



Statement

by the

**NATIONAL MILITARY FAMILY ASSOCIATION**

for

**Committee on Veterans Affairs**

of the

**UNITED STATES HOUSE  
OF REPRESENTATIVES**

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The Committee

The National Military Family Association is the leading nonprofit dedicated to serving the families who stand beside the uniform. Since 1969, NMFA has worked to strengthen and protect millions of families through its advocacy and programs. We provide spouse scholarships, camps for military kids, and retreats for families reconnecting after deployment and for the families of the wounded, ill, or injured. NMFA serves the families of the currently serving, retired, wounded, or fallen members of the Army, Navy, Marine Corps, Air Force, Space Force, Coast Guard, and Commissioned Corps of the USPHS and NOAA.

The Association does not have or receive federal grants or contracts.

Our website is: [www.MilitaryFamily.org](http://www.MilitaryFamily.org).

### **Kelly B. Hruska, Government Relations Director**

Kelly Hruska became the Government Relations Director of the National Military Family Association in 2015. In this role, she leads the Association's advocacy for the families of the eight Uniformed Services and monitors the range of issues relevant to their quality of life. She began her work with the Association in 2007 as a Government Relations Deputy Director and served as Outreach Coordinator in 2014.

Kelly has represented military families on several committees and task forces for offices and agencies of the Department of Defense (DoD) and military services. She serves as the Families/Survivors Vice President of The Military Coalition (TMC), an organization of 35 military-related associations. She is also co-chair of TMC's Survivor Benefits and Membership and Nomination Committees. From 2008 to 2011, she represented NMFA on the first DoD Military Family Readiness Council.

Prior to joining NMFA, Kelly worked to develop the next generation of entrepreneurs as the chief of staff of CONNECT and the chief of staff of the San Diego Regional Economic Development Corporation.

A Navy spouse for 29 years, Kelly has served in various volunteer leadership positions in civilian and military community organizations including COMPASS mentor, Navy-Marine Corps Relief Society, The Girl Scouts, and various Navy Spouses Clubs. She was also appointed to the City Commission on Children and Youth by the Corpus Christi City Council.

Kelly is a recipient of the Navy's Meritorious Civilian Service Medal in recognition of her work on behalf of service members and their families at Navy Region Center Singapore. She was also named to the 2019 HillVets 100 for her work to eliminate the Widow's Tax.

A Pennsylvania native, Kelly earned her B.A. in Political Science from La Salle University and a Master of Public Administration from Shippensburg University. Ms. Hruska and her husband, Captain Jim Hruska, USN (Ret) reside in Annandale, Virginia with their daughter, Emily.

Chairman Bost, Ranking Member Takano, and Distinguished Members of the Committee, the National Military Family Association (NMFA) would like to thank you for the opportunity to present testimony today on supporting America's surviving military family community.

Over the past 20 years, in response to the wars in Iraq and Afghanistan, many aspects of the survivor benefits package have been changed and enhanced. The result is a multi-faceted array of benefits, provided by multiple federal agencies, designed to help surviving families cope with the loss of their loved one and transition to a new phase of life. Survivor benefits include not only financial assistance but also housing, educational, medical and counseling benefits.

#### **COMMUNICATION**

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The VA provides surviving family members with an annual summary of benefits letter (Attachment 1) that indicates the amount of the Dependency and Indemnity Compensation (DIC) the survivor should receive. Not only does the letter provide important information for the survivor, but the letter may be used in applying for benefits such as housing entitlements, free or reduced state park annual memberships, state or local property or vehicle tax relief, civil service preference, or any other verification of VA benefits that may be required. This letter is an official record of the survivor's VA entitlement.

Unfortunately, we have heard from some surviving spouses that they don't receive this important letter. The Veterans Benefit Administration (VBA) must ensure that the summary of benefits letter is sent to all beneficiaries annually.

