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LEGISLATIVE HEARING ON H.R. 674, H.R. 1273, H.R. 1900, H.R. 1901, H.R. 2346, H.R. 2696, AND H.R. 2697

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

FIRST SESSION

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LEGISLATIVE HEARING ON H.R. 674, H.R. 1273, H.R. 1900, H.R. 1901, H.R. 2346, H.R. 2696, AND H.R. 2697

TUESDAY, JULY 31, 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 3:30 p.m., in Room 334, Cannon House Office Building, Hon. John J. Hall [Chairman of the Subcommittee] presiding.

Present: Representatives Hall, Rodriguez, Hare, Berkley, and Lamborn.

OPENING STATEMENT OF CHAIRMAN HALL

Mr. HALL. Okay. Sorry for the extra long delay. Welcome back. The Subcommittee on Disability Assistance and Memorial Affairs will come to order.

Good afternoon. First would everybody please rise and join me in the Pledge of Allegiance. Flags are at either end of the room.

[Pledge of Allegiance.]

Mr. HALL. I would like to thank the witnesses for taking time to appear today and for their patience with our voting schedule and also for presenting testimony on these important measures, H.R. 674, H.R. 1273, H.R. 1900, H.R. 1901, H.R. 2346, H.R. 2696 and H.R. 2697, all of which we will be considering today.

H.R. 674, introduced by Congressman Gutierrez which would repeal the sunset of the Advisory Committee on Minority Veterans (ACMV) slated to occur December 31, 2009, if there is no intervening congressional action.

As I stated during our joint hearing with the Health Subcommittee, I am especially concerned about the pending expiration of this authorization. In light of the June 2007 report from the U.S. Department of Veterans Affairs' (VA's) Health Services Research and Development Service entitled, "Racial and Ethnic Disparities in the VA Healthcare System: A Systematic Review," which found that racial disparities exist in all clinical areas and that the disparities in healthcare delivery are contributing to measurable differences in health outcomes, this Committee is definitely still necessary. It also found that the disparate treatment in the VA appears to affect African-American and Hispanic veterans more significantly.

With minorities comprising 20 percent of all of our Nation's veterans, I, like Mr. Gutierrez, believe the Advisory Committee on Minority Veterans plays an essential and indispensable role for the VA and should be made into a permanent fixture.

We will also receive testimony on three bills regarding veterans' memorial benefits, H.R. 1273, H.R. 2346, H.R. 2696 by Ms. Berkley, Mr. Fossella and Mr. Lamborn, our Ranking Member. Mr. Lamborn will be here sometime soon, we hope. He is currently in another hearing that hopefully will allow him to leave and come over here.

In the meantime, the minority side is represented by Counsel, Kingston Smith. Mr. Lamborn and Ms. Berkley's bills, among other things, seek to increase the plot and headstone or marker allowance for veterans who choose to be laid to rest in State or private cemeteries. Mr. Fossella's bill, H.R. 2346, is intended to improve the process for determining where our National cemeteries are located. I know that because of changing migration patterns and simple geographic configurations, the current criteria of a 170,000 veteran population in a 75-mile radius is not always a workable paradigm. I am also aware that the VA is currently evaluating its memorial benefits plan, and I look forward to hearing testimony on its progress in this area before the April 2008 targeted completion date.

We will also hear from Mr. Rahall on two bills that he sponsored, which would expand the category of those veterans eligible to receive pensions for nonservice-connected-disability death or service. H.R. 1900 would do so by providing this pension to veterans receiving expeditionary medals, and H.R. 1901 would do so by including those veterans who served in the Korean Peninsula, Lebanon, Panama and Grenada. I look forward to receiving testimony on these two important measures.

Lastly, H.R. 2697, also sponsored by Mr. Lamborn would expand the eligibility for veterans' mortgage life insurance to include Members of the Armed Forces receiving specially adaptive housing. I know it is often difficult for these servicemembers to acquire commercial insurance policies. This bill would close that gap between the military and VA military benefits. This change is now more necessary than ever for our returning Operation Enduring Freedom/Operations Iraqi Freedom (OEF/OIF) veterans. I will allow Mr. Lamborn, our Ranking Member, to read his opening statement when he is able to join us.

And if it is okay, we will go right ahead to our first panel, which has shrunk from three to two. Welcome, the Honorable Nick Rahall. Mr. Gutierrez apparently is not able to join us, and the Honorable Vito Fossella. Your written statements will be entered into the hearing record so feel free to deviate from them.

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

Mr. HALL. Mr. Rahall, we will start with your testimony and you are recognized for 5 minutes.

STATEMENTS OF THE HON. NICK RAHALL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WEST VIRGINIA; AND THE HON. VITO FOSSELLA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

STATEMENT OF THE HON. NICK RAHALL

Mr. RAHALL. Thank you very much, Chairman Hall and Ranking Member soon to be here, and my good friends and colleagues Mr. Rodriguez and Ms. Berkley. It is very nice to be with you today.

I thank you and the Members of the Veterans' Affairs Committee for what you have done in recent months to honor our brave men and women in uniform.

The Committee knows that for centuries, we have witnessed the personal courage and sacrifice made by millions of Americans who have served our country. They have done so proudly without hesitation to protect our freedoms and our way of life and to help ensure peace in various regions worldwide. These individuals represent the best of America and I believe it is imperative that we in the Congress do everything in our power to honor them when they return home from their service.

Too often when these young men and women do return, as the Committee is very well aware, we do not always honor their bravery with the full measure of respect and gratitude that it deserves. I believe we should take this opportunity to help ensure that our veterans regardless of the timeframe of their service receive appropriate recognition and benefits. Under current law, veterans may only meet eligibility requirements to draw a full pension if they have served in combat during a declared period of war. While this method was sufficient for the majority of veterans who served in America's 20th century engagements, America's evolving role in the world has necessitated the expansion and adaptation of our veterans benefit programs, including those pertaining to pensions. I believe this Subcommittee would agree that the veterans who put their lives on the line and suffer losses during undeclared times of conflict are no less admirable or deserving of thanks than those who serve in declared conflicts.

My first bill, H.R. 1900, would expand eligibility for pension benefits through the VA to veterans who have received the Armed Forces Expeditionary Medal. This medal was established in 1961 by John F. Kennedy to recognize the service of American veterans in light of the expanding involvement of the U.S. in conflicts outside the scope of a "period of war."

This medal is still awarded today to those men and women who serve in hostile regions, but not all of these courageous veterans receive full benefits. My second bill, H.R. 1901, would provide the guarantees of a pension to veterans who served in Korea, Lebanon, Grenada, and Panama. The bill specifically extends benefits to the following: Veterans who served in Korea from February 1, 1955, through August 4, 1964, and from May 8, 1975, through 1990; veterans who served in Lebanon and Grenada from August 24, 1982, through July 31, 1984; and finally veterans who served in Panama from December 20, 1989, through January 31, 1990. This bill would benefit those qualifying veterans who facilitated the overthrow of General Noriega in Panama as well as those who served in the con-

flict in Lebanon in 1983 when Americans, as we all know, lost 241 Marines to a suicide attack on our barracks in Beirut.

Though the soldiers and those who served during additional conflicts covered by this bill were clearly at risk, they are currently not eligible to receive veterans' pensions. Nonetheless, in these cases, danger was faced. I think we all would agree with that. Bravery was shown. I think we all would agree with that. And unfortunately American lives were lost.

So Mr. Chairman, I believe these bills would closely align the sacrifices made by these men and women with the compensation they deserve. As President Reagan said in his remarks to the Nation on the conflict in Lebanon and Grenada, and I quote: "They gave their lives in defense of our National security every bit as much as any man who ever died fighting in a war."

These sentiments apply to every man and woman who has stood in harm's way to protect our freedoms. It is time that we recognize that fact and extend pension benefits to those veterans who have exemplified the courage and bravery of service in our Armed Forces. Again, I thank you, Mr. Chairman. I thank the Members of the Subcommittee and I thank the full Committee, under Chairman Bob Filner's leadership for the excellent work each of you do for our Nation's veterans.

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

Mr. HALL. Thank you, Mr. Rahall. Mr. Fossella, you are now recognized for 5 minutes and your statement is also entered into the record.

STATEMENT OF THE HON. VITO FOSSELLA

Mr. FOSSELLA. Well, thank you, Mr. Chairman. And Mr. Rodriguez, Ms. Berkley, thank you for your attendance here. And rather than repeat, let me just echo what my colleague, Mr. Rahall, has said not only about this Committee but also the great sacrifice and service of our men and women in uniform. And let me talk specifically about the legislation I have introduced. For years, I joined the Staten Island veterans in a battle to establish a veterans cemetery in our borough. The closest veterans cemetery in the area is the Calverton National Cemetery in Long Island. But transportation demands have made it practically inaccessible for too many of the 28,000 veterans in my district. It can be a grueling 3- to 5-hour roundtrip commute, making traveling there terribly difficult, particularly for disabled and older veterans.

There are three primary obstacles preventing the establishment of a veterans' cemetery on Staten Island. First, the New York State law passed in the eighties prohibits the State from funding a veterans cemetery. Currently, I, along with Staten Island's local representatives, are working on a legislative solution to fix that problem. Second, Staten Island lacks the necessary available acreage for a cemetery. As you might know, there is a minimum requirement of about 175 acres. And due to the land shortage, many local veterans have united around the idea of a mausoleum because it requires the least amount of land and is the most cost effective way to achieve their long-sought goal. Real estate prices are high, and real estate itself is limited.

Third, the Department of Veterans Affairs would call the threshold of 170,000 veterans living within a 75-mile area to necessitate the establishment of a national veterans cemetery. Due to the fact that Calverton on Long Island falls within the 75-mile radius and therefore is ineligible under current law. For an aging, often disabled veteran population, the 3- to 5-hour commute to Long Island is unreasonable, and simply does not serve the veteran population nor their families on Staten Island.

In addition, as I have mentioned, we have the 75-mile rule, 175 acres as well. As I mentioned earlier, many local veterans have come to agree the idea of a mausoleum instead of an actual cemetery is acceptable and appropriate. I believe that the threshold requirements used by the VA are a blunt instrument when applied to determining cemetery eligibility. To refine the process, I offered H.R. 2346, a bill which would improve the process by adding additional variables for the VA to consider when siting a national cemetery. The bill would direct the Secretary of Veterans Affairs to establish a process for determining whether geographic areas are efficiently served by the veterans cemeteries located in the area. The process will take into account the following variables for each of the geographic areas: One, total number of veterans; two, the average distance residents must travel to reach the nearest national cemetery; three, the population density; four, the average amount of time it takes a resident to travel to the nearest national cemetery; and five, the availability of public transportation for purposes of traveling to the cemeteries.

And finally, the average amount of fees charged to an individual travelling on the major roads leading to the national cemeteries.

And this sort of encapsulates it all. As you might know, Mr. Chairman, being from New York, congestion and traffic is a problem getting from point A to point B. In addition, tolls and the Verrazano Bridge alone going on and off Staten Island right now round trip is $9, and is scheduled to rise to perhaps $10 or $11 roundtrip.

So there is significant costs and time constraints placed upon any veteran or family Member wanting to visit the cemetery.

Finally, in the case of a geographic area in which sufficient land is not available for the establishment of a cemetery, we ask and allow the Secretary to consider establishing alternatives like a mausoleum. It is worth noting that the VA, as you mentioned, is currently conducting a study regarding its requirements for establishing a national veterans cemetery. A focus of the study is an examination of whether current thresholds are feasible and not overly simplistic in ensuring veteran access. The VA knows there is a problem, and I hope my legislation can help fix it.

In closing, Staten Island has one of the highest veterans populations in the State, yet it remains underserved, I believe, by a veterans cemetery. It is my hope that if adopted, perhaps with your support, the legislation would provide for a place of remembrance for so many of my constituents who deserve such a site closer to home.

Thank you very much for your time, to the Committee and you, Mr. Chairman.

Mr. HALL. Thank you, Congressman.

[The prepared statement of Congressman Fossella appears on p. 32.]

Mr. HALL. If you have a minute to answer questions, both to Mr. Rahall and Mr. Fossella, what I will do, since I made an opening statement, is ask Mr. Rodriguez if he would like to go first.

Mr. RODRIGUEZ. Thank you very much.

Chairman Rahall, let me ask you, do you know the number you anticipate you might be looking at that would fall under the category that you specify? Do you have a rough number.

Mr. RAHALL. The number of individuals serving in the war.

Mr. RODRIGUEZ. That would fall under that category.

Mr. RAHALL. I am currently requesting that information from each branch of the military, and the DoD, in an effort to gather the records for the amount of medals that had been awarded on the first bill, the expeditionary medal. I don't have the numbers yet on the second bill, the pension benefits. Wait just a second. Let me see. I might have those.

Mr. RODRIGUEZ. I have been informed by the staff, I think——

Mr. RAHALL. The same response, Mr. Rodriguez. We have the requests in to DoD and we don't have those numbers returned yet.

Mr. RODRIGUEZ. I think it is definitely a good idea and just wanted to see in terms of how many we were referring to.

Congressman, on the cemeteries, let me also congratulate you for bringing that forward, because I know that right now the life expectancy—that doesn't sound too good for a cemetery—but the life expectancy of the existing cemeteries, even the ones we have now, are very low. By maybe creating additional ones, that might enhance their life expectancy.

I wanted to look at it because I have a district that spans 650 miles across west Texas and we don't have any cemeteries out there. There is no doubt that we don't have a population of 175,000 people. There is a need for maybe some smaller cemeteries in conjunction where the counties can participate in helping in those areas.

So I just want to congratulate you on bringing forth this effort here because there is no doubt that we need to look at different options versus just going into urban areas. Because basically, that is what this does, it just establishes cemeteries in urban areas despite the fact that I know you have an urban area that still allows options to look at different kinds of areas. I want to just thank you and congratulate you for that.

Mr. FOSSELLA. Thank you, Mr. Rodriguez. As I see it, there are some rigid rules that the VA has. I think what we all would like to get to is some degree of flexibility, whether it is in west Texas or in Staten Island, to recognize that there may be a veterans population that may be underserved.

Mr. RODRIGUEZ. For a cost. Later on, we have to be careful about setting specifics because a lot of people will say I qualify for one. We probably maybe need to look for some kind of process for determining some kind of assessment as to what is needed nationwide, so we get a feel as to what is more appropriate. Would that be okay to kind of look at a study that would look at the whole country as a whole.

Mr. FOSSELLA. I always believe that this should be an American model for determining and assessing the need. So I would be open to that as well.

Mr. RODRIGUEZ. Because I know that some of the local communities and counties would be willing to donate the property and those kinds of things to help in this process or in sharing the cost.

Mr. FOSSELLA. I would be happy to look at that.

Mr. RODRIGUEZ. Thank you, Mr. Chairman.

Mr. FOSSELLA. Thank you.

Mr. HALL. Thank you, Mr. Rodriguez. And Ms. Berkley, would you like to ask some questions?

Ms. BERKLEY. Yes. Thank you very much, Mr. Chairman. First, I want to thank the two of you very much for being here. I appreciate it very much and support all three pieces of legislation. Chairman Rahall, the fact that veterans from Korea, Lebanon, Grenada, Panama have not been recognized and are not eligible for the veterans pension benefits I think is absurd. I am delighted that you have brought this to our attention. I have a question for you though, because the State of Nevada has no national veterans cemetery. We have two State cemeteries: one in Reno, Nevada, which services the northern part of our State; one in Boulder City, which services southern Nevada, primarily the Las Vegas-Henderson area. But my question to you is, I thought I heard a snippet where you said that State law prohibits you from having State cemeteries as well?

