health of our military and its implications on national security.

I have been invited here today to discuss three pieces of legislation—H.R. 585, H.R. 156 and H.R. 704. All three are directed toward benefiting the lives of veterans and, just as importantly, their families.

H.R. 585 expands the number of people who qualify for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance. Currently, a traumatic injury must have happened in the OEF/OIF theater of operations for it to be covered. That means that injuries that occur in the line of duty but NOT in theater are not covered. My research shows that members of the Armed Services have been injured in over 18 countries in addition to Iraq and Afghanistan. H.R. 585 is clearly a sensible fix.

But H.R. 585 raises a larger issue and one that I would like to address. The requirement that veterans show the precise source of their traumatic injuries is often a daunting task. Many traumatic injuries involve closed head wounds that are often difficult to connect to one particular event among many. For example, on October 17, 2004, on the outskirts of Fallujah, I was shot in the face while conducting a patrol. The sniper's round penetrated the scope I was using and sent fragmentation into the left side of my face. The impact of the bullet was strong enough to throw me backward approximately 3 feet. Though this incident may sound severe, I assure you, it was one of the more minimal wounds seen in theatre. For this incident, I only received a one-page, handwritten piece of paper documenting my injuries. The rest of the proof is in the form of metal lodged in my cheekbone. I was lucky. Many are far worse off than I am.

Some of these individuals who may have a more difficult time properly documenting and identifying their injuries are those who suffer from Traumatic Brain Injuries, the signature wounds of the Iraq War. TBI can accumulate if troops are exposed to multiple blasts during their deployments. Often, there is little or no physical trace of mild to moderate TBI, and the symptoms, such as difficulties with memory or emotional problems, are only recognized months or years later. As a result, although veterans' advocates believe that between 10% and 20% of Iraq veterans, or between 150,000 and 300,000 people, have some level of TBI, their injuries often go undiagnosed and untreated. More disturbing is the fact that many veterans do not understand the importance of documenting any traumatic incident they may have endured. I recently spoke to a Marine who was involved in two Improvised Explosive Device (IED) blasts while serving in Iraq on his second tour. When I asked him if he had any paperwork or documentation regarding the incidents, he told me that he thought the military would take care of it.

The most common flags seen when walking the halls of Congress other than Old Glory are Prisoner of War (POW) and Missing in Action (MIA) flags. These flags represent a deeply held sentiment of the American people: We will never forget our brothers in arms who have spent, and will spend, long months and years away from their families in order to serve our Nation. It is our duty to ensure that we take care of these families as if they were our own. H.R. 156 is a step in the right direction and I am pleased to see legislation updating the current benefits system to include more families of veterans.

Taking care of families is a vital part of taking care of those who have served. Those who make the ultimate sacrifice for our country should rest assured that their spouses will be provided for in their absence. Benefits given to surviving spouses are paid for in immeasurable grief, and represent a small part of the debt we as a nation owe to the families of veterans. That is why I am pleased to see legislation such as H.R. 704 receiving appropriate attention.

Again, I thank you for the opportunity to speak before you today regarding these very important issues. I am prepared to answer your questions to the best of my ability at this time.

Thank you.

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**Statement of Jack McCoy, Associate Deputy Under Secretary for Policy and Program Management, Veterans Benefits Administration, U.S. Department of Veterans Affairs**

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to testify today on three bills under consideration.

**H.R. 585**

H.R. 585 would remove the geographic requirement for eligibility for retroactive Traumatic Servicemembers' Group Life Insurance (TSGLI) benefits. It would extend eligibility for retroactive benefits for traumatic injury protection coverage under TSGLI to all members of the uniformed services who sustain a qualifying loss from a traumatic injury between October 7, 2001, and November 30, 2005, regardless of geographic location.

Section 1032 of Public Law No. 109-13 authorized the payment of TSGLI to any servicemember insured under Servicemembers' Group Life Insurance who sustains a serious traumatic injury that results in certain losses. Under section 1032(c) of Public Law 109-13, TSGLI also was authorized for members of the uniformed services who incurred a qualifying loss between October 7, 2001, and December 1, 2005, provided the loss was a direct result of injuries incurred in Operation Enduring Freedom (OEF) or Operation Iraqi Freedom (OIF). Section 501(b)(1) of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006, Public Law 109-233, subsequently narrowed eligibility for retroactive TSGLI to apply only to servicemembers who suffered scheduled losses as a direct result of a traumatic injury incurred in the theater of operations for OEF or OIF beginning on October 7, 2001, and ending at the close of November 30, 2005. Section 1 of H.R. 585 would amend section 501(b)(1) by extending eligibility for retroactive TSGLI to servicemembers whose injuries occurred between October 7, 2001, and December 1, 2005, outside of the OEF or OIF theater of operations.