Not only are all surviving family members not receiving the summary of benefits letter, but the information included in the letter is broad and may not be relevant to surviving family members. For example, the VA Benefits information doesn't provide an itemized list of compensation. The DIC is presented as a lump sum. If the surviving spouse is receiving an "add on" to their DIC that add on is included with the DIC payment. The lack of itemization leaves many surviving spouses wondering if they're receiving all their benefits and they may be unprepared when the temporary "add-ons" end without warning, such as the child allowances, aide and attendance, or housebound payments. Our office receives several phone calls a month from surviving spouses asking us to help verify they're getting their VA benefits. If the letter were more specific surviving families wouldn't have to guess or rely on outside organizations for verification.

The reverse side of the letter provides details on VA benefits for veterans and identifies Wartime Service Periods, but not benefits for surviving family members. Why can't VBA print survivor specific VA benefit information on the back of the survivor summary of benefits such as CHAMPVA, Meds by Mail, home loans, and education programs? They could also provide the phone list that is provided in the *Federal Benefits for Veterans, Dependents and Survivors* booklet. This would be helpful to the surviving family members that don't use or don't have access to online resources.

We do appreciate that the summary of benefits instructs the survivor to contact their state or local Office of Veteran's Affairs for information on state or local benefits for which the survivor may be eligible. States and local communities provide valuable resources and benefits to surviving families that are often overlooked. This is an excellent reminder.

Our Association has also heard from surviving spouses, age 57 or older, that they receive the remarriage certification letter. This letter is unnecessary since retention of VA benefits after age 55 for CHAMPVA,

Home Loans, and now for DIC, effective January 1, 2021, permits remarriage after age 55 or 57. ***We recommend the VA stop requesting remarriage certification after age 55 or 57, depending on the application of benefit eligibility.***

***We ask the VA to verify all surviving family members are receiving the summary of benefits letter annually.***

***We ask that the VBA itemize any monetary compensation in the summary of benefits letter and that they include survivor-specific benefits and their dedicated phone numbers on the back of the letter.***

## **OUTREACH**

Counsel and advice on a continuing basis should be available. The surviving family will have questions as the years go by and their needs change. The young widow with a toddler has too many immediate concerns to think about the child's college education 15 years from now. However, that family will be looking for information at that time about those benefits. Will they be able to access that information and advice in an easy manner with someone who is an expert in benefits for families? Will they walk into an office where the counselor is more familiar with VA health benefits for veterans than about education benefits for surviving children? The surviving spouse needs information unique to their family, not a cookie cutter, one size fits all answer.

Entities that provide this type of survivor-focused service used to exist. Armed Forces Services Corporation (AFSC) supported the military community for years and was renowned for its expertise in government and military survivor benefits and the unparalleled survivorship services provided to their military members and families. AFSC's staff were experts in survivor and retirement benefits and provided assistance in matters related to military benefits, Social Security, Veterans Affairs, the military Survivor Benefit Plan, death gratuity, and SGLI/VGLI, among others. This service ensured surviving families were able to understand and coordinate their benefits in the years to come. ***Having an office in the Department of Veterans Affairs or organization now that could provide advice and assistance would be very helpful to the surviving families.***

The VBA has done a great job developing online resources for surviving family members. Families can access eligibility information for benefits and services, detailed instructions on how to apply and applications that can be submitted online. They have also developed Frequently Asked Questions for many of the programs so families can find answers to many of their questions before they apply for benefits.

However, when considering how information is shared, it is important to keep in mind the needs of the population being served. According to the FY2022 VBA Annual Report, the surviving spouses' age breakdown is as follows:

Age 35 and under	3,691	0.9%
36-56	26,213	6.0%
57-75	241,376	51.8%
Over 75	187,794	41.1%

Unfortunately, not everyone has access to online resources. Many of our older surviving spouses – the 74.3% of surviving spouses over age 75 – may not use or don't have access to a computer. VA needs to

meet surviving family members where they are. The VA needs to deliver information in different ways for surviving family members to get accurate information from trustworthy sources. Dedicated phone lines and trusted individuals to review benefits and help in applying for those benefits would fill a deepening gap.

