

STATEMENT OF
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VETERANS OF FOREIGN WARS OF THE UNITED STATES

BEFORE THE
UNITED STATES SENATE
COMMITTEE ON VETERANS' AFFAIRS

WITH RESPECT TO

Pending Legislation

WASHINGTON, D.C.

April 17, 2024

Chairman Tester, Ranking Member Moran, and members of the committee, on behalf of the men and women of the Veterans of Foreign Wars of the United States (VFW) and its Auxiliary, thank you for the opportunity to provide our remarks on this proposed legislation.

S. 1299, Fairness for Servicemembers and their Families Act of 2023

The VFW supports this legislation to require the Department of Veterans Affairs (VA) to review the maximum coverage for both Servicemembers' Group Life Insurance (SGLI) and Veterans' Group Life Insurance (VGLI) every three years. In 2021, the VFW advocated for SGLI and VGLI maximum payouts to be increased from \$400,000 to \$500,000 to reflect inflation and the cost of living. This change was passed as part of the *Supporting Families of the Fallen Act* in October 2022 and came into effect on March 1, 2023. Before this increase, the maximum had not been increased since 2005. Service members and their families should have peace of mind when selecting either of these insurance policies when considering future needs and overall rising costs over time due to inflation.

S. 1590, Justice for ALS Veterans Act of 2023

The VFW supports this legislation. VA considers amyotrophic lateral sclerosis (ALS) a presumptive service-connected disease and, due to its progressive nature, automatically rates any diagnosed veteran at 100 percent once service connected. If a veteran with service-connected ALS then dies, the surviving spouse is eligible to receive Dependency and Indemnity Compensation (DIC). In cases in which a veteran had a VA disability rating of totally disabled with ALS for at least eight full years leading up to death and was married during those same eight years, the surviving spouse is then entitled to an additional monthly payment called the DIC kicker. A surviving spouse should be entitled to the eight-year provision regardless of how long the veteran had ALS. Considering the full-time care often needed for a person diagnosed with this disease and that the average life expectancy following diagnosis is from two to five years, we see this as an important addition for these survivors.

S. 1910, Ensuring VetSuccess On Campus Act of 2023

The VFW supports this legislation to require VA to ensure that the VetSuccess on Campus program (VSOC) and at least one VSOC counselor is in every state. This program aims to help veterans, service members, and their qualified dependents succeed and thrive through a coordinated delivery of on-campus benefits assistance and counseling, leading to completion of their education and preparing them to enter the labor market in viable careers. The VFW has been advocating for additional VSOC counselors to be added to the program. Our work with VSOC counselors at different schools has shown the value of these positions, and we believe the program should be expanded so more student veterans can utilize these important services.

S. 2014, A bill to ensure that certain members of the Armed Forces who served in female cultural support teams receive proper credit for such service, and for other purposes

The VFW supports this legislation to ensure that certain members of the armed forces who served in female cultural support teams receive proper credit for such service. A part of our organization's mission is to foster camaraderie among United States veterans of overseas conflicts. This aligns with the goal that the special operations forces had in 2010 when a female cultural support team was implemented to bridge a communication gap that prevented the maximization of strategic objectives during counterinsurgency in Iraq and Afghanistan. However, the Department of Defense (DOD) 1994 Direct Ground Combat Definition and Assignment Rule created a barrier that would not allow the combat characterization assignment for females. The decision to implement these teams in Iraq and Afghanistan combat operations paved the way for a major change in this rule that integrated females into combat roles.

Today, covered service is not classified as combat service. In some instances, this has a negative impact on favorable awards of service-connected disability compensation and benefits. This legislation would allow VA to treat covered service as combat service and grant service-connected compensation and certain benefits when female veterans who participated in combat operations claim traumatic brain injuries, post-traumatic stress, and disabling physical trauma. It is unjust that the members of female cultural support teams, who facilitated a major change in combat roles, should be denied the full benefits they deserve from their hazardous duty experiences.

While we support this legislation, we would ask the committee to expand which veterans are covered so we do not inadvertently exclude other women who served in similar roles such as the Female Engagement Teams or the Lioness Teams. Many women served honorably in harm's way and their service should be recognized appropriately.