VA estimates that enactment of section 1 would result in 695 additional TSGLI claims and would cost \$47.7 million. This estimate is based on the assumption that section 1 of this bill would authorize TSGLI payments for claims pending on the date of enactment of the provision as well as for claims for retroactive TSGLI that were previously denied because the servicemember's injury occurred outside of the OEF or OIF theater of operations.

VA defers to the Department of Defense (DoD) on the merits of the proposed bill, because DoD will bear the costs associated with its enactment.

**H.R. 156**

Chapter 13 of Title 38, United States Code, currently provides for the payment of Dependency and Indemnity Compensation (DIC) to survivors of former prisoners of war (POWs) who died after September 30, 1999, and who were rated as totally disabled due to service-connected disability for at least 1 year immediately preceding death. H.R. 156 would amend Chapter 13 to authorize payment of DIC to the survivors of former POWs who died on or before September 30, 1999, under the same eligibility conditions applicable to payment of DIC benefits to the survivors of POWs who died after September 30, 1999.

We regret that due to the short notice we received concerning this hearing we do not yet have cleared views and estimates concerning H.R. 156, but we will be providing them for the record.

**H.R. 704**

Section 1(a) of H.R. 704 would amend eligibility requirements for certain survivor benefits for remarried surviving spouses. Under current law, a surviving spouse who remarries is not eligible for DIC, medical care, educational assistance, or housing loans based on a prior marriage to a deceased veteran unless the surviving spouse remarries after age 57 (after age 55 in the case of medical care). Section 1(a) of H.R. 704 would reduce from 57 to 55 the age after which a surviving spouse may remarry without losing eligibility for DIC, educational assistance, and housing

loans. Section 1(b) would specify that this amendment shall take effect on the later of the first day of the first month that begins after the date of enactment of this bill or the first day of the fiscal year that begins in the calendar year of enactment of the amendment. Section 1(c) would prohibit the payment of any benefit based on the amendment for any period before the effective date of the amendment. Section 1(d) would permit an individual who remarried before the bill's enactment and after age 57 to apply for reinstatement of benefits before the end of the 1-year period beginning on the date of enactment.

We regret that due to the short notice we received concerning this hearing we do not yet have cleared views and estimates concerning H.R. 704, but will be providing them for the record.

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

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### **Statement of Paralyzed Veterans of America**

Chairman Hall, Ranking Member Lamborn, Members of the Committee, Paralyzed Veterans of America (PVA) would like to thank you for the opportunity to present our views on this important legislation. PVA appreciates the efforts of this Subcommittee to address the benefits needs of veterans who are currently serving in Iraq and Afghanistan and who have previously served with distinction.

#### **H.R. 156**

PVA supports H.R. 156, a bill that would provide for payment of Dependency and Indemnity Compensation to the survivors of former prisoners of war who died on or before September 30, 1999. The current statute states the Secretary shall pay benefits for the veteran who was a former prisoner of war and their disability was continuously rated totally disabling for a period of not less than 1 year immediately preceding death. This benefit will be available for the surviving spouse and to the children of former prisoners of war who die on or after October 1, 1999. It seems fair to extend this benefit to earlier years. These veterans may have sustained severe injuries as a result of combat action or their subsequent internment. In many cases the spouse of the 100 percent disabled former prisoner of war provided the required daily care for the veteran 7 days a week for years before the death of the veteran. This kept that spouse out of the workplace where they could have pursued a career for their own economic survival.

PVA would also request that Congress require the VA to conduct an aggressive outreach campaign to ensure that these spouses of deceased former prisoners of war are aware of any change if made to the regulations. PVA would like the VA to make their best effort to contact all spouses that may qualify for this benefit. We also hope that in implementing these changes the VA not place an arbitrary deadline on the application process for these potential benefits.

#### **H.R. 585**

During initial consideration of the traumatic injury insurance rider for Servicemembers' Group Life Insurance (SGLI), PVA expressed concerns about the proposal that eventually became law. The legislation was meant to help servicemembers who incur a severe disability while serving this country to overcome the financial hardship placed on them and their families while they are undergoing medical treatment and rehabilitation. Our principal concern that servicemembers should not have to pay a premium for this coverage remains. We believe that helping these severely injured men and women overcome the financial strain of their situation is an obligation of the Federal Government.

However, the traumatic injury insurance has proven beneficial for veterans who elected to have the coverage. We support the concept of this legislation as it addresses an additional concern that we had with the proposal in 2005. We believed then, as we do now, that a veteran who incurs a service-connected severe disability that qualifies them for this benefit should be able to receive the payment regardless of where that disability was incurred. A servicemember should not be denied this benefit simply because he or she was not injured while serving in Iraq or Afghanistan. We believe that this legislation corrects that particular inequity that exists in the current statute; therefore, we support this legislation on those grounds.

**H.R. 704**

PVA has no objection to this bill that would reduce the age from 57 to 55 years after which the remarriage of the surviving spouse of a deceased veteran would not result in termination of Dependency and Indemnity Compensation.