Our Association often refers surviving spouses to their County Veterans Service Officer (CVSO) to review their benefits. Within the past three years, we have heard complaints that the CVSO wasn't very knowledgeable about VA survivor benefits. They just gave the surviving spouse or family member a stack of applications and sent them on their way. We've also seen a reduction in Veteran Service Officers (VSOs). The VA can't rely on CVSOs and VSOs to continue to provide counsel and advice to survivors any longer. They need to find a more reliable way to ensure surviving families can get the information they need.

### **OFFICE OF SURVIVOR ASSISTANCE**

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The Office of Survivor Assistance (OSA) was established by Public Law (P.L.) 110-389 on October 10, 2008. The legislation directed the Secretary of Veterans Affairs to establish the Office in the Department. Congress intended for OSA to serve as a primary advisor to the Secretary on all matters relating to the policies, programs, legislative issues affecting survivors. "The Committees expect, that by placing the Office under the Department, vice the Veterans Benefit Administration, the full spectrum of VA benefits and services for survivors would be addressed." [Attachment 2]. The Compromise Agreement went on to say,

"...the Committees intend that the Office be responsible for ensuring that the surviving spouses, children and parents of deceased veterans, including deceased members of the Armed Forces, have access to applicable benefits and services under title 38. The Committees expect that programs carried out by the Department for such survivors will be conducted in a manner that is responsive to their specific needs. The Committees expect the Office to conduct regular and consistent monitoring of the delivery of benefits and services to this population. The Committees expect the Office to ensure that policies and procedures are such that such survivors will receive appropriate referrals to the relevant administrations and offices of the Department, so that such survivors may receive all of the benefits and services for which they are eligible.

This office would allow for specialized, expert staff to provide internal policy guidance and oversight of benefits for survivors. OSA would provide a resource to the VA, both inter-and intra-agency cooperation as a liaison on survivor issues.

NMFA advocated for the establishment of OSA and attended the first working group meeting held by the OSA on October 15, 2008. We were hopeful that the office would serve as the dedicated resource and advocate for families that Congress intended. However, recent events leave us concerned about the future of OSA and its role within the VA. Despite the specific language of the law, OSA has been moved twice in recent years. First, in February 2021, OSA was shifted to the Office of Outreach, Transition, and Economic Development. In June of 2023, OSA was again moved, this time to the Office of Pension and Fiduciary. This reorganization appears to remove its intended role as the primary advisor to the Secretary. P.L. 110-389 has not been changed to permit these moves. NMFA believes these moves undermine the responsibility and authority of the original mission of the Office to oversee and protect the well-being of survivors. Survivors are a unique group with unique benefits. They deserve an advocate within the VA that is empowered to speak directly to the Secretary on their behalf.

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## TIME TO UPDATE STATUTES

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It has been nine years since the U.S. Supreme Court's decision in *Obergefell v. Hodges* declaring that same-sex couples possess a fundamental right to marry and requiring all fifty states to license marriage to same sex couples. Formal recognition of marriage equality by the Supreme Court was an important first step, while achieving actual marriage equality requires careful implementation.

After the decision the VA updated its forms to reflect the change. Just as VA updated all forms that requested marital status and dependent information in order to clarify that same-sex married couples and their dependents are eligible for benefits, the statutes and [USC] "surviving spouse" in 38 USC §101 Paragraph 3 reads:

**(3)** The term "surviving spouse" means (except for purposes of chapter 19 of this title) **a person of the opposite sex** who was the spouse of a veteran at the time of the veteran's death, and who lived with the veteran continuously from the date of marriage to the date of the veteran's death (except where there was a separation which was due to the misconduct of, or procured by, the veteran without the fault of the spouse) and who has not remarried or (in cases not involving remarriage) has not since the death of the veteran, and after September 19, 1962, lived with another person and held himself or herself out openly to the public to be the spouse of such other person.