Mr. FOSSELLA. Yes. New York is—I don't know if it is exclusive but it is somewhat unique in the fact that it actually had a law passed in the 1980s, to prohibit the establishment of State cemeteries, similar to what you have in Nevada. And we have spent the last several years of trying to undo that, within understanding that there may not be a straight out Federal cemetery, but at least we would have the option that you have in Nevada to establish a State cemetery for veterans, and we are working on a legislative fix to try to undo that to allow that option.

Ms. BERKLEY. Well, I am very supportive of your legislation as well. I thank you both for coming in and spending time with us.

Mr. FOSSELLA. Thank you.

Mr. RAHALL. Thank you.

Mr. HALL. Thank you, Ms. BERKLEY. In a minute, we will give you a chance, if you would like, to make a statement about your legislation, H.R. 1273.

Ms. BERKLEY. I look forward to the opportunity.

Mr. HALL. And so do we. But first, I just have a couple of brief questions, Mr. Rahall. I am curious about the genesis of your legislative efforts on H.R. 1900 and H.R. 1901, how they came to pass. You seem to have identified something that maybe many of us thought about or many of us might have missed.

Mr. RAHALL. Thank you, Mr. Chairman. The bill came about based on resolutions introduced by the American Legion. They actually had a resolution containing almost the exact same language. They certainly have recognized the oversight that exists in our efforts in providing both of these pieces of legislation. I might add as well that the Congressional Budget Office has not scored these bills, so I cannot give you an estimate yet on what it might cost.

But again, that is not a major, nor I think, even a contributing factor to a decision on this legislation.

Mr. HALL. I would agree with that. Since there hasn't been a declaration of war involved with many of our military activities since 1941. Since World War II, the last time we declared war, it has been some other instrument that has legislatively given the power to engage in military conflicts to the executive branch. Some might say we should go back to having a declaration of war so the entire country is involved in a full debate about the wisdom of the undertaking. But in the meanwhile, those who have served in all these conflicts that you cover in your legislation certainly deserve the same pension and the same benefits as veterans who served in prior wars.

Congressman Fossella, I just wanted to ask you, I am curious about the New York State law. What do you think the intent was behind that law? And would it need to be repealed?

Mr. FOSSELLA. It would be great to get a State law passed similar to many States, whether it is Nevada or many across the country. My understanding, if my recollection is correct, it was more of a financial situation that the State of New York was in. If I am not mistaken, they were looking for every way possible to save money, for lack of a better phrase. And I think it was rooted in that. I think it was misguided. But in the meantime, it has taken more than 20 years to try to undo.

Mr. HALL. And do you have a cost estimate or ballpark idea of the costs associated with either a cemetery or a mausoleum on Staten Island?

Mr. FOSSELLA. Well, it is a function, Mr. Chairman, of how big it would ultimately be. There are estimates of the mausoleum, anywhere from $20 million to $30 million to construct. But as you can imagine, to have vacant land for a cemetery is a little different than constructing a mausoleum up front, because that is more of a fixed cost, and therefore, I think it is an up front cost that not necessarily share it as just a cemetery would be. But there could be a partnership between the Federal and the State Government, whereby veterans would get compensation for being buried or interred at the mausoleum.

So it is, in large part, how big is the house and how much is the house going to cost. It would be a function of what the local veterans organizations would deem to be sufficient. There are some sketches, some renderings. But roughly the numbers have been thrown around of $20 million or $30 million.

Mr. HALL. Well, given the cost of real estate in any of the boroughs, Staten Island included, I would guess that you are probably at least competitive with, if not a lower final figure than a cemetery.

Mr. FOSSELLA. Well, it was very, very difficult. We had a task force created a few years ago to just search the island for land that would meet the Federal criteria. And with the exception of just the outlying areas of the Fresh Kills Landfill, there wasn't really anything which led to the veterans agreeing to a smaller parcel of property than the mausoleum, because I think if we did not have the mausoleum option, it would not be possible at all.

Mr. HALL. Was there any opposition from veterans to the idea of a mausoleum?

Mr. FOSSELLA. No. I asked the veterans organizations, every one of them on Staten Island, represented wonderfully by the flags behind you I see for the most part, to join together and come up and let them drive the process, let them come to an agreement as to what they could live with and support. And it is as a result of that that we are pushing for not just this legislation, but specifically for a mausoleum.

Mr. HALL. Thank you very much. Mr. Smith, do you have anything you would like to ask?

Mr. SMITH. Thank you, Mr. Chairman. Mr. Lamborn may have questions when he arrives or for the record.

Mr. HALL. Very good. We will make sure they are entered in the record as far as these two witnesses are concerned.

Congressman Rahall, Congressman Fossella, thank you again for your testimony, and you are now excused. I am sure you have a busy day yet ahead of you.

Mr. RAHALL. I am going back to my Committee where Mr. Lamborn is my Ranking Member right now.

Mr. FOSSELLA. Thank you.

Mr. HALL. We hear Mr. Lamborn is on his way. So we are looking forward to seeing him.

And now we will invite our second panel to the witness table. Mr. Carl Blake, National Legislative Director of Paralyzed Veterans of America; Mr. Eric Hilleman, Deputy Director of the National Legislative Service for the Veterans of Foreign Wars (VFW); Mr. Robert Fells, External Chief Operating Officer and General Counsel, International Cemetery and Cremation and Funeral Association; Mr. Raymond C. Kelley, Legislative Director for the American Veterans (AMVETS); and, Mr. Alec S. Petkoff, Assistant Director for Veterans Affairs and Rehabilitation Commission for the American Legion.

Very good. Thank you all for staying with us and for your service, and your work and your patience.

Mr. Blake, I will recognize you for 5 minutes. Your statement is entered in the record already.

STATEMENTS OF CARL BLAKE, NATIONAL LEGISLATIVE DIRECTOR, PARALYZED VETERANS OF AMERICA; ERIC A. HILLEMAN, DEPUTY DIRECTOR, NATIONAL LEGISLATIVE SERVICE, VETERANS OF FOREIGN WARS OF THE UNITED STATES; ROBERT M. FELLS, EXTERNAL CHIEF OPERATING OFFICER AND GENERAL COUNSEL, INTERNATIONAL CEMETERY, CREMATION AND FUNERAL ASSOCIATION; RAYMOND C. KELLEY, LEGISLATIVE DIRECTOR, AMERICAN VETERANS (AMVETS); AND ALEC S. PETKOFF, ASSISTANT DIRECTOR, VETERANS AFFAIRS AND REHABILITATION COMMISSION, AMERICAN LEGION

STATEMENT OF CARL BLAKE

Mr. BLAKE. Thank you, Mr. Chairman. Mr. Chairman, Members of the Subcommittee, on behalf of Paralyzed Veterans of America, I would like to thank you for the opportunity to be here today to

testify on this important legislation. PVA generally supports all of the legislation being considered here today. With this in mind, I will limit my comments to only a couple of the bills on the agenda. H.R. 1900 will extend eligibility for pension benefits from the VA to veterans who receive an expeditionary medal during a period of military service other than a period of war. Likewise, H.R. 1901 will expend eligibility for pension benefits for veterans that served in the military during specified periods of military engagement.

Expeditionary medals were awarded to a servicemember who participated in or was in support of one of the many operations of the U.S. military. Operations such as the invasion of Grenada in 1983 or the invasion of Panama in 1989 and many other special operations missions involved performance of duties that sometimes resulted in serious injury or loss of life.

However, these operations were not a declared period of war. PVA supports the extension of benefits as defined in H.R. 1900 and 1901. However, we would like to see these pension benefits extended to all active military that served during those periods, not just those individuals who served in the specific theater. The expeditionary medal was awarded to participants of a military operation but all military personnel may have been called upon to serve during these critical periods. We feel that all Members of the military serving during one of those periods should receive this pension if they meet the other qualifications of the benefit.

PVA supports H.R. 2697. This legislation will complement legislation enacted during the 109th Congress. At that time the specially adapted housing grant was made available to servicemembers that were severely injured and still in the military so that they might begin taking steps to modify their homes even before being discharged. This legislation will allow servicemembers awaiting discharged to be eligible for mortgage life insurance. This provision is perfectly reasonable, as these men and women will be eligible for the benefit once they are a veteran anyway.

Mr. Chairman and Members of the Subcommittee, I would like to, once again, thank you for the opportunity to testify, and I would be happy to answer any questions that you might have.

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

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

Mr. HALL. Now we will recognize Mr. Hilleman for 5 minutes.

STATEMENT OF ERIC A. HILLEMAN

Mr. HILLEMAN. Thank you Chairman Hall, Congressman Rodriguez, Congresswoman BERKLEY. Thank you for today's hearing. And thank you for allowing the Veterans of Foreign Wars to present our views on the legislation pending today. Today it is my distinct pleasure to be accompanied by my father, Edward A. Hilleman. He taught me about service to community and to Nation. He is a Vietnam veteran, having served two tours as a Marine in Chu Lai. He received an honorable discharge in 1968 and returned to St. Louis, Missouri, joining our family business, a local funeral home. For nearly 40 years, he has been active in organizations such as the VFW and the American Legion. Through the family business, he has seen the rising cost of medical expenses and funerals take their toll on families.

The benefit bills we are discussing today are a small cost toward the dignity and the memory of those who have sacrificed so much for our Nation. The VFW's views on the pending legislation are as follows: We support H.R. 674. This bill would repeal the sunset date for the Advisory Committee on Minority Veterans scheduled for December 31 of 2009. We support H.R. 1273, a restoration of plot allowance eligibility for veterans. This bill allows for $300 plot allowance for service-connected disabled veterans or period war veterans. It grants the authority to the Secretary of Veterans Affairs to reimbursed deceased veterans families for nongovernment headstone marker, or in lieu of furnishing a Government marker. The VFW fully supports H.R. 1900, which extends the eligibility for veterans pension benefits to veterans who receive an expeditionary medal for a period of service other than a period of war. This law recognizes the change in use of the military in past and future conflicts, such as our Nation's involvement in Somalia from 1992 to 1993, Bosnia from 1992 to 2002, and current operations in the Horn of Africa.

Under current law, these servicemembers and their families do not receive benefits that aid families through great periods of stress. The VFW supports H.R. 1901. This bill would extend the eligibility for pension benefits under the laws administered by the Secretary of Veterans Affairs to servicemembers that have risked life and limb in the Korean Peninsula, Lebanon and Grenada.

The next bill, H.R. 2346, would direct the VA Secretary to establish a process for determining whether a geographic area is sufficiently served by the national cemeteries located in the geographic area. The work envisioned under, H.R. 2346, is accomplished by the National Cemetery Administration. Under Public Law 106–117 and Public Law 108–109, the NCA is required to report annually to Congress for establishment of additional cemeteries.

A strategic plan is formulated, serving areas determined for appropriate cemeteries. The site selection process takes into account population centers and travel distances. It weighs the views of State and local veterans organizations and solicits other information and views that the Secretary considers are knowledgeable in these matters. We believe the current process sufficiently addresses the needs of veterans and their families. And as such, we view this legislation as duplicative of the efforts already in place by the National Cemetery Administration. We support H.R. 2696 Veterans' Dignified Burial Assistance Act of 2007. This bill increases the plot allowance to $400. As a coauthor of the *Independent Budget* (IB), we have strongly advocated increasing the burial plot allowance. We believe moving the amount closer to the IB recommendations of $745 would better serve veterans and their families to settle the affairs of a departed loved one.

This legislation also includes a provision to abolish grant filing deadlines for veterans State cemeteries. The VFW has no position on this provision of this proposed legislation. The VFW supports H.R. 2697, legislation to expand eligibility for veterans mortgage life insurance to include Members of the armed services receiving specialty adapted housing assistance from VA.

Mr. Chairman, this concludes my testimony. I look forward to any questions from the Subcommittee. Thank you.

[The prepared statement of Mr. Hilleman appears on p. 35.]

Mr. HALL. Thank you very much, Mr. Hilleman. Now the Chair will recognize Mr. Fells for 5 minutes. Once again, your statement is already in the record. So feel free to adapt it as you wish.

STATEMENT OF ROBERT M. FELLS

Mr. FELLS. Thank you very much, Chairman Hall, Members of the Subcommittee. We appreciate your invitation to have us here today. And I will just summarize. I am not going to read my printed statement, just make a few points. First of all, I really would like to commend and applaud Congresswoman Berkley on her leadership on H.R. 1273. I hate to become autobiographical, but this issue goes back with both my association, even myself for so many years. My association was actually instrumental back in 1973 when the National Cemeteries Act was being debated here in Congress in advocating the plot allowance be added because we knew there was were so many veterans and their families that already had burial spaces in private or religious cemeteries and that is where they wanted to be buried. We felt the choice should be up to the veterans if they wanted to opt for burial in national cemeteries or State veterans cemeteries, fine. But if they would prefer interment for personal or ethnic or religious reasons in private and religious cemeteries, they should also get a certain modicum of burial benefits as well.

Later, as you know, the marker allowance was enacted for many people who preferred to purchase their own style and type of monument or marker other than the Government issued marker. They wouldn't really get anymore than anyone else because the allowance was based on the Government's wholesale cost of providing the VA markers, minus, in fact, an administrative fee. When it ended around 1990, it was only up to $88. But it helped. It helped a lot of people. In some cases, families already had a monument, but there were costs involved with the last dates and things like putting the deceased's name on the marker.

So the marker allowance was also very helpful in facilitating these. I remember I was here in this room, in 1990, when the hearing was held to curtail the plot allowance from the wartime veterans and to totally eliminate the marker allowance. And the individuals who sat up where you are sitting today said, we have to do this to help balance the Federal budget. I don't think anyone believed that then. And today it looks even more preposterous.

So I will just conclude by saying that the thing to remember about H.R. 1273, all the bills here today are fine and ought to be acted upon favorably. But H.R. 1273 is unique in that it is not attempting to create or expand any new benefits. It is attempting to restore two benefits that never should have been taken away from veterans, particularly the veterans serving during times of war, never should have been taken away in the first place. So we would urge you to act very favorably on this. Thanks very much, and I will be happy to answer any questions.

Mr. HALL. Thank you, Mr. Fells.

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

Mr. HALL. The Chair will now recognize Mr. Kelley for 5 minutes.

STATEMENT OF RAYMOND C. KELLEY

Mr. KELLEY. Mr. Chairman, Ranking Member, Members of the Subcommittee, thank you for providing AMVETS the opportunity to testify regarding pending legislation on minority veterans, memorial affairs and disability pension benefits. Over the past 12 years, the Advisory Committee on Minority Veterans, with their unique insight, has provided timely accurate information and recommendations on potential barriers which are unintentionally in place, often causing minority veterans a lower quality of care. Although these barriers are not limited to minorities, the Advisory Committee's perspective provides an ability to identify the root of the problem and submit recommendations, which often develop into legislative proposals and inevitably helps all veterans. AMVETS wholly supports H.R. 674's repeal of the sunset provision, maintaining the Advisory Committee on Minority Veterans.