PVA would like to thank you for allowing us to submit an official statement for the record on these issues. We consider these very important matters and we commend the Subcommittee for addressing them. We would be happy to respond to any questions you may have.

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**Statement of Eric A. Hilleman, Deputy Director,  
National Legislative Service, Veterans of Foreign Wars of the United States**

MR. CHAIRMAN AND MEMBERS OF THIS COMMITTEE:

On behalf of the 2.4 million members of the Veterans of Foreign Wars of the U.S. (VFW) and our Auxiliaries, I would like to thank you for your invitation to testify at today's important hearing on veterans' benefits legislation.

**H.R. 585, a bill to expand the number of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance.**

**The VFW strongly supports H.R. 585.** From inception the VFW has supported the Wounded Warrior Bill as a way to provide immediate financial assistance for severely injured servicemembers and their families. This legislation would provide those not included in the original legislation a chance to receive equal payment for their serious injuries by allowing *all* injured servicemembers who served between October 7, 2001, and December 1, 2005, to be eligible for TSGLI payments regardless of where their injuries occurred. We applaud this change and agree that all injured servicemembers, those inside and outside the combat theatre, should be treated equally when it comes to benefits afforded them.

**H.R. 704 and H.R. 156 would expand the inclusion of Dependency and Indemnity Compensation (DIC) to include more deserving widows and addresses some of the inequities surrounding DIC. We fully support these proposals.**

H.R. 704 would amend Title 38, U.S.C., to reduce from age 57 to 55 the age after which the remarriage of the surviving spouse of a deceased veteran shall not result in termination of Dependency and Indemnity Compensation otherwise payable to that surviving spouse. No other federally funded survivorship program, including Civil Service, Social Security and Congress' own program, makes a distinction between unmarried and remarried surviving spouses. DIC was created to replace family income loss due to the servicemember or veteran's death and to serve as compensation for his or her death. Our Nation has made a promise to our veterans that their families will be taken care of should they die for our country, or from a disability related to their service.

In 2003, Congress passed a law that allows survivors who remarry after age 57 to continue to receive DIC, but this was not enough.

We are pleased to see that H.R. 704 lowers the age at which a remarried spouse may continue to receive DIC to 55. This change brings the benefit in line with the remarriage requirements of similar Federal programs. We fully support this change.

**The VFW strongly supports H.R. 156.** Current law awards DIC benefits to those survivors of former POWs who were continuously rated totally disabled for at least 1 year prior to death and who died after September 30, 1999. Enacting H.R. 156 would expand eligibility to include those survivors of POWs who died before September 30, 1999.

The number of former POWs that remain alive since the end of World War II is less than 30,000 and a number of these veterans are leaving us every day. We believe that those POWs from conflicts prior to 1999 suffered the same as those who came afterward, and providing a small measure of financial relief to their survivors is the right thing to do.

Thank you for this opportunity to present our views before the Subcommittee.

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**Statement of Patricia Walenchok McElhaney, Niceville, FL,  
and Member, Gold Star Wives of America, Inc.**

Thank you, Chairman Hall, Representative Buyer, Members of the Subcommittee, and my own Congressman, Representative Jeff Miller from Florida, District 1. I am grateful for the opportunity to submit my statement for the record regarding H.R. 704. I appreciate the efforts of Representative Gus Bilirakis, also a Florida Congressman, to continue his father's efforts to correct the injustice to surviving spouses of service-related death by allowing us to remarry at age 55. It is right that widows of service-connected deaths retain our much-deserved compensation that is paid by the Department of Veterans Affairs as an indemnity payment in recognition of our tragic loss and sacrifice when our husband and father died serving our country. This legislation simply seeks equity with the Federal survivor programs that permit remarriage at age 55 as provided to civilians and military who did not die of causes related to military service.

I am a member of the Gold Star Wives of America, Inc., and the Military Officers' Association of America Auxiliary. I rely heavily on these two organizations to keep me educated on current survivor benefits.

In 2003, the Veterans Benefit Act, H.R. 2297, was passed at age 57 due to limitations of funding and the implied "promise" of a first step which would be lowered to the age of 55 as the second step. I have now waited 4 years for the equity age of 55. I remarried at age 56 and 1 month, so this "penalty" of 11 months has been a bitter pill to swallow.

In 2002, I believe it is important to note that the Department of Veterans Affairs expressed its support for enactment of legislation to provide DIC payments with remarriage at age 55. Testimony presented by Daniel L. Cooper, Under Secretary for Benefits, Department of Veterans Affairs, to this very Subcommittee on Benefits, Committee on Veterans' Affairs, on Thursday, April 11, 2002, supported enactment of H.R. 1108. H.R. 1108, sponsored in the 108th Congress by Rep. Michael Bilirakis, Florida, District 9, contained the language of H.R. 704 as introduced recently in the 110th Congress by Representative Gus Bilirakis and the subject of this hearing today. The Department's support of H.R. 1108 to provide equitable DIC benefits with other DoD and civilian Federal survivor benefits was contingent on funding to be made available by the Congress. The President and the Congress has nearly doubled the funding for the Department of Veterans Affairs over these past several years, and yet, inclusion of the small amount needed to provide DIC with remarriage at age 55 has not been made available.