Because formal marriage equality is now the law of the land, the statutes should be updated to reflect that change. Same-sex surviving spouses are entitled to the same survivor benefits as their opposite-sex counterparts, and this needs to be enshrined in law to provide assurance of this right and continue progress towards full marriage equality. Until same-sex couples can see themselves in the laws, and regulations that implement the law, then they will never feel that they are truly included and treated equal to their opposite-sex peers.

***We urge the Congress to update the laws, and the regulations that implement the laws, so they reflect that all marriages are important and respected, and to ensure that the promise of marriage equality becomes a reality for same-sex spouses.***

Also found in 38 USC §101 Paragraph 3 is an archaic notion that should be removed. The statute says "...lived with another person and held himself or herself out openly to the public to be the spouse of such other person." The "hold yourself out to be married" clause is mentioned only once in the *Federal Benefits for Veterans, Dependents and Survivors* booklet, page 41. The VA has only enforced this restriction once in the past decade and even then, they waived the repayment of the DIC. It seems cruel to put an unknowing surviving spouse through an investigation and hearing for more than three years.

***We urge the Congress to remove "hold yourself out to be married" clause from 38 USC §101 Paragraph 3.***

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## SURVIVOR'S PENSION

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The VA Survivors Pension is paid to widows of veterans of armed conflicts who meet certain minimum income level and net worth requirements set by Congress. The current amount paid to eligible survivors is well below \$15,060, the government established 2024 poverty level for one person. ***NMFA supports a***

***legislative change to link death pension benefits to the federal poverty level determined each year by the Department of Health and Human Services.***

### **INCREASE DEPENDENCY AND INDEMNITY COMPENSATION (DIC)**

Too many surviving spouses struggle to make ends meet every month. For many surviving spouses of WWII, Korea and Vietnam, DIC and minimal Social Security benefits represent their entire income. Others rely exclusively on DIC. These DIC recipients struggle monthly with their budget of \$1,612.75 juggling bills to meet the rising costs in health and dental insurance, housing, utilities, food, clothing, and other living expenses. The struggle to meet financial obligations leads too often to homelessness. Congress must take action to rectify this inequity by increasing the current amount of DIC to a level comparable to other federal employees. Widows from WWII, Korea, and the Vietnam are now in their 60's through 90's. ***These surviving spouses are in dire need for an increase in DIC.***

### **WHAT'S WORKING**

#### **DoD/VA Survivors Forum**

The DoD/VA Survivors Forum hosted by the VA's Office of Survivor Assistance is an example of successful outreach. Made up of senior level staff members from DoD, the VA, the Services and other stakeholders including organizations like the Tragedy Assistance Program for Survivors (TAPS), National Military Family Association (NMFA), professionals working with surviving families and surviving spouses, it meets quarterly, reviewing concerns as they arise and providing updates on various government programs of interest to survivors and those who work with them. Meetings often include representatives from federal agencies as well as non-federal entities that work with military survivors, providing an opportunity for them to talk about their programs and provide updates on policy and law. The Survivors Forum is an excellent example of interagency cooperation.

#### **Pre-Need Eligibility Determination**

The Pre-Need Eligibility Determination for burial program is another success we'd like to highlight. The program allows veterans and family members to find out if they're eligible for burial in a VA national cemetery. Interested veterans and/or eligible family members can submit VA Form 40-100007, *Application for Pre-Need Determination of Eligibility for Burial in a VA National Cemetery*. Once the application has been reviewed the VA will provide written notice of its determination. The VA will save the determinations and documentation to expedite burial arrangements. This process provides a smooth transition in stressful times. It is a small gesture that makes a big difference for the surviving family.