Mr. Chairman, it should be at the root of our Nation's conscience to honor those servicemembers who are willing to stand in harm's way at our Government's request. And the highest request we can pay is to honor the lives of our veterans after they have passed away. H.R. 1273, H.R. 2696 and H.R. 2346 promote this honor as well as offset the cost incurred by the families when the loved one passes on. AMVETS supports H.R. 1273 in restoring veterans plot allowance eligibility and headstone and marker allowance, but would encourage an amendment to include eligible veterans, not just veterans who served during wartime. AMVETS also supports an increase in burial assistance for $300 to $400. However, Mr. Chairman, the amount should be increased to $745. This increased amount would make current payments proportionally equal to the amount paid when the benefit was initially provided in 1973. AMVETS wholly supports H.R. 2346, as it assists VA in meeting the spirit of its goal of providing 85 percent of veterans with burial options within 75 miles of their residences. AMVETS supports H.R. 1900 and H.R. 1901, as they update and clarify veterans who are eligible for pension benefits. In the same light, Mr. Chairman, AMVETS supports H.R. 2697.

However, due to Title 38's definition of veteran, administrative amendments may need to be enacted to include Members of the Armed Forces throughout Chapter 21, Title 38, to clarify servicemembers' eligibility for adaptive housing assistance, which this resolution will ensure. Mr. Chairman, this concludes my testimony.

[The prepared statement of Mr. Kelley appears on p. 37.]

Mr. HALL. Thank you, Mr. Kelley. I think we are all getting into the spirit of this week by keeping our testimony short. The green light stays on. And Mr. Petkoff, now you are recognized for 5 minutes. Your statement is in the written record.

STATEMENT OF ALEC S. PETKOFF

Mr. PETKOFF. Thank you, Mr. Chairman. Members of the Subcommittee, I appreciate the opportunity to be able to present the American Legion's views on this important pending legislation. The American Legion gives its full support to H.R. 674, which will repeal the provision of the law requiring termination of the Advisory Committee on Minority Veterans, H.R. 1273, which restores plot al-

lowance eligibility for veterans of any war and restores the headstone or marker allowance; and H.R. 2697, which addresses the expansion of the veterans mortgage life insurance.

Whether it be transitioning out of the military or mourning a loved one, these bills impact veterans and their families at their most vulnerable moments. As long as there is the military, and as long as we have minority populations who are serving who have particular needs and sensitivities, we will always need the Advisory Committee on Minority Veterans. The plot allowance and headstone or marker allowance that was once for all veterans who served in the time of war should be restored. And if a servicemember has been awarded a grant for the VA benefit of especially adaptive housing, then it makes sense that they should also be eligible for the veterans mortgage life insurance.

Now the American Legion does support the intent of H.R. 1901, which extends eligibility for pension benefits to veterans who served during certain periods of time and specified locations. With the exception of Vietnam for the period of February 28, 1961, to August 4, 1964, wartime service was wartime service, and location was not an issue. The inclusion of location requirements seems overly restrictive and contrary to spirit and intent of nonservice connected pension benefits. Eligibility for benefits for all other periods require one day of active duty during a time of war with no location requirements. American Legion recommends removing location requirements from the bill. H.R. 2346, the American Legion supports the intent of that bill as well, which establishes process for determining whether geographic areas sufficiently served by the national cemeteries located in geographic area. While the American Legion fully supports the intent of the bill, it does have some concern about the addition of mausoleums to VA's national cemeteries. The main concerns being how would they conform to the national shrine commitment?

And more importantly, is the idea what most veterans want and approve of. And the American Legion recommends that, of course, that continues to be further studied. And finally, H.R. 2696, the Veterans' Dignified Burial Assistance Act of 2007, while some increase to the burial plot allowance is better than no increase, the suggested amounts offer only a small improvement to the current costs involved in paying for a funeral. The American Legion recommends that an increase that better reflects the current costs of a funeral be instated. The American Legion also supports the intent of section 2(b), which would repeal the time limitation for filing for that reimbursement. Thank you for allowing the American Legion to present its views on the testimony. And I would be happy to try to answer any questions the Committee may have.

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

[The prepared statement of Mr. Petkoff appears on p. 38.]

Mr. HALL. Before we go to questions, I would like to turn to Representative Berkley and ask her if she would tell us about H.R. 1273.

OPENING STATEMENT OF HON. SHELLEY BERKLEY

Ms. BERKLEY. Thank you, Mr. Chairman. I appreciate that. I want to thank you and the Subcommittee for considering this plot

and marker allowance restoration bill today. I also want to thank Bob Fells. This is not a mutual admiration society, but I appreciated your kind words. I appreciate the assistance you have given me in the last few years on this important legislation.

As veterans from previous wars age and countless national heroes continue to serve our country, paying for the burial expenses of veterans is a serious concern for many families. We are in the position today to ease the burden on veterans' families during this most difficult time when they are burying a loved one. When I first ran for Congress back in 1998, when I started meeting with veterans' families just to learn about the issues, I was astounded when one family after another brought up the fact that the cost of burying their loved one, their veteran, was so difficult for them and such a terrible challenge. I vowed back then, 10 years ago in 1997, that I would try to do something about it. H.R. 1273 would expand the veterans plot allowance eligibility and reinstate the headstone marker allowance for use in private and religious cemeteries.

In 1990, Congress curtailed the eligibility of wartime veterans to receive the plot allowance unless they were receiving VA compensation or pension benefits or died of service-connected injuries. Congress also eliminated the marker allowance which provided a cash reimbursement to veterans and their families who preferred to purchase their own marker or headstone for placement in a private cemetery. I can only imagine how you felt sitting here in 1990 and watching this unfold before your eyes.

My bill would restore the $300 plot allowance for burial in a private or religious ceremony to a veteran of any war regardless of whether or not they were receiving veterans benefits. It would also provide a cost-based reimbursement for a headstone or marker to veterans and their families who prefer to purchase their own for placement in a private ceremony. As we have heard from our veterans service organizations (VSO) representatives, they support the bill. They also believe that the plot allowance should be increased beyond the $300 amount. Unfortunately, my timing wasn't perfect, but I have reintroduced legislation that does exactly this.

While I know Mr. Lamborn's legislation calls for going from $300 to $400, I quite agree with you, that isn't where we need to be. We need to go back to the original intent of the legislation and keep up with the current costs. That $300 should be $745. That is in a companion piece of legislation, and when we move toward the floor, I would like to incorporate the two pieces of legislation. This should not pass with the $300 allowance. It has got to be the $745.

I introduced it this morning, as a matter of fact. So we can start moving that along as well. While I was in the cloakroom in the last series of votes, there was a flash on the television saying that we are now offering a $20,000 signing bonus for people that are willing to go to Iraq immediately.

Certainly, if we can afford a $20,000 signing bonus to get people into the theater of war, for those that do not return from the theater of war alive, we can find $745 to take care of their burial needs. I urge all of my colleagues to not only support these pieces of legislation but to cosponsor these pieces of legislation. We have had a difficult time getting cosponsors. I think we ought to all be signing onto each other's bills. I want to thank all of you for being

here. I appreciated your testimony and I yield back whatever time I have left.

Mr. HALL. Thank you, Ms. BERKLEY. We are now happy to have been joined by Ranking Member Mr. Lamborn, who I will now recognize for his opening statement.

OPENING STATEMENT OF THE HON. DOUG LAMBORN

Mr. LAMBORN. Thank you, Mr. Chairman. I am sorry I couldn't be here earlier because I was finishing another Committee hearing going on at the same time. In fact, I left that one early. But thank you for holding this hearing, and in my July 10th letter to you, asking for this hearing, I asked also that we have a hearing on H.R. 3047, the "Veterans Claims Processing Innovation Act of 2007," which is developing broad bipartisan support. This bill will bring VA's compensation and pension system into the 21st century.

By increasing accountability and leveraging technology at the Veterans Benefits Administration, this bill would improve the accuracy and speed of benefits claims. And I recommend it to the attention of my colleagues. While I was disappointed that testimony on H.R. 3047 will not be heard today, I am encouraged by your promise, Mr. Chairman, to hold another hearing on this bill when Congress comes back in September. It would go without saying that I also anticipate the opportunity to review your own legislation to reduce the backlog once that is offered.

This afternoon, we are in the middle of considering several pieces of legislation, all of which are of interest and potential value. Two of these bills bear my name, H.R. 2696 and H.R. 2697. A third, H.R. 2346, introduced by Mr. Fossella directly, addresses how we determine the location of a national cemetery and it is most timely. I look forward to working with Mr. Fossella on H.R. 2346. This is an important bill that will help provide veterans and their families with greater access to national cemeteries.

And I believe it will help the VA create an even better and more accurate and beneficial selection process. The two bills I introduced support similar bills introduced by Senator Larry Craig of Idaho over in the Senate. H.R. 2696, the "Veterans' Dignified Burial Assistance Act of 2007," which has been mentioned earlier will increase the burial and plot allowance for veterans' burial in a private cemetery from $300 to $400. That is an issue that we are looking at from a couple of different angles. The bill also repealed the current time limitation for State reimbursement for interment costs by VA. From time to time, a State locates the remains of veterans who were not interred. When States inter these veterans, they cannot be reimbursed by VA because of the time limit on reimbursement costs, and this bill would repeal that limitation. The last provision of the bill would authorize the VA Secretary to make additional grants to States for improving and expanding States' veterans cemeteries.

States would have to submit an application to the Secretary and could receive up to $5 million. H.R. 2697 would extend eligibility for veterans mortgage life insurance or VMLI to Members of the Armed Forces. VMLI is a special type of life insurance that is only available to veterans who qualify for specially adapted housing grants. Many of our Nation's injured active-duty servicemembers

will eventually qualify for VMLI and would benefit by having this eligibility. These are just three of the bills before us today. I look forward to the remainder of the testimony and our discussion of the other legislation before us today. My thanks to my colleagues and the witnesses for their testimony. And Mr. Chairman, I yield back.

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

Mr. HALL. Thank you, Mr. Lamborn. Let me just ask a couple of quick questions myself. Mr. Blake, in your testimony, you stated that you would like to see pension benefits that would be provided under H.R. 1900 extended to all active military that served during the given periods, not just in the specific year. Do you know approximately how many veterans this would be?

Mr. BLAKE. I certainly don't know. I think it was made evident when the question was posed to the previous panel that they didn't know either. I would be curious to know what the answer is, actually.

Mr. HALL. Okay. We could probably find that out. You also stated, regarding H.R. 2346, that a projection of future needs could provide helpful information to the States as they decide whether or not to participate in the VA cemetery program. Could you elaborate more on the specifics of what should be entailed in these projections?

Mr. BLAKE. I would prefer to do it in writing, if I could, sir. It is kind of a broad question, I think, with a lot of considerations.

Mr. HALL. You are welcome to submit further thoughts along those lines in writing.

Mr. Fells, I was curious about whether you would consider the $300 plot allowance sufficient or whether you would join Mr. Petkoff and Ms. Berkley in going for some higher number for this benefit.

Mr. FELLS. A higher number would be much more realistic. The $150 plot allowance back in 1973 had a lot more purchasing power than $300 does today. As a practical matter, we are willing to take baby steps and get the eligibility back to receive the benefits. But yes, to be practical, the higher amounts are much more helpful.

Mr. HALL. From your viewpoint, is the cost for a mausoleum typically more or less, as far as maintenance, construction and other costs, than a cemetery?

Mr. FELLS. Good question, sir. With a mausoleum, you are maintaining a building. But you really have to add up all the factors. For example, with ground burial, typical ground burial, you have opening and closing costs, you have the addition of a vault or outer burial container, you have the addition of a monument or marker that needs to be maintained. Frequently they will sink or tilt especially in the first 6 months or years. You don't have the costs I just mentioned with mausoleum entombment.

So depending on what your costs are, it could be six of one, half dozen of another. Mausoleum entombment should not be looked at as necessarily cost savings, but it is not necessarily cost prohibitive either.

Mr. HALL. Thank you. Mr. Kelley, in your testimony, you stated that AMVETS supports H.R. 1900 and H.R. 1901, but you have concerns on the need to update and clarify the eligibility of vet-

erans. Could you further explain that concern? And what sorts of updates and clarifications do you think are needed?

Mr. KELLEY. Yes, sir, Mr. Chairman. The concern is in H.R. 2697 with inclusion of Members of the Armed Forces. It includes in legislation in H.R. 2102 to include those personnel. But if you look in H.R. 2103, the Secretary has the authority to provide veterans plans for housing units and things along those lines. And as it reads, those would not be afforded to the Members of the military. So just administrative amendments to update those also.

Mr. HALL. Thank you for that clarification. Mr. Petkoff, there seems to be a disconnect between the recommendations provided by ACMV in its reports and the implementation of these recommendations even when they are accepted by the VA Center for Minority Veterans. Given that 28 percent of all OEF/OIF veterans are minorities and given that the VA reports minorities comprised approximately 20 percent of all veterans, do you believe that the VA has adequate resources in place to address the needs of minority veterans?

Mr. PETKOFF. Well, I think that they are best advised by the Council. And that is why I think we need to keep that Council in place. They are the experts in that field, and I know they are working with VA and with VSOs to make sure that minority veterans are serviced and are reached. I think outreach is a critical factor that is involved. And I think they have over 300 centers to help reach minority veterans and actually to help faculty administration in the sensitivities of and nuances of reaching minority veterans. And so that needs to be maintained. And if necessarily increased, I think that would be up to the Council to decide.

Mr. HALL. Okay. Thank you very much.

Mr. BLAKE. Mr. Chairman, could I go back and address one of your questions? Having had a couple of minutes to think about it, your question about the State cemeteries, the PVA along with the organizations that have participated in the *Independent Budget* have always sort of supported the idea of the State cemeteries grants program and encourages States to get involved in this process to maybe alleviate some of the pressure on the National Cemetery Administration. However, some States have been hesitant to participate in those programs because there is still a lot of associated costs with the States when they develop these State cemeteries that they will have to manage.

And I think through this legislation maybe there will be some way of demonstrating to the State that there is a need for a cemetery of some sort to serve this population of veterans, where in previous—in the past, States might not have been willing to participate because they didn't have maybe concrete enough or solid enough information to suggest that they should participate in the State cemetery grants program. I don't know if maybe that answers your question a little.

Mr. HALL. Thank you. Yes, Mr. Blake. Thank you very much. We will turn to Ranking Member Lamborn now for questions.

Mr. LAMBORN. Thank you Mr. Chairman. I just have three. Mr. Hilleman from the VFW, you stated that the process in H.R. 2346, which is a bill introduced by Mr. Fossella of New York, is duplicative. That bill would direct the VA to take some criteria into ac-

count when deciding what are located national cemetery that I am not sure the VA does take into account right now, including the average amount of fees charged to an individual traveling on the major roads leading to a national cemetery, the availability of public transportation for purposes of traveling to a national cemetery, the average amount of time it takes someone to go to the nearest other national cemetery, population density and average distance someone must travel to reach the nearest national cemetery. Are those things that the VA is taking into account right now? Or do they have a lot more limited set of criteria?

Mr. HILLEMAN. To be honest, sir, I am not intimately familiar with the mechanisms the VA uses to judge cemeteries. I know they are based on population centers and distances from population centers. In regards to travel time from point A to point B, I know there is a concern in areas like New York where cemeteries in heavy traffic might be 2 to 3 hours or 4 to 5 hours, when, in reality, the distance is quite near. We would be happy to work with your staff and the Committee staff and come to some sort of greater understanding of this bill together. The VFW is not opposed to working with the VA to reshape the mechanisms. But we want to make sure that it is not done haphazardly, sir.

