

# **H.R. 3715, H.R. 3936, H.R. 4087, H.R. 4757, H.R. 4758, H.R. 4759, H.R. 4782, and Draft Legislation**

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STATEMENT OF  
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BEFORE THE

COMMITTEE ON VETERANS' AFFAIRS  
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS

WITH RESPECT TO

**H.R. 3715, H.R. 3936, H.R. 4087, H.R. 4757, H.R. 4758, H.R. 4759, H.R. 4782, and Draft Legislation**

WASHINGTON, DC

Mr. Chairman and members of the Subcommittee:

On behalf of the men and women of the Veterans of Foreign Wars of the United States (VFW) and our Auxiliaries, thank you for the opportunity to offer our thoughts on today's pending legislation.

## **H.R. 3715, Final Farewell Act of 2015**

The VFW supports this legislation, which would allow the Department of Veterans Affairs

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(VA) to permit weekend burials at National Veterans Cemeteries, when requested by the veteran's family for religious or cultural reasons. Additionally, any grant to assist a state in establishing a veterans' cemetery would require the same. We believe this is a perfectly reasonable accommodation, and note that National Veterans Cemeteries already permit weekend burials on weeks when a federal holiday falls on a Monday or a Friday.

### **H.R. 3936, Veteran Engagement Teams (VET) Act**

The VFW supports this legislation to establish a three year pilot program to carry out Veteran Engagement Team events at ten locations nationwide. At these events, VA would supply sufficient staff to initiate, update, and finalize the completion and adjudication of disability claims at locations that are at least 50 miles from VA facilities. If the evidence is insufficient to complete the claim, the veteran will be informed of what additional information is necessary.

We are aware that similar "claims clinics" are already being held in select locations, including Winston-Salem, North Carolina. Our VFW service officers at the Winston-Salem Regional Office report that these events have been greatly successful. They find that having VA staff explain veterans' claims to them in person helps them gain a better understanding of the process, leading to higher customer satisfaction. Often, claims can be granted on the spot. In one extreme case of how valuable these events can be, a homeless female veteran from Winston-Salem whose claim was stalled in the local appeal process was able to produce the piece of evidence needed to grant, resulting in a retroactive payment of over \$100,000.

Our service officers were pleased to see that this bill provides Veteran Service Organizations access to the events, as the assistance we provide is critical to ensuring veterans understand what evidence is needed for favorable decisions. Our only suggestion would be to hold the events on weekends as well as normal business hours, as many veterans who work full time would likely be unable to attend during the work week. With this change, we believe this bill would significantly improve VA customer service.

### **H.R. 4087, Fair Treatment for Families of Veterans Act**

The VFW supports this legislation which would change the effective date of a reduction or discontinuance of compensation or pension for reason of marriage, remarriage, or death of a payee from the last day of the month prior to when the event occurred to the last day of the month in which the event occurred. Quite simply, it would offer an extra month of benefits, and remove the possibility of unforeseen overpayments in those cases. We believe this is the right thing to do, so as not to burden grieving families with unnecessary debt.

### **H.R. 4757, To amend title 38, U.S.C., to expand the eligibility for headstones, markers, and medallions furnished by the Secretary of Veterans Affairs for**

**deceased individuals who were awarded the Medal of Honor and are buried in private cemeteries.**

This legislation would require VA to furnish upon request to the survivors of any deceased Medal of Honor recipient a headstone, marker, or medallion signifying that veteran's status as a Medal of Honor recipient. The VFW fully supports this legislation, as final resting places of those who receive our nation's highest award for valor should be granted special recognition.