S. 2181, Keeping Military Families Together Act of 2023

The VFW supports this bill that would give VA permanent authority to provide memorial headstones or markers on eligible individuals' graves and to bury the remains of eligible spouses and children in national cemeteries, sustaining practices codified in law more than fifty years ago. Without legislation, these authorities will expire on October 1, 2024. We believe this bill would help to ensure proper recognition for the service and sacrifices of veterans and their families.

S. 2276, Welcome Home Veterans Act of 2023

The VFW supports this legislation that would amend current statute to allow for state veterans agencies to automatically receive transitioning service member (TSM) information unless individuals choose to opt out. The true value of state transition-centric resources can be realized only if program administrators consistently know new veterans are arriving. Following the Government Accountability Office report published in March 2024 that stated DOD is not reliably handing off at-risk TSMs to support agencies, this change makes sense and represents an effective way for DOD to increase service member connections to state and community transition assistance resources. This bill would likely increase their awareness and use of such programs, and also permit individuals to maintain privacy by opting out. The VFW has long maintained that, as required by law, TSM connections to community resources are critical as community programs provide the capacity and individualized assistance that DOD's Transition Assistance Program (TAP) cannot.

S. 2718, Medical Disability Exam Improvement Act of 2023

The VFW supports this bill to improve matters relating to medical examinations for veterans disability compensation. The passage of the PACT Act has caused an increase in the number of medical disability examinations. The goal of this legislation is to ensure that VA can handle the workload by hiring and training more medical disability examiners. It would also eliminate redundant examinations for toxic-exposed veterans filing for conditions they do not know are not caused by their toxic exposures. Rural veterans suffer a disadvantage in the claims process, especially when a medical examination is needed and access to contract examiners is limited. This bill would require VA to study and develop a plan to improve rural veterans' access to quality and timely medical disability examinations.

S. 2778, VETS Business Act of 2023

The VFW supports this legislation to require VA to report on the state of competition among its suppliers. This report would identify areas that need improvement. It would also provide data to show if veteran-owned small businesses and service-disabled veteran-owned small businesses have maximum participation in VA contracts, and where participation can be improved.

S. 2863, Commission on Equity and Reconciliation in the Uniformed Services Act

The VFW appreciates the intent of this bill, but does not fully support it at this time. We have a resolution to identify and study different demographics of veterans mainly for the purposes of health care and benefit delivery. Understanding different cohorts of veterans is important, especially regarding race, gender, ethnicity, and sexual orientation. However, we believe this proposal goes further than our resolution calls for and, therefore, we cannot fully support this legislation. We look forward to discussing ways with this committee to ensure equitable delivery of benefits and care that respects the honorable service of all who wear the uniform, past, present, and future.

S. 2873, Veterans Affairs Opportunity for Women-Owned Small Businesses Act of 2023

The VFW supports this legislation to include the Women-Owned Small Business Federal

Contract program (WOSB) to VA's contract procurement hierarchy, known as the Veterans First Contracting Program. The program was created through legislation in 2006 as a framework for VA to consider veteran-owned and socioeconomic small businesses for procurement contracts. The WOSB was created through legislation in 2000, but the Small Business Administration (SBA) took ten years to promulgate final rule for the program and it was never included in the statute. SBA did update regulations to include the WOSB program, so this legislation would simply codify what is currently in regulation. This is important to the VFW to ensure women-owned small businesses are included in VA's procurement hierarchy as originally intended.

S. 2888, TAP Promotion Act

The VFW strongly supports this bill, and we are grateful for Senator King's focus on improving transition for veterans. Every year, VFW-accredited representatives assist approximately 20,000 TSMs with their Benefits Delivery at Discharge (BDD) claims before they leave the military. The BDD program exists to allow TSMs to file pre-discharge disability claims so that they can receive VA disability compensation and benefits upon separation or retirement. Unfortunately, disparate BDD program access exists across military installations worldwide because accredited representatives who process these claims are not mandated by law to be present during TAP, leaving it up to individual TAP managers to decide who is allowed in their classrooms and when. Moreover, VFW and BDD claim data show unequal participation in the program between junior and senior service members. While military members in the senior enlisted and officer ranks make up the minority of the total military force, they represent the majority of individuals filing pre-discharge BDD claims. In addition to inconsistent BDD representative presence in TAP classrooms, we believe this overrepresentation is likely due to, at least in part, the increased agency that senior enlisted individuals and senior officers have over their day-to-day schedules, which is a general luxury that junior and middle enlisted and junior officers tend not to have.