Mr. LAMBORN. Okay. Thank you. Mr. Fells, a bill I have introduced, H.R. 2696, in section 2, repeals the limitation for State filing for reimbursement for interment costs. Have any of your Members been affected by the current law, which has a 1-year time limitation for reimbursements for interment costs to the State?

Mr. FELLS. Sir, we represent the private cemeteries, the private and religious so they wouldn't be—as far as I know—wouldn't be affected by that itself.

Mr. LAMBORN. Okay. Thank you. And on a different note, this isn't a bill before us today. But the respect for America's fallen heroes act that was passed last year, have you heard of demonstrations taking place where people are not following the requirements of that law and creating problems?

Mr. FELLS. There have been incidents. Yes, there are. And occasionally, our Members call on us for help. Our Members are very good at sharing. We have a listserve, for example. So one Member could say yes, that happened with a funeral of burial interment we had a couple months ago, let me tell you what we did, how we got together with the police, et cetera. So yes, these things are definitely happening.

Mr. LAMBORN. Do you think that that calls for a need for us to re-examine and maybe fine-tune that law?

Mr. FELLS. I would say so because, again, we represent the private sector. So it just isn't the national or the State veterans cemeteries that are affected by these protests, but all the cemeteries are affected by them. So yes, I would certainly urge that as well.

Mr. LAMBORN. And do you have any specific suggestions on how to do that?

Mr. FELLS. Not at this time. But if I could get back to you, I am sure we could propose some specifics.

Mr. LAMBORN. Thank you. I yield back, Mr. Chairman.

Thank you. We would like to hear from you. Thank you. I yield back, Mr. Chairman.

Ms. BERKLEY. Mr. Chairman.

Mr. HALL. Yes, Ms. Berkley.

Ms. BERKLEY. I would like to ask Mr. Lamborn, because that is a concern of mine as well. I was actively engaged in the passage of that legislation. Forgive me for not remembering if there is an enforcement mechanism. I know in Congress, we pass a law and then we pass it again and again and again, because people are not complying with it. But is there no compliance? What is the mechanism by which we get people to comply?

Mr. LAMBORN. Ms. Berkley, I would like to work with you on that. I was not here when Congress passed that.

Ms. BERKLEY. I know.

Mr. LAMBORN. However, in Colorado, we did a similar version of a State law.

Ms. BERKLEY. Because it would seem to me, if we have got a Federal law and people are in violation of it, they would get themselves arrested and they would go to jail or at least they would have a trial and would go to jail. So I am not sure if we just need to enforce the laws we have already got on the books or if we would need to pass further legislation. I do not know what the enforcing mechanism is in the legislation, but like with so many other things, the law exists; it is a matter of enforcing the law.

Mr. HALL. I think we can take a look at the existing law and see if the enforcement mechanisms or penalties are sufficient.

Mr. BLAKE. I think the thing about the respect for the fallen heroes' law, if I remember correctly, is that it principally applies to demonstrations, national cemeteries or State veteran cemeteries and not at all toward private cemeteries, which is another issue, and maybe that could be extended. I think the issue comes up again that Congressman Lamborn brought up as it relates to State law in some fashion too, but the reason that it does not apply in a lot of these cases is because that law was targeted at national and State veterans cemeteries, and that was it.

Mr. HALL. Thank you for the clarification.

Ms. BERKLEY. Thank you.

Mr. HALL. If my colleagues on the other side would agree, I would recognize Mr. Hare now, since he joined us most recently, for questions or statements.

Mr. HARE. Thank you, Mr. Chairman. I will be brief. I only have one question, and I thank you for your indulgence, and my apologies to the panel for getting here late.

Mr. Blake, just one question here. In the testimony that you gave, you expressed support for all of the bills that are currently here before us today. I would like to know from your perspective what changes you would recommend to any of these bills or to expand the scope of them or to ensure that they are implemented effectively.

So in other words, from your perspective, what do you think of these? I know you support them, but what could we do to make it better? I will ask anybody on the panel for that matter.

Mr. BLAKE. Well, I think generally they are all good legislations. I spoke toward the suggestions we had with regards to H.R. 1900 and H.R. 1901 in my oral statement.

The other bill that I would look at goes back to the plot allowance issue as it relates to the recommendations of the *Independent Budget*. We certainly support, I believe—one of the gentleman on the panel here mentioned that $400 does not quite address what we have. But as to no increase versus some increase, we will take some increase first. We certainly would like to see it raised to a level that is included in the *Independent Budget*, which is more than $400. Anything from here is just enhancing what has already been proposed. I do not think there is anything that is bad to begin with.

Mr. HARE. Anybody else on the panel? Thank you, Mr. Chairman. I yield back.

Mr. HALL. Mr. Rodriguez, no questions?

Thank you very much, everybody, from the panel. I think we will, at this point, thank you for your testimony and for your service, and you are now excused.

We are just hearing another vote being called. So let me just ask the panel here, do we want to have the third panel come and give their testimony?

Mr. LAMBORN. Mr. Chairman, if I could suggest, if there is only one witness for the last panel and if he took up to the 5 minutes, we would still be able to get over and vote in time.

Mr. HALL. That is correct, so that would be my thought as well.

So we will ask our third panelist to join us, Mr. Bradley Mayes, Director of Compensation and Pension Service for the Veterans Benefits Administration, the U.S. Department of Veterans Affairs, accompanied by Ms. Lucretia McClenney, Director for the Center for Minority Veterans for the U.S. Department of Veterans Affairs, Mr. Richard Hipolit, Assistant General Counsel for the U.S. Department of Veterans Affairs, and Mr. Ronald E. Walters, Director of the Office of Finance and Planning for the National Cemetery Administration of the U.S. Department of Veterans Affairs. Thank you all for your patience.

Your statement, Mr. Mayes, is in the record, and you are now recognized for 5 minutes.

STATEMENT OF BRADLEY G. MAYES, DIRECTOR, COMPENSATION AND PENSION SERVICE, VETERANS BENEFITS ADMINISTRATION, U.S. DEPARTMENT OF VETERANS AFFAIRS, ACCOMPANIED BY MR. RICHARD HIPOLIT, ASSISTANT GENERAL COUNSEL, U.S. DEPARTMENT OF VETERANS AFFAIRS, MS. LUCRETIA McCLENNEY, DIRECTOR, CENTER FOR MINORITY VETERANS, U.S. DEPARTMENT OF VETERANS AFFAIRS, AND MR. RONALD E. WALTERS, DIRECTOR, OFFICE OF FINANCE AND PLANNING, NATIONAL CEMETERY ASSOCIATION, U.S. DEPARTMENT OF VETERANS AFFAIRS

Mr. MAYES. Thank you, Mr. Chairman, Ranking Member Lamborn, and Members of the Subcommittee. Thank you for having us here today.

Mr. Chairman, we will address today only those bills for which the administration was able to coordinate its views in the time provided. We will address the remaining bills in a subsequent letter to the Subcommittee.

[The Administration views for H.R. 1273, H.R. 1900, and H.R. 1901 appear on p. 43.]

I will start with H.R. 674.

This bill would repeal the current statutory requirement terminating the Advisory Committee on Minority Veterans as of December 31, 2009. The Department of Veterans Affairs supports this bill. The Committee is composed of veterans of all ranks and services appointed by the Secretary of Veterans Affairs. Members represent the five minority groups the Center for Minority Veterans is mandated to oversee. It advises the Secretary and Congress on VA's administration of benefits and provision of healthcare to minority veterans, and assesses the needs of minority veterans and reviews programs.

Among other things, the Committee meets with senior officials to discuss services and programs available for minority veterans, and receives briefings from all of the administrations and other staff offices. Finally, on this bill, the cost associated with enactment would be minimal, approximately $80,000 per year.

Regarding H.R. 2346, this bill would direct the Secretary of Veterans Affairs to develop a process for determining whether a geographic area is sufficiently served by the national cemeteries located in that geographic area. This bill would require that the process take into account the number of veterans in the area, the average distance a resident would have to travel, the population density, the amount of time it takes the resident to travel to the nearest cemetery, the availability of public transportation, and the average amount of any fees charged to an individual traveling on the major roads. If land sufficient to establish a national cemetery is not available to VA in a geographic area, then VA would be required under this bill to consider alternatives to establishing a cemetery, including establishing a mausoleum.

Currently, the VA seeks to ensure that a national cemetery is located within a 75-mile radius of a deceased veteran's residence. One of the criteria for selecting the site of a new national cemetery is a veteran population of 170,000 that is not served by a national cemetery or by a State veteran cemetery.

The six new national cemeteries authorized by the National Cemetery Expansion Act of 2003, as well as the six cemeteries authorized by the Veterans Millennium Healthcare and Benefits Act, which was enacted in 1999, satisfy these criteria. VA is in the process of evaluating the entire memorial benefits program, and we expect to complete that program evaluation by April 2008. We believe that it would be prudent to consider the results of that program evaluation before developing this new process that the bill would require.

Therefore, we do oppose this bill at this moment because the measures in the bill have not had the benefit of the program evaluation that is underway. Because we cannot know the full extent of the processes involved in this bill, we are unable to estimate the costs that would result.

Regarding H.R. 2696, the "Veterans' Dignified Burial Assistance Act of 2007," this bill would increase from $300 to $400 the amount of reimbursement allowed for the cost of a burial plot or interment for a veteran who is eligible for burial in a national cemetery but

who is buried in a State or in a private cemetery. This was last increased by public law 107–103 in 2001.

Section 2(b) of the bill would nullify the 2-year time limitation for States to file claims for the plot or interment allowance as applied to claims in connection with the interment of deceased veterans' unclaimed remains. section 2(b) would be retroactively effective as of October 1, 2006.

For the same reason that we opposed H.R. 2346, we oppose this bill. That evaluation, the program evaluation that is underway, will assess the appropriateness of VA's current burial benefits based on data obtained and beneficiary needs. We believe that it would be premature to take a position on section 2 of the bill until that program evaluation is completed, and accordingly we defer taking a position on that.

The enactment of section 2(a) would result in costs of $7.2 million for the first year and $77 million over 10 years. The enactment of Section 2(b) would result in insignificant costs. Section 2(c) of the bill would authorize the VA to provide up to $5 million annually in grants to States or to tribal organizations for operating and maintaining—and that is key—operating and maintaining State veterans cemeteries or veterans cemeteries on trust land owned by or held in trust for tribal organizations. The grant program is intended to complement the national cemetery system in providing a dignified burial place reasonably close to where veterans live. Through the grant program, States establish, expand, or improve cemeteries in areas where there are no plans to create an open national cemetery.

Mr. HALL. Mr. Mayes, excuse me. I am very sorry to interrupt you, but the 5 minutes has expired.

Mr. MAYES. Sure.

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

Mr. HALL. We are going to go across the street and take a quorum call vote, which our friends across the aisle have called, to make sure that we actually have a majority of Members present, and then we are going to come back and take questions after that. So if you would be patient with us, it is just one vote and one run across the street, and we will be back.

Mr. MAYES. All right, Mr. Chairman.

Mr. HALL. Thank you very much.

The Subcommittee stands recessed for what, we hope, is about 10 minutes.

[Recess]

Mr. HALL. Thank you for staying with us, and I apologize for having your testimony interrupted. We are at this point going through, apparently, a series of delaying motions from the minority side and I just want to apologize to the witnesses and to the others here for these proceedings having to share in that delay, the calling of a quorum and motions to rise, apparently for no purpose but in taking up time.

Nonetheless, I have questions, Mr. Mayes. I guess we will go first of all, to you and then to your colleagues.

On H.R. 674, the Advisory Committee on Minority Veterans seems to serve as a very useful and efficient tool in helping the VA in its mission to address the needs of minority veterans. Do you

think there needs to be any improvement to the Advisory Committee? If so, what improvements would you suggest?

Mr. MAYES. Mr. Chairman, I think the Advisory Committee is working well. They have made a number of recommendations, in particular, about outreach and things like that. We take those recommendations and act upon them, where possible and where appropriate. So I would suggest that we support the legislation or the bill, as proposed. Continuing to have that Committee working the way it is seems to, I think, work for us.

Mr. HALL. Thank you.

The ACMV also recommended in its latest report that the VA should hire OEF/OIF minority veterans into the agency to ensure Departmental sensitivity to a new generation of minority veterans seeking services.

What processes has the VA put into place to advance this recommendation? For instance, has the VA established processes at the Cabinet level to ensure that all applicable agencies are engaged?

Mr. MAYES. I would like to provide that response Mr. Chairman.

The only thing I can say for sure is that Admiral Cooper and Mike Walcoff from our Office of Field Operations have emphasized that we should be hiring OEF/OIF veterans and, of course, that would include minority OEF/OIF veterans. As far as having a formal process in place, I would like to respond to the Subcommittee in writing.

Mr. HALL. We would appreciate that. Thank you.

Mr. MAYES. Sure.

[The following information was subsequently received from the VA.]

VA launched an initiative to hire 10 Regional Veterans Employment Coordinators (RVEC) to assist the Department in providing employment opportunities to severely injured OIF/OEF veterans. Five of the 10 have been hired as of May 5, 2008. The RVECs will work with 160 local veterans employment coordinators to link veterans, especially severely injured veterans, to careers at the local level.

VA's National Veterans Employment Program (NVEP) has been in existence since 2001. NVEP focuses on educating veterans and VA selecting officials on veterans' preference statutes and how to use/apply statutes to gain access to career opportunities in VA. As a result of these efforts, VA has attained a workforce comprised of 31 percent veterans. VA has showcased its NVEP to other Federal agencies and has assisted several agencies in their efforts to conduct outreach to veterans and employ veterans. The U.S. Office of Personnel Management tracks the achievement of all Federal agencies in hiring and promoting veterans.

Mr. HALL. Maybe you could tell us in that same response how you identify minority veterans, what your outreach practices are to minority veterans and how they differ.

How do they differ, if at all, from non-minority vets in terms of their needs or the type of outreach that you find most effective?

You stated in your testimony that the enactment of H.R. 674 would cost approximately $80,000 a year. Do you believe that is a sufficient level of funding for the ACMV?

Mr. MAYES. I will turn the specific response over to my colleague.

Mr. HALL. Ms. McClenney.

Ms. MCCLENNEY. Yes, sir, Mr. Chairman.

That covers the travel, honorarium and per diem of the Advisory Committee Members. That is adequate.

Mr. HALL. Good. Thank you.

If the funding were increased, what else would this Advisory Committee be able to accomplish; for instance, providing followup reports, informing of the success rate of the VA's implementation of those recommendations?

Mr. MAYES. Well, Mr. Chairman, that is something I have not really thought through. Certainly increasing the funding would allow more frequent meetings, more interaction. I think that that is one thing that comes to mind.

Mr. HALL. Thank you.

Ms. MCCLENNEY. May I add?

Mr. HALL. Yes, please, Ms. McClenney.

Ms. MCCLENNEY. The law requires—the congressional mandates say that our Advisory Committee is required to meet at least twice annually. One of those meetings is a site visit, and they generally choose an area where there is a high concentration of minority veterans, and also depending on the needs. For example, we chose Los Angeles because there are 500,000 minority veterans in the County of Los Angeles and approximately 1.5 million minority veterans in the State of California.