**H.R. 4758, To amend title 38, United States Code, to authorize the award of the Presidential Memorial Certificate to certain deceased members of the reserve components of the Armed Forces and certain deceased members of the Reserve Officers' Training Corps.**

In 1962, President John F. Kennedy initiated the Presidential Memorial Certificate to commemorate the memory of deceased veterans who were honorably discharged. The certificates are engraved on paper and signed by the president before they are made available by the Department of Veterans Affairs for the families and loved ones of deceased veterans. It has long been viewed as a sign of gratitude for those who served their nation. Since President Kennedy began the tradition, every President of the United States has continued it. These certificates act as a simple form of recognition to provide comfort for those who were close to them while acknowledging the sacrifices made by veterans who have passed. It symbolizes a gracious appreciation of the veteran by not only the president, but America as a whole. Currently this certificate is only awarded to deceased veterans who served on active duty and were discharged under honorable conditions.

The National Cemetery Administration permits Guard and Reserve service members as well as Reserve Officers Training Corps candidates who die in the line of duty, eligibility for burial at a national cemetery. However, these Guard, Reserve and ROTC members are not eligible for the Presidential Memorial Certificate. This legislation would extend the honor of this certificate to these service members. The VFW supports this legislation and believes Guard, Reserve and ROTC members must also be properly recognized by our nation's president.

**H.R. 4759, To amend title 38, U.S.C., to authorize the Secretary of Veterans Affairs to pay costs relating to the transportation of certain deceased veterans to veterans' cemeteries owned by a State or tribal organization.**

The VFW supports this legislation, which expands burial benefits to veterans interned in a State or tribal cemetery.

For more than 150 years, our nation has purchased and maintained cemeteries to offer our veterans a final resting place that honors their brave military service. Currently, VA

maintains 133 national cemeteries; only 75 of them, however, are able to accept new internments. To ensure veterans have burial options within 75 miles to their home, VA uses agreements and grants with states, United States territories and federally recognized tribal organizations to establish, expand, or improve veterans' cemeteries in areas where the National Cemetery Administration has no plans to build or maintain a national cemetery.

While VA covers all the transportation expenses for veterans who are interred in the nearest national cemetery, VA is not authorized to reimburse the next of kin of a veteran who is interred in a State or tribal cemetery because the nearest VA national cemetery is not accepting new interments or the veteran does not have a national cemetery near their home. This bill rightfully expands VA's authority to cover the cost of transporting a veteran's remain to their final resting place in a State or tribal cemetery.

### **H.R. 4782, Veterans' Compensation Cost-of-Living Adjustment Act of 2016**

The VFW supports this legislation which will increase VA compensation for veterans and survivors, and adjust other benefits by providing a cost-of-living adjustment (COLA) beginning December 1, 2016.

Disabled veterans, along with their surviving spouses and children, depend on their disability compensation plus dependency and indemnity compensation to bridge the gap of lost earnings caused by the veteran's disability. Each year, veterans wait anxiously to find out if they will receive a cost-of-living adjustment. There is no automatic trigger that increases these forms of compensation for veterans and their dependents. Annually, veterans wait for a separate Act of Congress to provide the same adjustment that is automatically granted to Social Security beneficiaries.

The VFW continues to oppose the "rounding down" of the COLA increase. This is nothing more than a money-saving device that comes at the expense of veterans and their survivors.

### **Draft Legislation, To pay special compensation to certain veterans with loss or loss of use of creative organs.**

The VFW supports this legislation, which would expand the monthly special disability compensation benefits VA provides veterans who have lost or lost the use of their reproductive organs as a result of their military service.

Due to the widespread use of improvised explosive devices during the wars in Iraq and Afghanistan, both female and male service members have suffered from spinal cord, reproductive, and urinary tract injuries. Many of these veterans hope to one day start families, but their injuries prevent them from conceiving.

Recognizing the significant impact the loss or loss of use of reproductive organs has on

veterans, Congress established a special monthly compensation to provide additional financial compensation for these veterans and for other special circumstances. Currently, veterans who have lost or lost the use of their reproductive organs receive an additional \$103.23 in monthly disability compensation. This legislation would increase the amount of financial compensation veterans receive for losing the use of their reproductive organs due to their military service.