I am a widow of a United States Air Force Officer who died from his 100% service-connected medical disability in 1970. At the time of his illness, there was very little help or knowledge made available for families in our situation. I am very grateful for the outstanding medical care he received from Wilford Hall Hospital in San Antonio, Texas. It meant relocating to that city many miles away from family and friends back in Arizona who could have given us the help we so desperately needed. My husband and I had two very young children for whom I became the single caregiver; all the while providing the nursing care responsibilities for my husband.

I took care of him in our home for 5 years during the times that he did not require hospitalization. At that time there was no home healthcare available from CHAMPUS or the VA. It was a 24/7 job. I was never offered "Aid and Attendance" or a "Housebound" allowance by the Veterans Administration as his sole caregiver. I learned about those benefits after his death and they were not paid retroactive for his circumstances. The burden was on me to discover the benefits; certainly not on the DoD/VA employees to provide assistance to apply for them. The VA furnished him a hospital bed and bedside commode for home use. The Cancer Society would bring me lambskin pads for him to lie on. He was on high doses of prednisone which robbed his bones of all minerals, proteins and calcium causing them to weaken. The back vertebrae started to crush. There was not much that could be done. He was put in a back brace. The pain got progressively worse. He finally reached the point that he could not walk and was bedridden. He developed severe bedsores no matter how often I changed his position while in bed. His mind deteriorated to the point that he did not know me as his wife and did not recognize his children. The prednisone made him susceptible to fungal infections contracting cryptococcus meningitis and T.B. while in the hospital. All this while, I had him home, transporting him to Willford Hall Hospital at least twice a week for blood and platelet transfusions. He hemorrhaged often and in the end they could not stop the bleeding with the transfusions. He bled into his brain on the final day.

My husband enlisted in the Air Force in 1954. He spent 4 years at Nellis A.F.B. Nevada before being accepted into the Aviation Cadet program. It was an extremely



proud day for all of us and our families when he received his commission as a Second Lieutenant in 1959. After completing navigator training he was an Electronic Warfare Officer flying B-52 missions during the Cuban Missile Crisis from a remote base in northern Michigan. In 1963 he was selected to go to pilot training. After receiving his wings he was assigned as an instructor pilot. In 1965 his health problems started and were diagnosed after 7 months of testing at Wilford Hall Hospital with a rare bone marrow disease, paroxysmal nocturnal hemoglobinuria, thought to be from exposure to the chemical benzene during the time he was stationed at Nellis A.F.B. There was no other apparent reason as he was a pilot at the onset of his illness. When I tried to check on this, I was told there had been a fire in St. Louis and his records were lost. My husband survived for a period of 5 years with intensive medical care provided by me as his sole caregiver at home. I am proud to say he never saw the inside of a nursing home! I cannot imagine how much his care would have cost the government had I not volunteered to care for him. After his death, I learned there was an additional special DIC allowance of \$228 per month. However, I did not qualify for this additional allowance because of the requirement that he have lived 8 years at 100% disability after medical retirement. Because of his illness he was prevented from working. It was also impossible for me to work outside the home as he required too much care. During the years since his death, I have met many widows of the disabled retiree who qualify for this additional allowance even though their husband did not require this same care and they did not physically provide the similar intensive care for their 100% disabled husband.

When he passed away I wanted him to have the same quality funeral that he would have been given had he still been active duty. I received only a very small allowance, so I paid out of our own funds for the casket and services of the funeral home. He was provided a gravesite at Ft. Sam Houston National Cemetery where he now rests. I became a widow alone with the lifelong responsibility of an 8-year-old and 4-year-old when I was 29 years old. Not only had I lost my husband, my children had lost their father, and their children will never know their grandfather.

In 1996, I made a choice to remarry, giving up my DIC benefits. I had developed some severe health problems and I really needed the comfort, help, peace of mind and dignity that only a committed relationship could give me. After all the years of saving the government money with the care I gave my deceased husband, I missed getting my DIC benefits reinstated by just 11 months because of the compromise age of 57 in H.R. 2297 back in 2003.

I am very grateful for the years I was married to such a proud American. This man even wrote a letter to President Nixon from his death bed just 6 weeks before passing. In this letter he tells of his deep desire to serve his country. As I sat at his beside that last day, I could only repay him with my love, respect, and comfort.

I respectfully request that you consider H.R. 704 in the interest of equity for all military widows who are age 55 with retention of eligibility with remarriage. Passage of H.R. 704 is the right thing to do!