### **LEGISLATIVE PROPOSALS UNDER CONSIDERATION**

The transition from military to civilian life can be financially fraught for veterans and their families. It can sometimes take months or more for a veteran to find a suitable civilian job. Moving, which might also entail a job loss for the veteran's spouse, can add to the financial pressure. At the same time, we know that military life itself can be financially challenging. Frequent PCS moves and low levels of spouse employment can make it difficult or impossible for families to build up savings that could help them through the transition process.

For that reason, we support proposals to extend the Basic Needs Allowance (BNA) to eligible families for up to six months following transition. The BNA is a targeted pay increase for military families whose

income and household size place them below 150% of federal poverty guidelines. Continuing those payments as families navigate transition would ease the process and help ensure their financial well-being while they seek civilian employment.

#### **CONCLUSION**

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Thank you for the opportunity to share our thoughts on the VA's programs and services for survivors. We appreciate the Committee holding a hearing to discuss the oversight of these important issues. The VA motto is "To care for him who shall have borne the battle, and for his widow, and his orphan." These families deserve no less for the sacrifice they have made for our Nation.





**Department of  
Veterans Affairs**

PO BOX 5365  
JANESVILLE WI 53547-5365

ATTACHMENT 1



March 16, 2023

Veteran's Name: \_\_\_\_\_

7 P11



This letter is a summary of benefits you currently receive from the Department of Veterans Affairs (VA). We are providing this letter to survivors of Veterans to use in applying for benefits such as housing entitlements, free or reduced state park annual memberships, state or local property or vehicle tax relief, civil service preference, or any other program or entitlement in which verification of VA benefits is required. Please safeguard this important document. This letter replaces VA Form 20-5455, and is considered an official record of your VA entitlement.

**--America is Grateful to You for Your Sacrifice--**

Our records contain the following information:

**Personal Claim Information:**

The claim number shown on our records is:  
You are a survivor of the Veteran

**Military Information:**

The character(s) of discharge and service date(s) of the Veteran include:

Marine Corps, Honorable, 08-Jun-1960 - 28-Feb-1981

(There may be additional periods of service not listed above)

**VA Benefits Information:**

You are in receipt of: **DEPENDENCY AND INDEMNITY COMPENSATION**

The effective date of the last change to your current award was: **01-DEC-2022**

Your current monthly award amount is: **\$2,281.73**

The Veteran died as a result of a service-connected disability: **Yes**

You should contact your state or local office of Veterans' affairs for information on any tax, license, or fee-related benefits for which you may be eligible. State offices of Veterans' affairs are available at <http://www.va.gov/statedva.htm>.

**Need Additional Information or Verification?**

If you have any questions about this letter or need additional verification of VA benefits, please call us at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the federal relay number is 711. Send electronic inquiries through the Internet at <https://iris.custhelp.va.gov/>.

Sincerely yours.

Regional Office Director

Enclosure(s): What Things Affect Your Rights To Payment

**NE201221**

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## VA Benefit Details

**SERVICE-CONNECTED DISABILITY:** A condition incurred during or aggravated by military service, for which the Veteran is receiving VA benefits.

**COMBINED SERVICE-CONNECTED EVALUATION:** The Veteran's disability rating for all conditions determined to be service-connected.

**CURRENT MONTHLY AWARD AMOUNT:** The monthly monetary benefit paid to the Veteran or survivor receiving benefits under a VA program.

**NON-SERVICE-CONNECTED PENSION:** Benefit for a non-service connected Veteran who meets specific criteria, which include disability or age, wartime service, minimum length of service, and income restrictions. If a Veteran is eligible for service-connected benefits and pension benefits, VA will pay the higher benefit.

**INDIVIDUAL UNEMPLOYABILITY (IU):** The Veteran is receiving payment at the 100 percent rate, even though the combined service-connected evaluation is not 100 percent. The Veteran's service-connected conditions cause him/her to be unable to obtain or maintain substantially gainful employment because of the Veteran's service-connected conditions. The Veteran must periodically certify continued unemployability, but if there is no scheduled future reduction or medical examination required, he/she may be considered by some states to be permanently and totally disabled.