The other visit is to Washington, to our headquarters here, where they actually receive briefings from the three administrations and other key staff offices and discuss their findings and recommendations. The VA has and does continue to listen to those recommendations, and I think it is making an active attempt to enact many of the recommendations the Committee has recommended.

Mr. HALL. Thank you, Ms. McClenney.

Are you aware, Mr. Mayes, or are any of your colleagues, of the current status of reform at the Chicago VA Regional Office (RO), for example, the number of additional employees that have been added? Can you apprise the Subcommittee of any lingering or ongoing problems? Is Illinois still ranked last in disability compensation benefits?

Mr. MAYES. Mr. Chairman, I am not prepared to talk about Chicago. I do not have that information at hand.

Mr. HALL. Well, if you could respond in writing, we would appreciate that.

Mr. MAYES. Yes, sir, we can do that.

Mr. HALL. Thank you.

[The information from VA follows:]

The Chicago RO currently has 182 full-time employees (FTE) on board in the Veterans Service Center (VSC) dedicated to the processing of service-connected compensation claims. This represents an increase of 19 FTE since the beginning of March 2008. The additional staffing is expected to increase station productivity in the short term, with greater output in the future. In March 2007, the Chicago RO had a pending inventory of 14,273 disability claims. By March 2008, this number was reduced to 10,453, an improvement of 26.8 precent.

In FY07, the Chicago RO brokered over 8,090 claims that were ready for a decision to other stations with the capacity to process this additional rating work. This brokering of work has allowed the RO to focus their attention on the oldest cases pending in their inventory. As a result of increased staffing and brokering, the Chicago RO has shown dramatic improvement in the average days pending (ADP) of a claim. Chicago's ADP at the end of FY07 was 175 days; at the end of March 2008 was 145.5 days. The Chicago RO has also shown significant improvement in ADP for Global War on Terror (GWOT) veterans. At the beginning of FY08, ADP for GWOT claims stood at 142.7 days, as of March 2008, ADP for GWOT claims was 97.1 days.

In addition to this increased productivity, the Chicago RO has also shown improvement in station quality. Authorization quality at the RO at the end of March 2007 stood at 83.3 precent and fiduciary quality was 79.7 percent. At the end of March 2008, authorization quality was 92 percent and fiduciary quality increased to 84.8 percent.

Overall, the Chicago RO has made considerable improvement. At the end of FY02, the station was ranked 52nd nationwide in disability compensation benefit payments. The RO has jumped six spots and was ranked 46th nationwide at the end of FY06. This improvement is significant as it reflects the average payments made to all veterans on their rolls, and not just recent decisions. Preliminary data for FY07 indicates the positive trend continues although VA is still in the process of validating this data.

Mr. HALL. I know you are intending to supplement your statements today and to provide written testimony regarding H.R. 1273 after the hearing, but could you please explain what the current plot and marker headstone allowances are for veterans, who qualify, and how much that normally is?

Mr. MAYES. Yes sir, I can talk about the plot allowance. The current plot allowance is $300 for a veteran who is buried at a nonnational cemetery, and to be eligible for the plot allowance the veteran had to have either died because of a service-related disability, have been receiving VA pension or compensation at the time of death, or have been entitled to receive VA pension or comp, but decided not to reduce his or her retirement or disability pay, or the veteran died in a VA hospital. If the veteran died in a VA hospital, we would pay transportation.

One other sort of exception is we would pay the plot for any veteran who is entitled to burial in a national cemetery if they are buried in a State cemetery.

Mr. HALL. Thank you very much.

If I could just quickly ask you about H.R. 1900 and H.R. 1901. First of all I know, once again, you are planning to supplement testimony and provide written statements after the hearing; but could you explain the significance of the Expeditionary Medal to the VA, who qualifies and how it would impact benefits, for instance?

Mr. MAYES. We are not prepared to talk about those particular bills. The Expeditionary Medal, however, does signify service. For example, in claims related to service in Vietnam, as an example, if a veteran had a Vietnam Expeditionary Medal, that would denote that they had service in Vietnam, and that is significant in claims for disabilities related to exposure to Agent Orange, as an example. So that is how we would use that information that is typically on the DD–214.

With respect to the specific bills, we just are in the process of still formulating our views and costs on those.

Mr. HALL. We would appreciate getting that opinion in writing as soon as we can.

Mr. MAYES. Yes, sir.

[The Administration views for H.R. 1900, and H.R. 1901 appear on p. 43.]

Mr. HALL. I wanted to ask you, regarding H.R. 2346, you stated that the VA is currently evaluating the Memorial Benefits Program with hopes for completion by April of 2008.

Can you give us any kind of update on where you are in that process? What is the definitive goal of the evaluation?

Mr. MAYES. I will turn that over to my colleague Ron Walters from the National Cemetery Administration. He can give you a better feel.

Mr. WALTERS. I would be happy to, Mr. Chairman.

The study was brought about because periodic reviews of our programs are required by the Government Performance and Results Act of 1993, and it is part of good management practice. We are currently working with an independent contractor to conduct an evaluation of the full array of burial benefits offered by the VA. We awarded that contract in December of 2006, and the contractor is currently developing survey protocols, focus group activities and mapping requirements. The contractor is also examining the extent of repair and maintenance that is required at our cemeteries.

As I mentioned, the study will address the full range of VA burial benefits and activities.

I might also add that in developing the statement of work for the evaluation, the VA consulted with major stakeholders such as Members of veterans service organizations, as well as staff of the House and Senate Veterans' Affairs Committees—at a time that predates the arrival of current staff—regarding their perceptions of the challenges facing VA burial benefits in the future.

The research framework that was adopted by the contractor, which we have seen, reflects stakeholder input and addresses access variables that are listed in H.R. 2346. We expect to have the final report from the contractor in the spring of 2008, and we will brief Congress and other stakeholders at that time about findings and recommendations. We would be happy, of course, to work with the Subcommittee to provide any information that you might need in the interim.

Mr. HALL. Thank you.

Mr. MAYES. I would just add also that when I was preparing for this hearing today and went back and looked at the legislative history on many of the programs we offer to commemorate veterans service, you know anything that we do, if it is going to be a change, absolutely has to be done with your assistance. So we would be working with you, as we have, when I looked back through the legislative history, all the way back, really, before even 1973, but certainly since.

Mr. HALL. Thank you. I appreciate that and we look forward to working with you also.

I know regarding H.R. 1901 that you are planning to supplement testimony with written testimony later, but could you venture an opinion as to the idea of expanding pension benefits to veterans who served during the named conflicts that were not declared wars?

Mr. MAYES. Mr. Chairman, I have to reserve my comment at this point in time since we still are formulating the views.

Mr. HALL. Okay. All right. I understand.

Going back to H.R. 674 for a moment, do you think the authorization for the Advisory Committee for Minority Veterans should be allowed to sunset or, if it did, what the VA would do to replace this entity?

Mr. MAYES. Well, sir, we support the bill because we do not want it to sunset. And if it were to sunset, I believe that the Department

of Veterans Affairs would continue to engage minority veterans. I do not know what that engagement would look like or how it would work, but we feel there is a benefit in working with the Advisory Committee. So in some form or fashion, we would be working with minority veterans.

Mr. HALL. Thank you. I suspect that the Committee will be continued and not sunsetted, but I was just curious what your own opinion was on that.

Lastly, I wanted to ask you, during the last visit, in 2006 to the Los Angeles VA facilities, the Advisory Committee observed that the staff diversity was not representative of the minority veteran population, especially with regard to higher pay grades and for African Americans, Hispanics, and American Indians. The ACMV noted that this appears to be a systemic problem throughout the VA.

Could you advise us as to what the VA is doing to ensure staff diversity for these veterans?

Mr. MAYES. Well, having been a regional office director before taking this position, I know that in my individual performance plan, I was required to ensure that there were hiring practices that promoted diversity. And, in fact, I reported it each year in my self-assessment. We tried to hire minorities. We looked at the statistical metropolitan area. I was in Cleveland, and our hiring practices mirrored the community in Cleveland. I can speak to what we were doing in the field at a regional office prior to my taking this position, sir.

Mr. HALL. Thank you. That hopefully is the approach that most regional directors are taking.

Once again, regarding State cemeteries, how would H.R. 2696 change the way that the grant funding is provided for operational and maintenance costs?

Mr. MAYES. You are talking about the provision to allow States to use grant funds for operation and maintenance costs. Right now, they do not. We get the cemeteries set up. We provide grants for the establishment of the cemetery, but the States are responsible for operation and maintenance costs. This would blur that line because it would allow grant funds to be used for those operation and maintenance costs, and it is not clear to us how that would occur in future outyears.

Would there be a dependency set up between a State cemetery and Federal funding that might not be able to be perpetuated into the future? There is some concern about this.

The other thing is that money could be used to fund additional cemeteries, and it certainly could be used to expand the plot program, of which the intent originally was to address the shortage of national cemeteries when the benefit was created. Those are some concerns that we would have.

Mr. HALL. I thank you very much. I am looking forward to the written responses to the other questions.

Would the minority counsel like to ask questions?

Mr. SMITH. Thank you, Mr. Chairman.

All of our questions have been covered, and we have no further questions.

Mr. HALL. Thank you very much, sir.

We would like to thank you all for being here.

Mr. Mayes, Mr. Hipolit, Mr. Walters, and Ms. McClenney, thank you for your patience. I look forward to your correspondence and to seeing you again in the future.

The meeting stands adjourned.

[Whereupon, at 5:25 p.m., the Subcommittee was adjourned.]

APPENDIX

Prepared Statement of the Hon. John Hall, Chairman, Subcommittee on Disability Assistance and Memorial Affairs

Good Morning,

I would ask everyone to rise for the Pledge of Allegiance—flags are located in the front and rear of the room.

I would like to thank the witnesses for taking the time to appear today to present testimony on these important measures pending before the Committee.

Today we will examine seven bills covering a broad spectrum of this Subcommittee's jurisdiction.

The first is H.R. 674, introduced by Congressman Gutierrez, which would repeal the sunset of the Advisory Committee on Minority Veterans, slated to occur December 31, 2009 without Congressional action. As I stated during the Joint DAMA/Health Subcommittee hearing, I am especially concerned about the pending expiration of this authorization in light of a June 2007 report from the VA Health Services Research & Development Service (HSR&D), entitled *Racial and Ethnic Disparities in the VA Healthcare System: A Systematic Review*.

This report found that racial disparities exist in all clinical arenas and that the disparities in healthcare delivery are contributing to measurable differences in health outcomes. It also found that the disparate treatment in the VA appears to affect African-American and Hispanic veterans more significantly. With minorities comprising 20 percent of all of our Nation's veterans, like Mr. Gutierrez, I believe the Advisory Committee on Minority Veterans plays an essential and indispensable role for the VA and should be made a permanent fixture.

We will also receive testimony on three bills regarding veterans' memorial benefits, H.R. 1273, H.R. 2346, H.R. 2696, offered by Ms. Berkley, Mr. Fossella and Mr. Lamborn, the Ranking Member, respectively. Ms. Berkley's and Mr. Lamborn's bills, among other things, seek to increase the plot and headstone or marker allowances for our veterans who choose to be laid to rest in state or private cemeteries.

Mr. Fossella's bill, H.R. 2346, is intended to improve the process for determining where our National cemeteries are located. I know that because of changing migration patterns and just simple geographic configurations, the current criteria of a 170,000 veteran population in a 75-mile radius, is not always a workable paradigm. I also am aware that the VA is currently evaluating its memorial benefits plan and I look forward to hearing testimony on its progress in this area—before the April 2008 target completion date.

We will also hear from Mr. Rahall on two bills that would expand the categories of those veterans eligible to receive pensions for non-service-connected disability death or service. H.R. 1900 would do so by providing this pension to veterans receiving expeditionary medals and H.R. 1901 would do so by including those veterans who served in the Korean peninsula, Lebanon, Panama and Grenada. I look forward to receiving testimony on these two important measures.

Lastly, H.R. 2697, also sponsored by Mr. Lamborn, would expand the eligibility for veterans' mortgage life insurance (VMLI) to include Members of the Armed Forces receiving specially adaptive housing. I know it is often difficult for these servicemembers to acquire commercial insurance policies and this bill would close that gap between the military and VA benefits. This change is likely more necessary than ever for our returning OIF/OEF veterans.

Thank you.

Prepared Statement of the Hon. Doug Lamborn, Ranking Republican Member, Subcommittee on Disability Assistance and Memorial Affairs

Mr. Chairman, Thank you for holding this hearing in response to my July 10 letter to you. In that letter I asked that we also hold a legislative hearing on H.R. 3047, the Veterans Claims Processing Innovation Act of 2007, which is developing broad bipartisan support.

H.R. 3047 will bring VA's compensation and pension system into the 21st century. By increasing accountability and leveraging technology at the Veterans Benefits Administration, this bill would improve the accuracy and speed of benefits claims; and I commend it to the attention of my colleagues.

While I was disappointed that testimony on H.R. 3047 would not be heard today, I am heartened by your promise to hold another hearing on H.R. 3047 when Congress returns in September.

Of course, Mr. Chairman, I would look forward to you joining the fifteen or more Members, from both sides of the aisle, already cosponsoring H.R. 3047.

It should go without saying that I anticipate the opportunity to review your own legislation to reduce the backlog, once it is offered.

This afternoon, we are considering several pieces of legislation, all of which are of interest and potential value.

Two of these bills bear my name, H.R. 2696 and H.R. 2697. A third, H.R. 2346, introduced by Mr. Fossella, directly addresses how we determine the location of a national cemetery and is most timely.

I look forward to working with Mr. Fossella on H.R. 2346. This is an important bill that will help provide veterans and their families with greater access to national cemeteries, and I believe it will help VA create an accurate and beneficial selection process.

The two bills I introduced support similar bills introduced by Senator Craig.

H.R. 2696, the Veterans Dignified Burial Assistance Act of 2007, has provisions that improve the VA burial benefit and state veterans cemeteries. The bill would increase the burial and plot allowance for a veteran's burial in a private cemetery from $300 to $400.

The bill would also repeal the current time limitation for state reimbursement for interment costs by VA. From time to time, a state locates the remains of veterans who were not interred. When states inter these veterans, they cannot be reimbursed by VA because of the time limit on reimbursement costs.

My legislation would repeal this limitation.

The last provision of the bill would authorize the VA secretary to make additional grants to states for improving and expanding state veteran cemeteries. States would have to submit an application to the Secretary, and could receive up to $5,000,000.

H.R. 2697 would extend eligibility for Veterans Mortgage Life Insurance (V–M–L–I) to Members of the armed forces.

VMLI is a special type of life insurance that is only available to veterans who qualify for specially adapted housing grants. Many of our Nation's injured active duty servicemembers will eventually qualify for VMLI and would benefit by having this eligibility.

These are just three of the bills before us today; I look forward to the testimony and our discussion of the other legislation before us today.

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

Prepared Statement of the Hon. Nick J. Rahall II

Chairman Hall, Ranking Member Lamborn and Members of the Subcommittee, I thank you for the work you have done in recent months to honor our brave men and women in uniform. I also thank you for your courtesy in allowing me to testify before the Subcommittee today on two bills I have offered that would extend the benefits offered to our Nation's veterans.