The demographic disparity in BDD claims is problematic for two reasons. First, senior and junior military members generally leave service with very different resources at their disposal. More senior individuals often receive retirement pay and TRICARE coverage upon discharge while more junior individuals do not. They must instead find post-service income and health care during their transition period during which time military duties continue to take precedence over personal needs. Accordingly, even without using the BDD program, senior service members are better positioned to experience less transition unknowns than junior TSMs because some of their most critical post-service needs are automatically met. Second, unequal and limited use of the BDD claim system means less TSMs are connected to their VA benefits upon discharge. This is alarming because VA suicide data has shown that veterans who interact with the Veterans Benefits Administration (VBA) have lower suicide rates than those who do not interact with VBA or the Veterans Health Administration. Critically, the demographic of TSMs that uses the BDD program the least arguably needs it the most since they are at a disproportionately higher risk for post-discharge suicide.

The VFW highly recommends the passage of the *TAP Promotion Act*, as we believe there is immense value in ensuring all TSMs can directly access accredited representatives during TAP. This bill would ensure a representative is physically present in the TAP classroom while VA

benefits and services that can be applied for prior to separation are discussed, including the BDD program. Having these individuals in TAP would minimize barriers to using the BDD program, especially for those TSMs whose unit's operational needs prevent them from fully engaging transition resources after TAP ends. The VFW has strong collaborative relationships with the DOD TAP managers on the installations we currently serve. In places such as Fort Cavazos, Camp Pendleton, Joint Base Andrews, and Naval Station Norfolk, we enjoy strong support from TAP managers who understand the value of our programs and services. However, in speaking to program leaders from each service branch, we keenly recognize that these collaborative relationships are the exception and not the rule for the 331 total transition sites across the military. VA is supportive of including accredited representatives in their TAP briefing, as evidenced by their inclusion of representatives in the recently released TAP 6.0 curriculum, also known as VA One-Day. Congress can ensure the VFW's and VA's efforts are made permanent by enshrining the language of the *TAP Promotion Act* in law.

S. 3126, Mark Our Place Act

The VFW supports this bill that would eliminate a service era requirement, enabling VA to furnish or replace a headstone, marker or medallion for the grave of any eligible Medal of Honor recipient. Current United States Code specifies the decedent must have served on or after April 6, 1917. We believe this legislation would ensure appropriate memorialization of all recipients of our nation's highest award for valor.

S. 3256, Improving Veterans' Experience Act of 2023

The VFW supports this legislation. The Veterans Experience Office is an incredibly valuable resource for the proper delivery of care and benefits for VA. This office was created by the agency a few years ago and it has provided valuable insight to leaders of the Department. This proposal would codify the office and ensure it can continue to serve the interests of veterans well into the future.

S. 3295, Increasing Access to Military Service Records Act of 2023

As an organization that specializes in the processing of disability claims, the VFW is far too familiar with the challenges that plague veterans who are not in possession of the service records required to effectively apply for service-connected disability compensation. On August 8, 2022, the Congressional Research Service issued a report titled *Modernizing Access to Military Service Records: Frequently Asked Questions*. It revealed that two million of the four million cubic feet of military and civilian service records belong to service members who separated around the year 1994. Although many service records are now available electronically, only 10 percent of service members' records who separated during this time are available in digital format.

The VFW supports this legislation that would establish a portal for maintaining digital records and an advisory committee on access to and maintenance of military personnel records. It would provide checks and balances for stakeholders to assess challenges created by multiple agencies acting together to achieve a common goal of providing service members with their medical and personnel-related records. The VFW understands that this work is challenging just as the process of filing for service-connected disability is challenging for veterans. It is paramount that every

solution is employed to overcome the challenge veterans face in obtaining the records they need to apply for the compensation they deserve. This legislation is a step in the right direction to ensuring that possibility.