However, the VFW does not believe financial compensation should be offered in lieu of reproductive treatment. VA is currently prohibited from providing certain fertility treatments. The VFW strongly supports ending the VA ban on the use of assisted reproductive technologies, including In Vitro Fertilization. Simply giving veterans compensation for reproductive assistance is inadequate on its own to ensure they have the care and supportive services they need to successfully achieve their dreams of starting a family.

Additionally, the VFW believes that VA must have the authority to provide veterans the fertility treatment options that are best suited for their particular circumstances. For that reason, the VFW strongly supports H.R., 2257 and H.R. 3365, which expands VA fertility treatment options for veterans who have lost the use of reproductive organs as a result of their military service.

### **Draft legislation, To amend title 38, United States Code, to improve the consideration of Evidence by the Board of Veterans' Appeals.**

The VFW supports this legislation. Currently, when a veteran files an appeal, but submits additional evidence before that appeal is certified to the Board, the Agency of Original Jurisdiction (AOJ) must review the evidence and, if still unable to grant in full, issue a Supplemental Statement of the Case (SSOC) before the appeal can be certified. While issues are sometimes granted during this sequence, continued denials can add many months to the total time a veteran must wait to receive a decision from the Board.

Under this bill, additional evidence received after submission of the Form 9 would be subject to initial review by the Board by default. Veterans may still elect to have that evidence reviewed by the AOJ. This is important, as some veterans may feel confident that the additional evidence they are submitting will allow the AOJ to grant their claims in full, without the need to wait years for their appeals to reach the Board. If no election is made, however, the additional evidence would be reviewed by the Board in the first instance.

The VFW further supports the provision of the bill that would require additional evidence to be reviewed by the AOJ within 180 days when the veteran makes that election. We also support the intent of requiring the AOJ to certify the appeal within 180 days after the review is completed, but would suggest that timeframe be shortened to 60 days. In our view, one of the logjams in the appeals process is that the AOJs take far too long to certify appeals once

their work is completed. We believe that two months is a reasonable amount of time for the AOJ to certify an appeal once it is ready.

Lastly, we would suggest a minor technical change to subsection (a)(2)(B) of section 1, by inserting at the beginning, “if such review does not result in a fully favorable decision.”

**Draft Legislation, To reserve a certain number of burial plots at Arlington National Cemetery for individuals who have been awarded the Medal of Honor.**

Medal of Honor recipients are held in the highest regard by the veterans’ and military community, and have certainly earned the opportunity to be buried in our nation’s most hallowed burial grounds—Arlington National Cemetery. Despite the current expansion of 30,000 interment slots as part of the Millennium Project and the recent acquisition of additional land for burial space, the Arlington National Cemetery will eventually reach maximum capacity.

If that day comes, we must ensure those who are awarded our nation’s highest award for valor in action against an enemy force are reserved a final resting place that honors their service to our nation. This legislation rightfully ensures the 77 living Medal of Honor recipients and the brave service members that may receive this prestigious award in the future are offered that opportunity by setting aside 1,000 plots specifically for them. The VFW fully supports this legislation.

**Draft Legislation, Love Lives on Act of 2016**

The Love Lives on Act will redefine the definition of “surviving spouse” for the purposes of benefits administered by the Secretary of Veterans Affairs. In short this bill will eliminate the current provisions in law that preclude surviving spouses of military service members who remarry from receiving benefits through the Department of Veterans Affairs. Currently, a surviving spouse must remain unmarried until the age of 57 to qualify for the benefits that were granted to them through the death of the service member.

Surviving spouses, many of whom are young, should not have to endure a life of loneliness just so they can continue to receive the benefits granted to them through the death of their spouse. The VFW supports this legislation.

Mr. Chairman, this concludes my testimony. I will be happy to answer any questions you or the Committee members may have.

**Information Required by Rule XI2(g)(4) of the House of Representatives**

Pursuant to Rule XI2(g)(4) of the House of Representatives, the VFW has not received any federal grants in Fiscal Year 2016, nor has it received any federal grants in the two previous

## Fiscal Years.

The VFW has not received payments or contracts from any foreign governments in the current year or preceding two calendar years.