Mr. Chairman, for centuries, we have witnessed the personal courage and sacrifice made by millions of Americans who have served our country. They have done so proudly and without hesitation, to protect our freedoms and our way of life, and to help ensure peace in various regions worldwide. These individuals represent the best of America, and I believe it is imperative that the U.S. Congress do everything in its power to honor them when they return home from service.

Too often, when these young men and women return, we do not always honor their bravery with the full measure of respect and gratitude that it deserves. I believe we should take this opportunity to help ensure that our veterans, regardless of the timeframe of their service, receive appropriate recognition and benefits.

Under current law, veterans may only meet eligibility requirements to draw a full pension if they have served in combat during a declared period of war. While this method was sufficient for the majority of veterans who served in America's 20th century engagements, America's evolving role in conflicts abroad has necessitated the expansion and adaptation of our veterans benefits programs, including those pertaining to pensions.

I believe this Subcommittee would agree that the veterans who put their lives on the line and suffer losses during undeclared times of conflict are no less admirable or deserving of thanks than are those who serve in declared conflicts.

My first bill, H.R. 1900, would extend eligibility for pension benefits through the Department of Veterans Affairs to veterans who have received the Armed Forces Expeditionary Medal. This medal was established in 1961 by President John F. Kennedy to recognize the service of American veterans in light of the United States' expanding involvement in conflicts outside the scope of a "period of war." This medal is still awarded today to those men and women who have served in hostile regions, but not all of these courageous veterans receive full benefits.

My second bill, H.R. 1901, would provide the guarantee of a pension to veterans who served in Korea, Lebanon, Grenada, and Panama. The bill specifically extends benefits to the following:

- Veterans who served in Korea from February 1, 1955, through August 4, 1964, and from May 8, 1975, through 1990.
- Veterans who served in Lebanon and Grenada from August 24, 1982 through July 31, 1984.
- Veterans who served in Panama from December 20, 1989, through January 31, 1990.

This bill would benefit 27,000 veterans who facilitated the overthrow of General Manuel Noriega in Panama, as well those who served during the conflict in Lebanon, in 1983, where America lost 241 Marines to a suicide attack on the U.S. Marine barracks in Beirut. Though these soldiers, and those who served during the additional conflicts covered by this bill, were clearly at risk, they are currently not eligible to receive veteran's pensions. Nonetheless, in these cases, danger was faced, bravery was shown, and American lives were lost.

Mr. Chairman, I believe that these bills more closely align the sacrifices made by these men and women with the compensation they deserve. As President Ronald Reagan, in his remarks to the nation on the conflict in Lebanon and Grenada stated, "They gave their lives in defense of our National security every bit as much as any man who ever died fighting in a war." These sentiments apply to every man and woman who has stood in harm's way for the protection of our freedom. It is time that the U.S. Congress recognized this fact and extended pension benefits to those veterans who have exemplified the courage and bravery of service in our Armed Forces.

Again, I thank you, Mr. Chairman, for affording me this courtesy, and I look forward to working with you and the Subcommittee to appropriately honor our veterans.

Prepared Statement of the Hon. Vito Fossella

For years, I have joined with Staten Island veterans in a battle to establish a veteran's cemetery in the borough. The closest veteran's cemetery in the area is the Calverton National Cemetery on Long Island, but transportation demands have made it inaccessible for many aging veterans. It can be a grueling 3 to 5 hour roundtrip commute, making traveling there terribly difficult for most of the 28,000 veterans in my district.

There are three primary obstacles preventing the establishment of a veteran's cemetery on Staten Island. First, a New York State law passed in the mid 1980's prohibits the state from funding a veteran's cemetery. Currently, Staten Island's local representatives are working on a legislative solution to fix this problem.

Second, Staten Island lacks the necessary available acreage for a cemetery. Due to the land shortage, many local veterans have united around the idea of a mausoleum because it requires the least amount of land and is the most cost-effective way to achieve their long-sought goal.

Third, the Department of Veterans Affairs requires a threshold of 170,000 veterans within a 75 mile area to necessitate the establishment of a national veterans cemetery. Due to the Calverton National Cemetery on Long Island, Staten Island falls within a 75 mile radius and therefore is ineligible. For an aging, often disabled veteran population, the 3 to 5 hour commute to Long Island is unreasonable, and simply does not properly serve the veteran population, nor their families, on Staten Island. In addition to the 75 mile rule, the VA generally requires at least 175 acres to be available for a national cemetery. Currently, the existing land on Staten Island that has been offered by Mount Loretto is only 50 acres. But as I mentioned earlier, many local veterans have come to agree to the idea of a mausoleum instead of an actual cemetery.

I believe that the threshold requirements used by the VA are a blunt instrument when applied to determining cemetery eligibility. To refine the process I authored HR 2346, a bill which would improve the process by adding additional variables for the VA to consider when citing a national cemetery.

HR 2346 will direct the Secretary of Veterans Affairs to establish a process for determining whether a geographic area is sufficiently served by the veteran's cemeteries located there. The process will take into account the following variables for each geographic area: (1) total number of veterans; (2) average distance a resident must travel to reach the nearest national cemetery; (3) population density; (4) average amount of time it takes a resident to travel to the nearest national cemetery; (5) availability of public transportation for purposes of traveling to national cemeteries; and (6) average amount of fees charged to an individual traveling on the major roads leading to the national cemeteries

Finally, In the case of a geographic area in which sufficient land is not available for the establishment of a cemetery, the Secretary shall consider alternatives such as establishing a mausoleum.

It is worth noting that the VA is currently conducting a study regarding its requirements for establishing national veterans' cemeteries. A focus of the study is an examination of whether current thresholds are feasible and not overly simplistic in ensuring veteran access. VA knows there is a problem, and I hope my legislation can help fix it.

In closing, Staten Island has one of the highest veterans populations in the state yet it remains unserved by a veterans cemetery. It is my hope that if adopted, my legislation would provide for a place of remembrance for so many of my constituents who deserve such a site closer to home.

Prepared Statement of Carl Blake, National Legislative Director, Paralyzed Veterans of America

Mr. Chairman and Members of the Subcommittee, on behalf of Paralyzed Veterans of America (PVA) I would like to thank you for the opportunity to testify today on H.R. 674; H.R. 1273; H.R. 1900; H.R. 1901; H.R. 2346; H.R. 2696, the "Veterans Dignified Burial Assistance Act of 2007;" and H.R. 2697. PVA appreciates the efforts of the Subcommittee to address these issues that will benefit today's veterans and the veterans of tomorrow.

H.R. 674

PVA supports H.R. 674, a bill that will repeal the provision of law requiring termination of the Advisory Committee on Minority Veterans as of December 31, 2009. This Committee was established by Public Law 103–446 on November 2, 1994. The Committee has provided advice to the Secretary and to Congress on the VA's administration of benefits, healthcare, and other services to minority veterans since that time. They have met with veterans' service organizations and conducted townhall meetings to provide information and address the concerns of minority veterans. PVA believes that it is a beneficial working group and that it should be retained.

H.R. 1273

H.R. 1273 will amend Title 38, United States Code, to direct the Secretary of Veterans Affairs to restore plot allowance eligibility for veterans of any war, and restore the headstone or marker allowance for eligible veterans. Previously, Congress passed legislation to help pay for the burial plot and the headstone for a veterans buried in a non-government cemetery. This was intended to take some of the burial workload off of the National Cemetery Administration and allow a veteran to be

buried in a family plot with other family members or in their particular religious burial site.

In 1981, Congress eliminated the burial allowance for veterans with non-service connected disabilities. In 1990, Congress passed additional legislation eliminating the grave marker allowance. PVA supports this legislation that will restore both benefits to eligible veterans.

H.R. 1900

H.R. 1900 will extend eligibility for pension benefits from the VA to veterans who received an expeditionary medal during a period of military service other than a period of war. Expeditionary medals were awarded to the servicemember who participated in, or was in direct support of, one of the many operations of the U.S. military. Operations such as the invasion of Grenada in 1983 or the invasion of Panama in 1989 and many other special operations were periods of high tension within our military and involved performance of duties that sometimes resulted in serious injury or loss of life. These operations were not a declared period of war or the result of a presidential proclamation. PVA supports the extension of benefits as defined in H.R. 1900.

However, we would like to see these pension benefits extended to all active military that served during those periods, not just those individuals who served in the specific theater. The expeditionary medal was awarded to participants of a military operation, but all military personnel may have been called upon to serve during these critical periods. We feel that all members of the military serving during one of those periods should receive this pension if they meet the other qualifications of this benefit.

H.R. 1901

PVA supports H.R. 1901 that will extend eligibility for pension benefits for veterans that served in the military during specified periods of military engagement. PVA believes that the restriction for eligibility in H.R. 1901 defined by the phrase "service performed in" should be removed from the legislation so that all servicemembers that served during that time period would be included. As in H.R. 1900, any active military personnel may have been called upon to serve in the Nation's combat effort. We believe that anyone that served during that period should qualify.

H.R. 2346

PVA supports H.R. 2346. This legislation directs the Secretary to establish a process to determine whether or not a geographic area is sufficiently served by a national cemetery. As the VA plans the expansion of the cemetery system they must ensure that areas that may have been overlooked in that past, or have seen a substantial increase in the population, will be served by a VA cemetery. This projection of future need can also provide helpful information to the states as they decide whether or not to participate in the VA's cemetery program.

H.R. 2696, the "Veterans Dignified Burial Assistance Act of 2007"

PVA supports H.R. 2696, the "Veterans Dignified Burial Assistance Act of 2007." This bill contains three important components. First, the bill increases the plot or interment allowance from $300 to $400. This will be a welcome benefit for the family Members of deceased veterans. The amount was last increased to $300 with the passage of Public Law 107–103 enacted in 2001.

Secondly, PVA approves of the provision to repeal the time limit that states have to file for reimbursement for interment costs. This provision seems to serve no other purpose than to potentially save the VA money. Last, PVA supports the provision for grants for operation and maintenance of state veterans' cemeteries. This program will enhance the ability of states to provide veterans a local burial site in areas where a national cemetery may be many hours away. It will also provide for more burial capacity to the national cemetery system which has closed cemeteries for new burials in some locations.

H.R. 2697

PVA supports H.R. 2697. This legislation will compliment legislation enacted during the 109th Congress. At that time, the Specially Adapted Housing Grant was made available to servicemembers that were severely injured and still in the military so that they might begin taking steps to modify their homes even before being

discharged. This legislation will allow servicemembers awaiting discharge to be eligible for mortgage life insurance. This provision is perfectly reasonable as these men and women will be eligible for the benefit once they are a veteran anyway.

Mr. Chairman and Members of the Subcommittee, PVA would once again like to thank you for the opportunity to provide our views on this important legislation. We look forward to working with you to continue to improve the benefits and services available to veterans.

Thank you again. I would be happy to answer any questions that you might have.

Prepared 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:

Thank you for allowing the Veterans of Foreign Wars of the U.S. (VFW) to present our views on the legislation pending before this Subcommittee.

H.R 674: This bill would repeal the scheduled sunset date of December 31, 2009 for the Advisory Committee on Minority Veterans.

We support this legislation. The Advisory Committee on Minority Veterans conducts site visits and meetings with VA officials, formulating opinions and recommendations, which serve minority veterans. Their input helps to improve access to care and further enhances VA's service provided to minority veterans. The VFW strongly supports its reauthorization.

H.R. 1273, Restoration of Plot Allowance Eligibility for Veterans

We support S. 1273. This bill would make the $300 plot allowance available to service-connected disabled veterans or period-of-war veterans. It also grants the authority to the Secretary of Veterans Affairs to reimburse the deceased veteran's family for a non-government headstone or marker in lieu of furnishing a Government marker. Current law does not allow for the reimbursement of private markers in lieu of a Government-furnished marker.

VFW has long supported legislation that will increase the burial plot allowance, as recent increases have not keep pace with the cost of final burial arrangements for those who honorably served our Nation. As co-author of the *Independent Budget (IB)*, we have strongly advocated increasing the burial plot allowance. We would like to see the amount closer to the IB recommendation of $745, which would cover more of the costs associated with opening the grave.

H.R. 1900: Extends the eligibility for veterans' pension benefits to veterans who receive an expeditionary medal for a period of military service other than a period of war.

The VFW fully supports the addition of this language to Chapter 15, U.S.C. Title 38. This bill would add to the definition of what entitles a veteran to pension for non-service-connected disability, death and/or for service. It would expand eligibility from veterans serving in a defined "period of war" to all veterans with an expeditionary service medal.

This change in the law would keep pace with the changing nature of use of the military force and warfare in past conflicts and military actions such as our Nation's military involvement in Somalia from 1992 to 1993, Bosnia from 1992 to 2002, and current operations in the Horn of Africa from 2002 to present. Under current law, these servicemembers and their families do not receive benefits that aid families during great periods of stress.

H.R. 1901: A bill to extend eligibility for pension benefits under laws administered by the Secretary of Veterans Affairs to veterans who served during certain periods in specified locations.

The VFW supports this legislation to extend pension benefits to servicemembers that have risked life and limb in the Korean peninsula, Lebanon, and Granada. These groups of veterans are ineligible for pension benefits available to veterans that served during dates prescribed by Presidential proclamation or concurrent resolution of the Congress. We urge passage of this legislation and ask that the Congress consider other groups of veterans that have served at considerable risk to life and limb, such as service in Somalia in 1992 to 1993 and U.S. military operations in the Balkans from the nineties to present.

H.R. 2346 would direct the VA Secretary to establish a process for determining whether a geographic area is sufficiently served by the national cemeteries located in that geographic area.

The work envisioned under H.R. 2346 is already being accomplished by the National Cemetery Administration (NCA) under P.L. 106–117 and P.L. 108–109. The NCA is required to report annually to Congress on the establishment of additional national cemeteries. A strategic plan is formulated, surveying areas determined to be appropriate for new national cemeteries. The site selection process takes into account population centers and the travel distance between area cemeteries, weighs the views of state and local veterans' organizations, and solicits others the Secretary considers knowledgeable in these matters. We believe that the current process sufficiently addresses the needs of veterans and their families; and as such, we view this legislation as duplicative of efforts already properly performed by the National Cemetery Administration.

H.R. 2696, Veterans' Dignified Burial Assistance Act of 2007'

VFW supports HR 2696. Current law allows a veteran who is not buried in a national cemetery, a plot allowance of up to $300. H.R. 2696 increases the plot allowance to $400. VFW has long supported legislation that will provide an increase in the burial plot allowance, as recent increases have not kept pace with the cost of purchasing a final resting place for those who have honorably served our Nation. As co-author of the *Independent Budget (IB)*, we have strongly advocated increasing the burial plot allowance. We believe moving the amount closer to the IB recommendation of $745 would better serve veterans and their families to settle the affairs of a departed loved one.

This legislation also includes a provision to abolish grant-filing deadlines for Veterans State Cemeteries. The VFW has no position on this provision.

H.R. 2697: VFW supports HR 2697, legislation to expand eligibility for veterans' mortgage life insurance (VMLI) to include Members of the Armed Forces receiving specially adapted housing assistance from VA.

Current law allows those medically retired servicemembers to receive VA specially adapted housing benefits before leaving service but does not provide the same eligibility under the VA insurance program. This legislation closes that gap and allows those who may have difficulty getting commercial insurance the opportunity to receive reasonable coverage under VMLI.