## NEWSPAPER ARTICLE SUBMITTED FOR THE RECORD

**Mistreated Casualties**

The Washington Post

Tuesday, June 19, 2007; Editorial Section, A16

Veterans with psychological wounds are getting shabby treatment from the Department of Veterans Affairs.

JEANS CRUZ, a former Army scout who helped capture Saddam Hussein, lives in a bullet-riddled Bronx housing project, addled by nightmares about Iraq, voices in his head and the smell of dried blood in his nostrils. As Post reporters Dana Priest and Anne Hull recently described his situation, Mr. Cruz began cutting his arms and extinguishing cigarettes on his skin after returning home from Iraq. Mental health counselors characterized him as depressed and anxious, and, shortly after he reenlisted in the Army, he was discharged because of a "personality disorder." A Department of Veterans Affairs psychologist diagnosed post-traumatic stress disorder.

But when Mr. Cruz applied for disability benefits, Veterans Affairs refused, claiming, among other things, that he had not proved that he had seen combat in Iraq—this despite his slew of combat awards and high-profile recognition. Now Mr. Cruz is barely supporting his family on a small income, and he is worried that he will lash out at those he loves.

There are far too many survivors who, like Jeans Cruz, have been mistreated upon their return. The intensity of the conflict in Iraq and Afghanistan can leave deep emotional scars. Many soldiers are returning home with mental wounds caused by traumatic head injuries or with post-traumatic stress disorder. The Department of Veterans Affairs must care for a large quotient of veterans with disabilities that were uncommon or little understood decades ago.

But the military medical establishment has not prepared itself to recognize, treat or compensate for these and even more traditional ailments. The bureaucratic morass into which Mr. Cruz fell is only part of the problem. According to the authors of a recent Institute of Medicine report, the department's method of adjudicating disability claims and even its terminology are outdated. The report blasted the schedule for rating disabilities, a set of criteria for assigning disability benefits: Veterans Affairs has no recent evidence that the scores veterans get adequately relate to the earnings veterans lose because of their disabilities, for example. Nor does the schedule reflect contemporary notions of disability.

The Institute of Medicine stresses, for example, that Veterans Affairs should consider more than just how much veterans lose in future earnings. The schedule should be retooled to "compensate for nonwork disability and loss of quality of life." And, the report argues, the department should hire additional staff members to regularly update the rating schedule according to current medical practices. Either proposal would help the next Jeans Cruz.

The first thing Veterans Affairs needs to do is simplify the adjudication process, with a particular emphasis on easing the burden on those with debilitating mental wounds. Next, the department should attempt to answer some essential questions. How can it better diagnose post-traumatic stress disorder? How can the agency measure "quality of life"? Do its guidelines account for disabilities that limit veterans' physical and social functioning outside of work? All of these, and the question of cost, should be promptly examined. Then Congress and the Bush Administration must act to fund and implement the major changes the Department of Veterans Affairs needs.

**POST-HEARING QUESTIONS AND RESPONSES FOR THE RECORD, AND  
ADMINISTRATION VIEWS**

**Questions from Hon. John J. Hall, Chairman, Subcommittee on Disability Assistance and Memorial Affairs, to Jack McCoy, Associate Deputy Under Secretary for Policy and Program Management, Veterans Benefits Administration, U.S. Department of Veterans Affairs, dated June 19, 2007**

**Legislative Hearing on H.R. 585, H.R. 156, and H.R. 704**

**Question 1:** To clarify for everyone, would you briefly walk the Subcommittee through the process for a soldier suffering a traumatic injury seeking to utilize the Traumatic Servicemembers' Group Life Insurance (TSGLI) benefits?

**Question 1(a):** How does the average claim present itself to the VA?

**Response:** TSGLI claims are submitted to and processed by individual branches of service (BOS). The Department of Veterans Affairs (VA) will generally not see claims unless a BOS TSGLI office requests policy guidance on an unclear or unusual case.

To begin the process, the injured servicemember or guardian needs to complete Part A of the TSGLI claims form with his or her identifying information. An attending medical professional must then complete Part B of the form to describe the nature and extent of the servicemember's injuries. The member's BOS TSGLI office approves or denies the claim and determines the amount payable. The BOS TSGLI office then submits the claim to the Office of Servicemembers' Group Life Insurance (OSGLI), the administrative office established by Prudential Insurance Company of America, which issues the Servicemembers' Group Life Insurance (SGLI) policy. OSGLI pays the claim or releases the denial letter based on the branch's decision.

**Question 1(b):** What type of medical evidence or documentation does the VA require to support a claim and grant TSGLI?

**Response:** VA does not make the determination whether to approve or deny the claim. The BOS evaluates the medical evidence submitted in the application and renders a decision. OSGLI either makes a payment or releases a denial letter in response to the BOS's decision.