S. 3452, Fred Hamilton Veterans' Lost Records Act

The VFW strongly supports this legislation, and we are very grateful for Chairman Tester's attention and leadership on this issue. Fred Hamilton, a current Montana native, joined the United States Air Force in 1968 and retired twenty years later. At that time, Mr. Hamilton was not given his service records upon separation. He filed his first VA claim five years after retirement in 1993 and was denied because VA said it had no records of his service. A veteran's service record is required for an appeal and since Mr. Hamilton did not have his records, he was unable to officially appeal. Recently he was granted a 90 percent rating decision from VA, which is a positive step, but he lost almost thirty years of compensation due to missing government records.

Mr. Hamilton and his fellow Montana VFW members reached out to Senator Tester's office to see what could be done to fix issues like the one he faced, so veterans like him could access the care and benefits they earned through service. Thankfully, Senator Tester recognized the problem and his staff crafted a solution to keep this from happening to other veterans. This proposal would ensure veterans who do not have their records and cannot be found by the government do not suffer the same denials as Mr. Hamilton. We are grateful to Senator Tester for helping our Montana veterans, and setting up a process to assist veterans all across the country who are in similar situations.

S. 3567, Veterans Affairs Centennial and Heritage Act of 2024

The VFW supports informing the public of VA's mission and history, and the vital role it fulfills in caring for our nation's veterans. We have a cooperative, mutually beneficial relationship with VA. Some veterans will have an association with VA for the rest of their lives. In some cases, the time will far exceed their time on active duty. Via departmental memoranda and studies, VA has laid the foundation for a department history program and center since 2017. The VFW agrees that the VA's 2030 centennial year is an appropriate time to establish a comprehensive program of history outreach events and to display public exhibits that tell the Department's story of tending to our nation's veterans throughout the years.

S. 3636, Hire Veterans Act

The VFW supports this legislation to create a five-year pilot program that would enable more veterans to obtain jobs within Federal Land Management Agencies. In certain cases, veterans selected for these jobs may also be referred to a training program to translate their skills from the military into meaningful civilian employment. Currently, federal agencies such as the Department of Agriculture and the Department of the Interior are experiencing significant staffing shortages, and veterans hold only 11 percent of the total federal outdoor recreation jobs. This legislation would facilitate greater opportunities for veterans and their employment in jobs where they can enjoy the benefits of the outdoors.

S. 3728, Veterans Housing Stability Act of 2024

The VFW supports this legislation to reestablish a VA partial claim program for those affected by the COVID-19 pandemic who have defaulted on their VA home loans or for whom default is imminent. The VFW would also like to see this program extended beyond the December 31, 2025, sunset date for any national emergencies or major natural disasters in the future.

During the COVID-19 pandemic, Americans were impacted by illness, health issues of family members, sudden at-home child care responsibilities, and unexpected unemployment. This led to many people who were unable to pay the mortgages on their homes. Tens of thousands of veterans with VA home loans were also impacted. To ensure veterans did not lose their homes, VA allowed a COVID-19 mortgage forbearance. When veterans were able to make their payments again, VA offered two short-term financial options called the COVID-19 Veterans Assistance Partial Claim Payment program (COVID-VAPCP) and the COVID-19 Refund Modification. The Refund Modification was intended for borrowers who had a lower income post-pandemic and needed to have lower monthly payments. The COVID-VAPCP was an option for veterans who were able to resume their monthly mortgage payments but were not able to pay for the missed payments at the same time. The partial claim involved VA assuming the missed payments with a zero percent interest rate to the veteran. Borrowers would have to pay that amount after the full mortgage was paid off or when the home was sold.