Prepared Statement of Robert M. Fells, General Counsel, and External Chief Operating Officer, International Cemetery, Cremation and Funeral Association

Chairman Hall and Members of the Subcommittee:

We appreciate your invitation to testify today regarding H.R. 1273 and related bills to improve and enhance veterans' burial benefits. The International Cemetery, Cremation and Funeral Association represents over 7,200 Members including nonprofit, for-profit, religious and municipal cemeteries, as well as funeral homes, crematories and related businesses primarily in the United States and in 24 foreign countries. Founded in 1887, the ICCFA promotes open competition, consumer choices, and prearrangement. I have served the Association since 1983 as general counsel, and also as External Chief Operating Officer since 2001.

The ICCFA applauds the efforts of Congresswoman Shelley Berkley and appreciates her leadership in sponsoring H.R 1273, a bill to restore the veterans plot allowance eligibility and the headstone/marker allowance for use in private and religious cemeteries. These two cost-effective burial benefits were popular for many years with veterans and their families who preferred interment in non-government cemeteries for personal, ethnic or religious reasons. In 1990, Congress suddenly curtailed the eligibility of wartime veterans to receive the plot allowance unless they were receiving VA compensation, pension benefits, or died of service-connected injuries. At the same time, Congress abolished the marker allowance that provided a cash reimbursement, based on the Government's wholesale costs of furnishing markers, to veterans and their families who preferred to purchase their own marker or headstone for placement in a private cemetery.

When the VA's National Cemetery Administration was formally organized in 1973 as the result of Public Law 93–43, Congress implicitly acknowledged that national cemeteries did not operate in a vacuum, but complemented other forms of burial that used resources in private, religious, and municipal cemeteries. The ICCFA was

instrumental in having included in that law a provision that authorized a plot allowance (then $150) to benefit the majority of veterans and their families who preferred interment in non-government cemeteries. This plot allowance was also viewed as a means to offset demands on national cemeteries and as a recognition of the personal, religious, and ethnic preferences of veterans. Subsequent legislation established additional forms of burial assistance, such as the marker allowance, to further avoid a forced reliance on national cemeteries.

Since the November 1990 repeal of the marker allowance and the curtailment of the plot allowance, we believe that the VA eligibility requirements to receive forms of burial benefits has been inconsistent. The general availability of national cemetery interment to virtually all veterans and their immediate families contrasts sharply with the restricted benefits for veterans who wish to be buried in private cemeteries. In that sense, Congress has legislated against wartime veterans by cutting burial benefits to this group. The ICCFA has estimated that as many as 70 percent of the veterans previously entitled to burial benefits in non-government cemeteries were made ineligible through Congressional actions in 1990 and earlier.

For example, in October, 1981, P.L. 97–35 was enacted that disqualified wartime veterans from receiving the non-service connected basic burial allowance (then $300) in the absence of additional criteria. In November 1990, as mentioned above, Congress again discriminated against wartime veterans by restricting the plot allowance and eliminating the marker allowance. These modest, one-time payments not only reflected the wishes of veterans but would also result in long-term cost savings when compared to expense of maintaining graves in the national cemeteries in perpetuity. However, we feel that these factors were not given sufficient regard at the time.

Hence, the importance of H.R 1273, a bill that does not create new burial benefits, but restores the veterans plot allowance eligibility and the headstone/marker allowance for use in private and religious cemeteries, benefits which never should have been eliminated.

In conclusion, we appreciate your allowing us to testify today and we urge you to act favorably on H.R. 1273. I would be happy to answer any questions you may have. Thank you.

Prepared Statement of Raymond C. Kelley, Legislative Director, American Veterans (AMVETS)

Mr. Chairman and Members of the Subcommittee:

Thank you for providing AMVETS (American Veterans) the opportunity to testify regarding pending legislation on minority veterans, memorial affairs, and disability pension benefits.

Over the past twelve years, the Advisory Committee on Minority Veterans with their unique insight has provided timely, accurate information and recommendations on potential barriers, which are unintentionally in place, often causing minority veterans a lower quality of care. Although, these barriers are not limited to minorities, the advisory committee's perspective provides an ability to identify the root of the problem and submit recommendations which often develop into legislative proposals and inevitably helps all veterans. AMVETS wholly supports H.R. 674's repeal of its sunset provision, extending the Advisory Committee on Minority Veterans.

Mr. Chairman, it should be at the root of our Nation's conscience to honor those servicemembers who are willing to stand in harm's way at our Government's request, and the highest respect we can pay is to honor the lives of our veterans after they have passed away. H.R. 1273, H.R. 2696, and H.R. 2346 promote this honor as well as offset the cost incurred by the families when a loved one passes on. AMVETS supports H.R. 1273 in restoring veterans' plot allowance eligibility and headstone or marker allowance, but would encourage an amendment to include all eligible veterans, not just veterans who have served during wartime. AMVETS also supports the increase in burial assistance from $300 to $400; however, Mr. Chairman, the amount should be increased to $745. This increased amount would make current payments proportionally equal to the amount paid when this benefit was initially provided in 1973. AMVETS wholly supports H.R. 2346 as it assists VA in meeting its goal of providing 85 percent of veterans with burial options within 75 miles of their residence.

AMVETS supports H.R. 1900 and H.R. 1901 as they update and clarify veterans who are eligible for pension benefits. In the same light, Mr. Chairman, AMVETS supports H.R. 2697; however, due to Title 38's definition of "veteran," if H.R. 1315

is not passed, administrative amendments may need to be enacted to include "members of the Armed Forces" throughout Chapter 21, Title 38, to clarify servicemembers' eligibility for adaptive housing assistance which this resolution will insure.

Mr. Chairman, this concludes my testimony.

Prepared Statement of Alec S. Petkoff, Assistant Director, 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 issues being considered by the Subcommittee today. The American Legion commends the Subcommittee for holding a hearing to discuss these important topics.

H.R. 674

To amend title 38, United States Code, to repeal the provision of law requiring termination of the Advisory Committee on Minority Veterans as of December 31, 2009.

H.R. 674 seeks to repeal the provision of law requiring termination of the Advisory Committee on Minority Veterans (ACMV) by December 31, 2009. The American Legion supports the repeal of the sunset provision for the ACMV.

ACMV was created to advise the Secretary of Veterans Affairs on the administration of The Department of Veterans Affairs (VA) benefits and services for minority veterans. The Advisory Committee is responsible for reviewing reports and studies on compensation, health care, rehabilitation, outreach and other VA services. It also assesses the needs of minority veterans and makes recommendations to improve programs established to meet the identified needs. As VA continues to enhance and create new programs to better serve the needs of minority veterans, the need for the Advisory Committee will always remain relevant.

Given the growing diversity of the veteran population, to include an increasing number of women veterans, ACMV has a profound role in ensuring that existing and future VA programs are sensitive to the needs of this diverse population and ensuring that VA is effective in its outreach efforts to make minority veterans aware of the benefits and services available to them.

H.R. 1273

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to restore plot allowance eligibility for veterans of any war and to restore the headstone or marker allowance for eligible persons.

H.R. 1273 seeks to restore plot allowance eligibility and to restore the headstone or marker allowance to reflect the criteria used before The Omnibus Budget Reconciliation Act 1990 (OBRA). OBRA limited the payment of a burial plot allowance only to veterans who are indigent or who are in receipt of VA disability compensation or pension. It also eliminated the headstone or marker allowance.

The American Legion fully supports this legislation that would restore these benefits. The American Legion saw these cuts in benefits as a shameless cost saving measure that never should have happened.

H.R. 1900

To amend title 38, United States Code, to extend eligibility for pension benefits under laws administered by the Secretary of Veterans Affairs to veterans who received an expeditionary medal during a period of military service other than a period of war.

This bill, if enacted, would amend title 38, United States Code, to extend eligibility for pension benefits to veterans who received an expeditionary medal during a period of military service other than a period of war.

The American Legion does not have a position regarding this bill.

H.R. 1901

To amend title 38, United States Code, to extend eligibility for pension benefits under laws administered by the Secretary of Veterans Affairs to veterans who served during certain periods of time in specified locations.

This bill, if enacted, would amend title 38, United States Code, to extend eligibility for pension benefits to veterans who served during certain periods of time in

specified locations. Specifically, this bill would extend eligibility for non service-connected pension to those with active duty military, naval or air service in the Republic of Korea during the period of February 1, 1955 to August 4, 1964; in the Republic of Korea during the period of May 8, 1975 to August 1, 1990; in Lebanon or Grenada during the period of August 24, 1982 to July 31, 1984; in Panama during the period of December 20, 1989 to January 31, 1990.

The American Legion supports the intent of this legislation but strongly recommends extending pension eligibility to those who served during the aforementioned periods regardless of the location of such service. The wartime service periods currently recognized do not (with the exception of Vietnam for the period of February 28, 1961 to August 4, 1964) have such service location requirements. The inclusion of such requirements is overly restrictive and contrary to the spirit and intent of the non service-connected pension benefit.

H.R. 2346

To direct the Secretary of Veterans Affairs to establish a process for determining whether a geographic area is sufficiently served by the national cemeteries located in that geographic area.

The American Legion fully supports the intent of this legislation. The National Cemetery Administration (NCA) has a long tradition of providing burial and memorial services to veterans. The American Legion supported P.L. 108–109, the National Cemetery Expansion Act of 2003, authorizing The Department of Veterans' Affairs (VA) to establish new national cemeteries to serve veterans in the areas of: Bakersfield, California; Birmingham, Alabama; Jacksonville, Florida; Sarasota County, Florida; southeastern Pennsylvania; and Columbia-Greenville, South Carolina. All six areas have veteran populations exceeding 170,000, which is the threshold VA has established for new national cemeteries.

The American Legion supports the establishment of additional national and state veterans cemeteries and columbaria wherever a need for them is apparent and have petitioned Congress to provide required operations and construction funding to ensure VA burial in a national or state veterans cemetery is a realistic option for veterans and their eligible dependents.

The American Legion does have some concern about section 1(b) Consideration of Alternatives. While we fully support innovative ways to provide burial space in areas where space is limited (islands, i.e. Puerto Rico) or where the environment is prohibitive to the traditional constructive designs for national cemeteries (deserts, i.e. southwest U.S.) we are concerned about the introduction of VA mausoleums. Our concern is that the veterans of an area being considered for a mausoleum be consulted first as to the fittingness of a mausoleum as a final resting place. A mausoleum would have to conform to the high standard of being a national shrine and of being a place that veterans want to be laid to rest in.

H.R. 2696

"Veterans Dignified Burial Assistance Act of 2007"

The American Legion supports the intent of section 2(a) to increase the burial plot allowance. Under the National Cemeteries Act (P.L. 95–73) 13 percent of the cost of a burial plot was covered. The current allowance of $300 covers on average 3 percent of costs. The American Legion suggests it be raised to $670 to bring the amount closer to the original 13 percent and that that amount be adjusted yearly for inflation by tying the increased allowances to the Consumer Price Index.

The American Legion also supports the intent of section 2(b) that would repeal the time limitation for filing for reimbursement.

The American Legion does not have a position on grants related to operating and maintaining a state veterans cemetery.

H.R. 2697

Veterans Mortgage Life Insurance Eligibility Expansion

H.R. 2697 addresses the expansion of Veterans Mortgage Life Insurance (VMLI), a VA program offering $90,000 of mortgage life insurance to severely disabled veterans who are awarded grants by the VA for specially adapted housing, to include Members of the military service departments who meet similar disability requirements, yet who are still in an active duty status either due to a lengthy separation process for various reasons, or who are retained in such status due to their occupational specialties being needed by their service department or due to other manpower requirements.

The American Legion supports this proposal as these individuals obviously meet the same criteria as is used for those presently insured under the VMLI program.

The only difference here is that this group is not yet separated from service, which is a requirement of the current statute. We believe the justification here is, in essence, the same and that these individuals should also have the option of being insured under the VMLI program.

Mr. Chairman and Members of the Subcommittee, this concludes my testimony. I appreciate the opportunity to present The American Legion's views on these important issues.

Prepared Statement of Bradley G. Mayes, Director, Compensation and Pension Service, 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 a number of bills of great interest to veterans. We will address today only those bills for which the administration was able to coordinate its views in the time provided. We will address the remaining bills in a subsequent letter to the Subcommittee.

H.R. 674

H.R. 674 would repeal the current statutory requirement terminating the Advisory Committee on Minority Veterans (ACMV) as of December 31, 2009. The Department of Veterans Affairs (VA) supports H.R. 674.

The ACMV is composed of veterans of all ranks and services appointed by the Secretary of Veterans Affairs. Members represent the five minority groups the Center for Minority Veterans is mandated to oversee. It advises the Secretary and Congress on VA's administration of benefits and provision of healthcareto minority veterans, assesses the needs of minority veterans, reviews VA programs and activities designed to meet those needs, and develops recommendations to address unmet needs. Among other things, the ACMV meets with senior officials to discuss services and programs available for minority veterans and receives briefings from all of the administrations and other staff offices.

The ACMV's reports and recommendations have highlighted many of the challenges confronting minority veterans, such as access to care, disparities in healthcarefor diseases that disproportionately affect minorities, homelessness, unemployment, lack of understanding of claims process, existence of limited medical research, and statistical data related to minority veterans. VA has accepted many of the ACMV's recommendations and is moving forward to implement them. For example, VA is continually improving access to care by increasing the number of ambulatory care and outpatient clinics. In 1995, there were 102 such clinics; currently, there are 872. VA is also addressing homelessness by partnering with community stakeholders and expanding VA's Grant and Per Diem Program. In short, the ACMV plays a vital role in helping VA assess and respond to the needs of minority veterans, and its efforts complement VA's related outreach efforts.

The cost associated with enactment of H.R. 674 would be insignificant, approximately $80,000 per year.

H.R. 2346

H.R. 2346 would direct the Secretary of Veterans Affairs to develop a process for determining whether a geographic area is sufficiently served by the national cemeteries located in that geographic area. H.R. 2346 would require that the process take into account the: (1) number of veterans living in the geographic area; (2) average distance a resident of the geographic area must travel to reach the nearest national cemetery; (3) population density of the geographic area; (4) average amount of time it takes a resident of the geographic area to travel to the nearest national cemetery; (5) availability of public transportation for purposes of traveling to national cemeteries located in the geographic area; and (6) average amount of any fees charged to an individual traveling on the major roads leading to the national cemeteries located in the geographic area. If land sufficient to establish a national cemetery is not available to VA in a geographic area, VA would be required to consider alternatives to establishing a cemetery, including establishing a mausoleum.

VA currently seeks to ensure that a national cemetery is located within a 75-mile radius of a deceased veteran's residence. One of the criteria for selecting the site of a new national cemetery is a veteran population of 170,000 that is not served by a national cemetery or state veterans' cemetery. The six new national cemeteries authorized by the National Cemetery Expansion Act of 2003, as well as the six

cemeteries authorized by the Veterans Millennium healthcareand Benefits Act, which was enacted in 1999, satisfy these criteria. VA is currently evaluating VA's memorial benefits program. We expect to complete this program evaluation by April 2008. We believe it would be prudent to consider the results of this program evaluation before developing the new process H.R. 2346 would require. Therefore, we oppose H.R. 2346 because the measures outlined in the bill are premature at this time.

Because we cannot know the full extent of the process that H.R. 2346 would mandate until the process is developed, we are unable to estimate the costs that would result from enactment of the bill.