**Question 1(c):** Why must a servicemember survive 7 days from the day of the traumatic event to qualify for TSGLI?

**Response:** TSGLI was generally modeled after commercial accidental death and dismemberment (AD&D) policies, which are riders to life insurance policies. Like commercial AD&D riders, TSGLI is not intended to be an additional life insurance payment. In the commercial model, if an individual is paid an AD&D award and dies shortly thereafter, the amount of the AD&D payment is deducted from the life insurance proceeds.

We did not read the intent of TSGLI to include reducing a death benefit to a beneficiary; nor did we see the intent to provide an additional benefit if a servicemember's death was caused by a traumatic event. Therefore, a timeframe between the traumatic event and the date of death had to be established.

The 7-day period was based on a review of data gathered by the Department of Defense (DoD) concerning traumatic injuries incurred in Operations Enduring Freedom and Iraqi Freedom, which showed 7 days to be a representative time to stabilize the injured member and transport the member back to the United States following a traumatic injury.

During this period, the service department pays most if not all major expenses that are incurred by an injured member. Once the member's condition is stabilized, TSGLI benefits are available to help pay for expenses incurred after the initial 7-day period. If the insured member dies within 7 days after a traumatic injury, although no TSGLI benefit is payable, the basic SGLI death benefit will be paid to the beneficiary designated by the member or to other eligible beneficiaries.

**Question 1(d):** Please explain what TSGLI does not cover.

**Response:** TSGLI is modeled after commercial AD&D policies and, like those policies, does not cover illnesses or minor injuries. The law limits coverage to traumatic injuries and prescribes certain qualifying losses.

Additionally, TSGLI does not cover injuries caused by any of the following:

- Attempted suicide.

- Intentionally self-inflicted injury or an attempt to inflict such injury.
- Medical or surgical treatment of an illness or disease.
- Willful use of an illegal or controlled substance, unless administered on the advice of a medical doctor.
- Injury sustained while in the act of committing a felony.
- Mental disorder or a physical or mental illness or disease, unless under very specific circumstances.

**Question 2:** Please explain the coordination between the Department of Defense and the Department of Veterans Affairs to administer the TSGLI program?

**Response:** VA has worked to ensure that TSGLI guidelines are communicated clearly and that DoD personnel responsible for implementing the program are properly trained and informed. VA has developed channels of communication with the BOS TSGLI points of contact through measures such as the following:

*TSGLI Procedures Guide*—The VA provides a detailed procedural guide encompassing the entire TSGLI program.

*Regular Conference Calls and Ongoing Guidance*—VA insurance service and BOS TSGLI points of contact meet regularly via conference call to discuss TSGLI issues and provide ongoing guidance to BOS points of contact on questions concerning certifying complex individual cases.

*Training and Briefings*—VA provided formal training and/or briefings to the BOS TSGLI points of contact and medical personnel at various military medical.

**Question 3:** To date, the TSGLI program has paid over 3,266 cases totaling over \$206 million with an average claim payment amount of \$63,158. Is this an expense to DoD? If not, how does the VA pay for these claims, through mandatory or discretionary funds?

**Response:** All TSGLI costs are paid either by servicemember premiums or by DoD. No VA funds are used in connection with the TSGLI program. The required funding for the TSGLI program is comprised of three parts:

*Retroactive Costs*—The retroactive provision of the TSGLI legislation provides that any servicemember who beginning on October 7, 2001, and ending at the close of November 30, 2005, sustains a traumatic injury resulting in a qualifying loss is eligible for TSGLI if the loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom. Each BOS pays for the cost of retroactive claims attributable to that BOS. The great majority of retroactive claims (under current law) have been paid.

*Non-hostile Costs*—A premium of \$1 per month is charged to each servicemember insured under SGLI in order to provide TSGLI coverage. This premium is based upon the projected rate at which civilians suffer traumatic injury similar to the injuries in the TSGLI schedule.

*Extra Hazards Costs*—The law provides that the branches of service will pay any excess claims costs above the premiums collected. The branches have paid extra hazard funds to VA in fiscal years 2006 and 2007. During periods where there are no large-scale hostilities it is expected that DoD funds would not be needed.

**Question 4:** The VA Insurance Division informed the Committee that 45% of TSGLI claims submitted are disapproved. Would you explain why the disapproval rate is so high? Can you explain how this disapproval rate compares to similar programs in private industry?

**Response:** Although accurate, that statistic masks a major program enhancement. The TSGLI legislation provided for payment for specified losses such as amputations, loss of vision, hearing or speech, paralysis, and so forth.

VA recognized that there were other traumatic injuries that members incur, such as a serious injury to the torso, that would cause members to undergo significant recovery and rehabilitation times and cause financial hardships. To ensure that these severely injured members would be covered by TSGLI, VA uses its regulatory authority to create an additional category based on the inability to carry out activities of daily living (ADLs) due to a loss directly resulting from a traumatic injury other than an injury to the brain. The term “inability to carry out activities of daily living” means the inability to independently perform at least two of the six following functions: bathing; continence; dressing; eating; toileting; and transferring in or out

of a bed or chair with or without equipment. The amount of TSGLI payable under the schedule depends upon the duration of the member's inability to carry out ADLs.