Unfortunately, VA's partial claim option expired at the end of October 2022. Veterans who came out of their forbearance after this date were faced with having to pay the full sum of missed payments or experience foreclosure. Some were given the option to refinance with a higher interest rate, but the increase in their monthly payments of hundreds of dollars made this option unaffordable. This situation left veterans to sell or foreclose on their homes creating a housing crisis for many. Conversely, the Federal Housing Administration has a similar COVID-19 partial claim program and has been able to keep the number of foreclosures lower than VA.

S. 3746, Gold Star and Surviving Spouse Career Services Act

The VFW supports this proposal to include Gold Star and surviving spouses under the umbrella of the disabled veterans' outreach program. After a veteran passes away, the surviving spouse is too often overlooked in regard to VA benefits. Including Gold Star and surviving spouses in the outreach and services offered by VA is a small but meaningful addition that would hopefully alleviate some of the stress and burden a surviving spouse faces after the death of a veteran.

S. 3873, Guard and Reserve GI Bill Parity Act of 2024

The VFW strongly supports this legislation to ensure equity of education benefits for Reserve Component service members. For years, the sacrifices of members of the National Guard and Reserve have been overlooked in achieving GI Bill eligibility compared to those serving on active duty. These inequities have been further highlighted through short deployments within the United States during natural disasters, for border security, and for medical support during the COVID-19 pandemic. This bill would allow any day in uniform receiving military pay to count toward Post-9/11 GI Bill eligibility, allowing activated National Guard and Reserve members to

earn this education benefit and achieve upward mobility. The time is now for parity with all the armed forces in earning their VA education benefits.

S. 3979, To amend title 38, United States Code, to make permanent and codify the pilot program for the use of contract physicians for disability examinations, and for other purposes

The VFW supports this legislation to codify and make permanent VA's use of contract physicians for disability examinations. A VA pilot program was established in 1996 to allow physicians outside of VA to assist with disability examinations. In 2023, more than 2.1 million examinations were completed. This is a feat that could not have been accomplished without the contracted physicians' partnership. The VFW recognizes the impact and importance of utilizing contracted physicians to ensure that veterans have access to the benefits that they have earned.

S. 4047, Veterans' COLA Act of 2024

The VFW supports this legislation to provide a cost-of-living increase for wartime disability compensation, additional compensation for dependents, clothing allowances, and DIC for surviving spouses and children. These benefits would receive the same percentage increase as is granted for Social Security benefits. The VFW would like to see cost-of-living increases for these benefits every year so that veterans, dependents, and survivors are able to maintain financial stability.

S. ____, Veterans' Transition to Trucking Act of 2024

The VFW supports this legislation that would allow VA to approve apprenticeship programs operated by interstate commercial carriers. Currently, these trucking companies must have their programs approved by the State Approving Agency for each state in which they operate, creating a burden that is leading some to opt out of the GI Bill program completely. Allowing one approval for each school could help to ensure that student veterans are able to use their earned benefits to obtain the training for high-demand jobs.

S. ____, Honoring Veterans' Legacies and Burial Benefits Enhancement Act

The VFW supports this bill that would establish the National Cemeteries Foundation and empower VA with additional burial authorities. Establishment of this foundation would enable private donations, in lieu of public funds, to sustain the Veterans Legacy Program educational outreach to preserve for posterity the stories of veterans interred in national cemeteries. The VFW wholeheartedly supports this commemoration of our nation's veterans, and informing the public of the role of national cemeteries. We also approve of providing expanded authorities to VA so that it can ensure dignified burials and enhancement of interment benefits for burial markers and eligible dependents. This legislation would help to better memorialize our veterans and their family members.

S. ____, To amend title 38, United States Code, to ensure direct access for families to national cemeteries, and for other purposes

The VFW supports this proposal to streamline access for family members to visit loved ones

who have been interred in cemeteries on DOD land. As Memorial Day approaches, Americans all across the country will plan to visit VA cemeteries, some of which require passage through DOD installations. Alaska, Kansas, Illinois, and Florida all have VA National Cemeteries that are located on or require passage through military bases. This proposal would ensure that family members can more easily access these cemeteries within a reasonable timeframe to pay their respects.

Chairman Tester, Ranking Member Moran, this concludes my testimony. I am prepared to answer any questions you or the committee members may have. Thank you.