H.R. 2696

Section 2(a) of H.R. 2696, the "Veterans' Dignified Burial Assistance Act of 2007," would increase from $300 to $400 the amount of reimbursement allowed for the costs of a burial plot or interment for a veteran who is eligible for burial in a VA national cemetery but is buried in a state or private cemetery. This plot or interment allowance was last increased from $150 to $300 by Public Law 107–103 in 2001. section 2(b) of the bill would nullify the 2-year time limitation in 38 C.F.R. § 3.1604(d)(2) for states to file claims for the plot or interment allowance as it applied to claims in connection with interment of a deceased veteran's unclaimed remains. Section 2(b) would be retroactively effective as of October 1, 2006.

As explained above, VA is currently evaluating its memorial benefits program. That evaluation will assess the appropriateness of VA's current burial benefits based on the data obtained and beneficiary needs. We believe that it would be premature to take a position on section 2 of the bill before we have completed our memorial benefits program evaluation. Accordingly, we defer taking a position on these provisions until we have had an opportunity to review the results of this program evaluation.

Enactment of section 2(a) would result in costs of $7.2 million for the first year and $77 million over 10 years. Enactment of section 2(b) would result in insignificant costs.

Section 2(c) of the bill would authorize VA to provide up to $5 million annually in grants to states or tribal organizations for operating and maintaining state veterans' cemeteries or veterans' cemeteries on trust land owned by, or held in trust for, tribal organizations. It would also require VA, not later than 180 days after enactment, to prescribe regulations to carry out the amendments. VA does not support using the State Cemetery Grant Program to operate and maintain state veterans' cemeteries or tribal organization cemeteries. (For convenience, we refer below only to grants to states and state veterans' cemeteries, but our rationale applies also to grants to tribal organizations and their veterans' cemeteries.)

The State Cemetery Grant Program is intended to complement the national cemetery system in providing a dignified burial place reasonably close to where veterans live. Through the grant program, states establish, expand, or improve cemeteries in areas where there are no plans to create an open national cemetery. Under current law, VA may fund 100 percent of certain costs related to the establishment, expansion, or improvement of a state veterans' cemetery.

Historically, states have been solely responsible for all operational and maintenance activities at state veterans' cemeteries. Federal grants to operate and maintain state veterans' cemeteries may create ambiguities in the states' responsibility for the operation and maintenance of state cemeteries. Also, because operating costs are recurring, it is unclear upon what basis the grants would be awarded or how the grants would be distributed. Funds obligated for this new purpose could otherwise be used for state cemetery grants in the existing program or to help fund operation and maintenance costs for VA national cemeteries. Authorizing Federal grants to fund operation and maintenance could discourage states that have already received grants from fulfilling their commitments to operate and maintain their cemeteries, or could encourage future grant applicants to inadequately plan for funding the operation and maintenance of their cemeteries because of the availability of Federal grants to cover those costs.

Enactment of section 2(c) of this bill would result in costs of $5 million for the first year and $50 million over 10 years.

H.R. 2697

Veterans' Mortgage Life Insurance (VMLI) is available to severely disabled veterans who receive a specially adapted housing grant. Congress recently extended eligibility for specially adapted housing assistance to Members of the Armed Forces serving on active duty who have certain service-connected disabilities. H.R. 2697

would extend the protection offered by VMLI to Members of the Armed Forces receiving specially adapted housing assistance from VA. VA supports this bill.

VA estimates that 30 servicemembers would be eligible for VMLI if H.R. 2697 were enacted. If all 30 servicemembers applied for VMLI, VA estimates that enactment of H.R. 2697 would result in total additional benefit costs of approximately $28,000 for the first year and $1.7 million over 10 years. Additional administrative costs would be minimal.

Statement of Brian Lawrence, Assistant National Legislative Director, Disabled American Veterans

Mr. Chairman and Members of the Subcommittee:

I am pleased to submit for the record, the views of the Disabled American Veterans (DAV) on the various bills under consideration today. In accordance with its congressional charter, the DAV legislative mission is focused on benefits and services provided to veterans on account of their service-connected disabilities. We are therefore pleased to support the bills insofar as they fall within that scope. The DAV has no mandate from its Membership on issues addressed within H.R. 674, H.R. 1273, H.R. 1900, H.R. 1901, and H.R. 2346, but we have no objection to their favorable consideration.

H.R. 2696

The Veterans' Dignified Burial Assistance Act of 2007 would increase plot or interment allowance from $300 to $400, for veterans interred in cemeteries other than national cemeteries. Overall, H.R. 2696 is beneficial as it helps to ensure, as its title implies, that veterans have access to a dignified burial that provides the level of honor they deserve. However, a concern arises regarding the provision that allows VA to make grants to States for the operation and maintenance of State veterans' cemeteries. While this provision appears favorable because it would make more burial space available for veterans, the DAV wants to ensure that it would not have the unintended consequence of creating competition between State and National cemetery programs for funding. Should such certainty be made, we would welcome the provision. Last, along with the proposed increase for the burial plot allowance, the DAV would encourage the Committee to consider legislation to provide for automatic annual adjustments to the burial plot allowance indexed to the rise in the cost of living. During the most recent DAV National Convention, our Members voted to again adopt a long standing resolution calling for an increase for burial allowance, which seems worthy of mention considering the objective of this commendable legislation. This bill is consistent with the recommendation of the *The Independent Budget* (IB) on this issue. The IB is a budget and policy document that sets forth the collective views of the DAV, AMVETS, the Paralyzed Veterans of America (PVA), and the Veterans of Foreign Wars of the United States (VFW).

H.R. 2697

This legislation would expand eligibility for veterans' mortgage life insurance to include Members of the Armed Forces receiving specially adapted housing assistance from the VA. Because this bill would provide additional coverage for severely disabled veterans who have sacrificed so much on behalf of the security of their fellow citizens, the DAV supports this commendable legislation.

We appreciate the Committee's interest in these issues, and we appreciate the opportunity to present the DAV's views, which we hope will be helpful.

Statement of the Hon. Luis V. Gutierrez

Good afternoon, Chairman Hall, Ranking Member Lamborn and members of the Subcommittee. Thank you for inviting me to be here today to discuss my bill, H.R. 674, legislation to make the Advisory Committee on Minority Veterans permanent. I have sponsored this legislation along Congresswoman Corrine Brown, who serves on this Committee. As most of you know, current law mandates the termination of the Advisory Committee on Minority Veterans (ACMV) on December 31, 2009. This bill would simply repeal the provision of law that sunsets this important Committee so that its critical work on behalf of minority veterans can continue.

The Advisory Committee on Minority Veterans operates in conjunction with the VA Center for Minority Veterans. This Committee consists of Members appointed by the Secretary of Veterans Affairs and includes minority veterans, representatives of minority veterans groups and individuals who are recognized authorities in fields pertinent to the needs of minority veterans.

The Advisory Committee on Minority Veterans helps the VA Center for Minority Veterans by advising the Secretary on the adoption and implementation of policies and programs affecting minority veterans, and by making recommendations to the VA for the establishment or improvement of programs in the department for which minority veterans are eligible.

The Committee has consistently provided the VA and Congress with balanced, forward-looking recommendations, many of which go far beyond the unique needs of minority veterans. In 2002, the Committee met in my hometown of Chicago and warned that in the Chicago regional office "it was mentioned that it was much easier to deny benefits than to grant benefits because of stringent requirements of VBA and Court of Appeal for Veterans Claims."

The *Chicago Sun-Times* later exposed that Illinois veterans ranked 50th in disability benefit compensation. That information sparked a campaign by the Illinois Congressional Delegation to rectify the situation. Since then, the VA Inspector General has issued his report and recommendations and the Secretary has pledged additional staff and resources to the Chicago regional office.

The Committee will also be needed in the future since the unique concerns of minority veterans will become increasingly important for our Nation over the next decade.

Currently, 17 percent of the troops serving in Iraq and Afghanistan are African-American, while 11 percent are Hispanic. The concerns of these veterans and others will not disappear on December 31, 2009, nor should the Committee that represents them. The Advisory Committee on Minority Veterans has helped our minority veterans from past wars with programs to address their concerns. We should not short-change our newly returning soldiers by allowing this Committee's tenure to expire.

Many specific issues of concern to minority veterans need to be addressed further. Minority veterans confront the debilitating effects of post-traumatic stress disorder (PTSD) and substance abuse in greater numbers. Minority veterans suffer from a higher incidence of homelessness. Access to healthcare for Native American veterans is also a common problem. In addition, access to adequate job training is a difficulty for many minority veterans, a high percentage of whom qualify as low-income, category A veterans.

Unfortunately, discrimination and cultural insensitivity remain problematic for minority veterans at many VA facilities. The Advisory Committee on Minority Veterans still has a lot of work to do, and I urge my colleagues to support this legislation to make this important Committee permanent.

U.S. DEPARTMENT OF VETERANS AFFAIRS
Washington, DC.
July 7, 2008

Hon. Bob Filner
Chairman
Committee on Veterans' Affairs
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am pleased to provide the Committee with the views of the Department of Veterans Affairs (VA) on four bills: H.R. 156, H.R. 1273, H.R. 1900, and H.R. 1901, 110th Cong. We presented a summary of H.R. 156 to the Subcommittee on Disability Assistance and Memorial Affairs during a hearing held on June 19, 2007, but did not present VA's views at that time. VA's statement to the Subcommittee for a hearing held on July 31, 2007, did not cover H.R. 1273, H.R. 1900, or H.R. 1901, which were on the agenda for that hearing. We are providing our views on these bills at this time. For the reasons explained below, we support enactment of H.R. 156, contingent on Congress identifying offsets, but do not support enactment of H.R. 1273, H.R. 1900, or H.R. 1901.

H.R. 156

H.R. 156 would provide dependency and indemnity compensation (DIC) to the survivors of certain totally disabled former prisoners of war (POWs) who died on or before September 30, 1999.

VA supports enactment of H.R. 156, subject to Congress finding offsets for the increased costs. Currently, DIC is payable to the survivors of former POWs who were rated totally disabled for at least 1 year immediately preceding death, but only if death occurred after September 30, 1999. The proposed amendment would remove the date-of-death temporal restriction and would authorize payment of DIC to the survivors of former POWs who died on or before September 30, 1999, subject to the same eligibility conditions that apply to payment of DIC to the survivors of former POWs who die after that date. We see no basis for distinguishing survivors of former POWs who died after September 30, 1999, from survivors of former POWs who died on or before that date.

We estimate that the benefit costs would be $21.0 million for the first year, $89.1 million over 5 years, and $137.4 million over 10 years. There would be no significant administrative costs associated with enactment of the bill.

H.R. 1273

Section 1(a) of H.R. 1273 would expand eligibility for the $300 plot allowance to any wartime veteran who is buried in a private cemetery.

VA does not support enactment of section 1(a) of H.R. 1273. Currently, 38 U.S.C. § 2303(b)(1) authorizes a plot allowance for any veteran who is eligible for burial in a national cemetery but is buried in a state veterans cemetery. Section 2303(b)(2) currently authorizes a plot allowance for any veteran who is eligible for burial in a national cemetery but is buried in a private cemetery and (1) was in receipt of compensation or pension at the time of death, (2) was either a wartime veteran or discharged from active service for a service-connected disability, and whose body was unclaimed, (3) was discharged from active service for a disability incurred or aggravated in line of duty, or (4) died in a VA facility, as described under section 2303(a)(2). Although section 1(a) of H.R. 1273 would extend eligibility of the plot allowance to wartime veterans buried in a private cemetery, the bill would also, seemingly inadvertently, remove eligibility for the plot allowance for peacetime veterans buried in a state cemetery who were not discharged from service due to a disability incurred in service.

We do not support this provision of the bill because it would add approximately 400,000 claims each year to those currently received annually.

Section 1(b) of H. R. 1273 would restore VA's authority to provide a reimbursement allowance for the cost of a headstone or marker furnished at private expense.

VA does not support enactment of section 1(b) of H.R. 1273. Current law authorizes VA to provide a Government-furnished headstone or marker for the private cemetery grave of an eligible veteran who died on or after November 1, 1990, regardless of whether the grave has been marked at private expense. We have found that the Government's provision of a first or second headstone or marker is a benefit many families expect in order to recognize their loved one's service to the Nation, and it is consistent with the National Cemetery Administration's mission of honoring and memorializing our veterans. Current law also authorizes VA to provide, upon request, a medallion or similar device signifying veteran status in lieu of a Government-furnished headstone or marker for an eligible veteran's grave in a private cemetery. This authority permits VA to recognize and honor veterans who are buried in a private cemetery that does not allow placement of a Government-furnished headstone or marker.

For veterans who died between October 18, 1979, and October 31, 1990, VA is authorized to pay an allowance to families who purchased a private headstone or marker in lieu of obtaining a Government-furnished headstone or marker for a veteran's grave in a private cemetery. In 1990, Congress terminated the allowance. Although the allowance helps offset the cost of acquiring a private headstone or marker, it does not serve to recognize a veteran's service, as would a Government-furnished marker or a medallion that can be affixed to a private headstone or marker. VA believes that the second-marker benefit and the new medallion option eliminate the need to offer a subsidy to assist with the purchase of a private headstone or marker that does not honor the veteran's service. Further, section 1(b) would provide for the reimbursement of the cost of privately furnished headstones or markers without any dollar limit, which would significantly increase mandatory spending.

We estimate that the benefit costs associated with enactment of H.R. 1273 would be $96.2 million for Fiscal Year (FY) 2009, $466.3 million for the 5-year period from FY 2009 to FY 2013, and $881 million for the 10-year period from FY 2009 to FY

2018. We estimate that the administrative costs would be $12.1 million for FY 2009, $64.9 million over 5 years, and $135.7 million over 10 years.

H.R. 1900

H.R. 1900 would extend eligibility for pension to veterans who received an expeditionary medal for a period of active military, naval, or air service other than a period of war and to their survivors.

VA does not support enactment of H.R. 1900. Historically, pension has been provided only to veterans with wartime service and their survivors. This change would be inconsistent with the longstanding policy of distinguishing between peacetime and wartime service for pension purposes. Providing both peacetime and wartime veterans with identical pension benefits implies that there is no distinction between the types of service. We do not support this bill because it would contradict the intended purpose for the pension program.

We do not have adequate data to accurately estimate the costs that would result from enactment of this bill.

H.R. 1901

H.R. 1901 would extend pension eligibility to peacetime veterans who performed active service in the Republic of Korea between February 1, 1955, and August 4, 1964, or May 8, 1975, and August 1, 1990; in Lebanon or Grenada between August 24, 1982, and July 31, 1984; or in Panama between December 20, 1989, and January 31, 1990 (inclusive of each of the preceding dates).

VA does not support enactment of H.R. 1901. Although the periods of service listed in this bill are known for having war-like conflicts, they have not been considered periods of war. This bill would therefore create inconsistency in benefit eligibility among peacetime veterans. It would also imply that the service of these veterans is more valuable than the service of other peacetime veterans.

We estimate that the benefit costs associated with enactment of this bill would be $8.0 million for FY 2009, $42.0 million for the 5-year period from FY 2009 to FY 2013, and $89.8 million for the 10-year period from FY 2009 to FY 2018.

We are sending a similar report to Ranking Republican Member Steve Buyer.

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,

JAMES B. PEAKE, M.D.
Secretary

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