This new category of loss has allowed payment of more than \$112 million in additional benefits to 2,027 servicemembers. These payments account for just over 50 percent of all TSGLI payments.

ADL loss is a standard used by the commercial industry for their disability and long-term care policies.

About 80 percent of all disapprovals are for claims asserting an inability to perform ADLs. There are two reasons for this statistic. First, an assessment of whether a servicemember is unable to perform the six functions is necessarily subjective rather than objective, as in the case of an amputation. Second, the BOS are finding that the medical evidence does not support the claimed loss.

Although generally modeled after commercial AD&D insurance, TSGLI is significantly more expansive in its coverage to take into account the unique circumstances associated with military service. Because of this and other factors unique to commercial policies, we could not determine an "average" AD&D policy with which to compare TSGLI coverage. We are, however, investigating the manner in which commercial insurance companies assess an insured's entitlement to proceeds based upon inability to perform ADLs.

**Question 5:** As the VA works to improve TSGLI processing times and have undertaken a "Year One Review" what have you learned that will help improve TSGLI processing time to speed payments to these servicemembers and their families?

**Response:** The *year one review* indicates that the practice of case *management* improves the timeliness of processing before claims reach the claims examiners in the branch of service, and the BOS have therefore implemented this practice. The review also indicates that some TSGLI claims cannot be paid until a member's eligibility for combat injury pay is resolved.

The review also indicates that the need for additional medical documentation delays adjudication of TSGLI claims.

**Question 6:** With regard to H.R. 156, can VA provide the population figure(s) for this bill?

**Response:** Data show that approximately 12 percent of prisoners of war (POWs) were rated 100 percent disabled and in receipt of compensation in May 1999. We assume that 75 percent of POWs were married. With this information, we estimate there were 3,560 surviving spouses who would have been newly eligible in 1999 for Dependency and Indemnity Compensation due to this proposal. Life expectancy was applied to this population to estimate the current number of eligible surviving spouses in 2008 and beyond.

FY	Caseload
2008	1,535
2009	1,403
2010	1,270
2011	1,137
2012	1,008
2013	882
2014	761
2015	648
2016	543
2017	447

**Question 7:** With regard to H.R. 704, can VA provide the population figure(s) for this bill?

**Response:** In developing population and cost estimates for H.R. 704, VA assumed that the intent of Congress was to state age 55 rather than age 57 in section 1(d) of the bill. Based on that assumption, there are two groups of spouses who would be affected by this proposal: spouses in receipt of Dependency and Indemnity Compensation (DIC) who would lose benefits if they remarry in the future prior to turning 55 years old, and spouses who have lost benefits in the past due to remarriage prior to turning 57 years old. Based on available data and assumptions about potential claimants, VA estimates that 2,349 spouses will apply and be granted DIC bene-

fits in 2008. This change would cost approximately \$23 million in the first year and \$723.2 million over 10 years.

<b>FY</b>	<b>Reopened Cases</b>	<b>Future Cases</b>
2008	2,349	506
2009	2,323	1,027
2010	2,294	1,550
2011	2,263	2,080
2012	2,229	2,613
2013	2,192	3,149
2014	2,153	3,686
2015	2,110	4,233
2016	2,065	4,781
2017	2,015	5,329

However, if Congress intended section 1(d) to be written as it is currently, the table above would only include the “future cases” column. The first year cost would be approximately \$6.9 million and the cost over 10 years would be \$423.0 million.

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**Letter from Hon. Gordon H. Mansfield, Acting Secretary, U.S. Department of Veterans Affairs, to Hon. Bob Filner, Chairman, Committee on Veterans' Affairs, dated October 26, 2007, Transmitting Administration's Views and Estimates for H.R. 704, H.R. 2259, and H.R. 1824**

U.S. Department of Veterans Affairs  
Washington, DC  
*October 26, 2007*

The Honorable Bob Filner, Chairman  
Committee on Veterans' Affairs  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

I am pleased to provide the views of the Department of Veterans Affairs (VA) on the following three bills: H.R. 704, H.R. 2259, and H.R. 1824, 110th Congress. These bills were on the schedules of the Disability Assistance and Memorial Affairs and Economic Opportunity Subcommittees' hearings of June 19 and June 21, respectively. At the hearing, the Department stated that we were not able to comment on all of the bills on the agenda because we did not have enough time to coordinate the Administration's views and estimate costs. We can now do so for the introduced version of these bills.

*H.R. 704*

Section 1(a) of H.R. 704 would reduce from 57 to 55 the age after which a surviving spouse may remarry without losing eligibility for Dependency and Indemnity Compensation (DIC), educational assistance and housing loans. Section 1(b) would specify that this amendment will take effect on the later of the first day of the first month that begins after the date of enactment of this bill or the first day of the fiscal year that begins in the calendar year of enactment of the amendment. Section 1(c) would prohibit the payment of any benefit based on the amendment for any period before the effective date of the amendment. Section 1(d) would permit an individual who remarried before the bill's enactment and after age 57 to apply for reinstatement of benefits before the end of the 1-year period beginning on the date of enactment.

Under current law, a surviving spouse who remarries is not eligible for DIC benefits, medical care, educational assistance, or housing loans based on a prior marriage to a deceased veteran, unless the surviving spouse remarries after age 57 (after age 55 in the case of medical care).

Because the mandatory costs of the bill are not included in the President's Fiscal Year (FY) 2008 Budget, we cannot support enactment. VA estimates that enactment

of H.R. 704 would result in a benefit cost of \$23 million in FY 2008 and \$723.2 million over the 10-year period from FY 2008 through FY 2017.

*H.R. 2259*

H.R. 2259 would require the Secretary of Defense and the Secretary of Veterans Affairs to jointly submit to Congress a plan to maximize access to the benefits delivery at discharge (BDD) program for members of the Armed Forces reserve components who have been called or ordered to active duty since September 11, 2001. The bill would require a description of the efforts that would be taken to ensure that services under this program are provided at specified locations, including locations where servicemembers are separated or discharged from the Armed Forces.

VA believes that this bill is not necessary for a number of reasons. First, VA is already committed to working with DoD to produce a plan to improve transition assistance for personnel in the National Guard and Reserves.

Also, it is not feasible to offer the BDD program to most National Guard and Reserve members. The BDD program is a joint VA and DoD program that provides information, benefits and services to servicemembers who are within 60 to 180 days of separation from service and who wish to file a claim for VA benefits. At least 60 days of remaining active-duty time is needed to process a servicemember for effective BDD. Major requirements of the program, such as the physical examination necessary to determine entitlement to VA pension or compensation, present significant logistical difficulties if sufficient time is not available. Although the BDD program is available to all servicemembers on active duty, including National Guard or Reserve members, as well as servicemembers undergoing medical evaluation board or physical evaluation board proceedings, most mobilized National Guard and Reserve members are released from active duty shortly after they return from deployment. Because such members are eager to return to their families and civilian lives, they are quickly processed through demobilization sites, released from active duty, and returned to their respective Reserve or National Guard command. Thus, there is not sufficient time to accomplish BDD processing before they are released from active duty.

In addition, all benefits claims from servicemembers who have participated in the Global War on Terrorism, to include Operation Enduring Freedom and Operation Iraqi Freedom, receive priority handling. This includes servicemembers from the Guard and Reserve. These cases are permanently tagged to reflect priority status and are processed expeditiously. However, veterans who require case management, such as those who have sustained a serious injury or illness or have lost a body part, do not participate in the BDD program.

There are no costs associated with this bill because National Guard and Reserve members are already provided services at demobilization.

*H.R. 1824*

Section 1 of H.R. 1824 would amend Title 38, United States Code, to expand the scope of programs of education for which accelerated payments of Montgomery GI Bill (MGIB) educational assistance may be used, to include programs that lead to employment as an operator of a commercial motor vehicle (as defined in section 31301 of Title 49, United States Code).

Under current section 3014A of Title 38, an MGIB-Active Duty participant pursuing high-cost courses leading to employment in a high technology occupation in a high technology industry has the option of receiving an accelerated benefit payment. This optional lump-sum accelerated benefit payment covers up to 60 percent of tuition and fees. Enactment of H.R. 1824 would lead to a slight increase in the number of trainees enrolled in courses within the Heavy Equipment Operation industry, which includes commercial driver training.

Section 2 of the bill would amend section 3015 of Title 38 by adding a new subsection (h), to provide specifically that benefit payments received by an individual under the MGIB-Active Duty program shall not be considered as income for purposes of determining eligibility of that individual for education grants or loans under any other provision of Federal law.

The purpose of the existing accelerated payment authority is to facilitate training and promote employment in high technology occupations in high technology industry based on a demonstrated national need for a highly trained and highly skilled workforce in that sector of the economy. This bill would constitute a departure from that purpose. We are not aware, however, that a similar need exists for providing accelerated payment for the proposed commercial driver training or that a basis exists to do so to the exclusion of other non-high technology, high-cost programs. Absent such a demonstrated need, as well as identification of cost savings to offset the cost of the proposed accelerated payment provision expansion, we cannot support

H.R. 1824. Further, we note that this bill's provision excluding benefits payable under the MGIB from consideration as income for purposes of determining eligibility for education grants or loans is unnecessary since these benefits are not currently counted as income for such purposes.

We estimate that enactment of the H.R. 1824 provisions expanding accelerated payment entitlement would result in a benefit cost increase of \$578,000 in the first year and approximately \$6.1 million over 10 years.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely yours,

Gordon H. Mansfield  
Acting Secretary