**PERMANENT AND TOTAL (P&T) DISABILITY:** The Veteran is considered by VA to be permanently and totally disabled because of his/her service-connected conditions.

**SPECIAL MONTHLY COMPENSATION:** The Veteran is receiving additional compensation for one or more of the following: a service-connected loss of or loss of use of one or more specific organs or extremities; a combination of severe disabilities; is 100 percent disabled and housebound, bedridden, or in the need of the aid and attendance of another person.

**SPECIALY ADAPTED HOUSING and/or SPECIAL HOME ADAPTATION GRANT:** Grants provided by VA to service-connected veterans and service members to help build a new specially adapted house, to adapt a home they already own, or buy a house and modify it to meet their disability-related requirements.

### Wartime Service Periods

**Mexican Border Period:** May 9, 1916, through April 5, 1917, for veterans who served in Mexico, on its borders or in adjacent waters.

**World War I:** April 6, 1917, through Nov. 11, 1918; for veterans who served in Russia, April 6, 1917, through April 1, 1920; extended through July 1, 1921, for veterans who had at least one day of service between April 6, 1917, and Nov. 11, 1918.

**World War II:** Dec. 7, 1941, through Dec. 31, 1946.

**Korean War:** June 27, 1950, through Jan. 31, 1955.

**Vietnam War:** Aug. 5, 1964 (Feb. 28, 1961, for veterans who served "in country" before Aug. 5, 1964), through May 7, 1975.

\*For Pension- Aug. 5, 1964 (Nov. 1, 1955, for veterans who served "in country" before Aug. 5, 1964), through May 7, 1975.

**Gulf War:** Aug. 2, 1990, through a date to be set by law or Presidential Proclamation.

## What Things Affect Your Right to Payment?

Please notify VA *immediately* if there are changes that will affect your right to continued payments. If you do not notify VA of these changes immediately, you may have to return any overpayments.

**Active Service Pay or Worker's Compensation:** Your payments may be affected by the following, which you must bring to our attention:

- Receipt of active service or drill pay as a reservist or member of the National Guard.
- Return to active duty in the armed forces.
- Receipt of armed forces service retirement pay, unless
  - your retirement pay has already been reduced because of an award of disability compensation, or
  - you are entitled to the concurrent receipt of retirement pay and disability compensation.
- Receipt of Federal Employees' Compensation.

**Dependents:** If VA provides additional benefits for your spouse, child(ren), and/ or parent(s), you must advise VA of any change in their status.

**Veterans and Survivors:** If you are in receipt of an income-based benefit, and your income or net worth changes, you must notify VA.

**Change in Employment Status:** If you are receiving compensation at the 100-percent rate based on your inability to secure or follow a substantially gainful occupation because of your service-connected disabilities, but you are now employed (or have been employed in the past 12 months), you must notify VA.

**Hospitalization:** If your award includes Aid and Attendance benefits, we may discontinue this additional allowance if you are admitted to a hospital, nursing home, or domiciliary for care at VA expense.

**Incarceration:** Benefits will be reduced if you are incarcerated in a Federal, state, or local penal institution for more than 60 days following conviction of a felony.

**Lack of Cooperation:** We may stop monthly payments if you

- Fail to submit evidence we requested,
- Fail to attend a VA examination when requested, and/or
- Submit false or fraudulent evidence to VA, or cause false or fraudulent evidence to be submitted to VA.

**Penalty:** The law provides severe penalties which include fine or imprisonment, or both, for the willful submission of any statement or evidence of a material fact, knowing it to be false, or for the fraudulent acceptance of any payment to which you are not entitled. We may verify the information you submit through computer-matching programs with other agencies.

make a determination on the claim. VA is required to comply with these laws before issuing a decision on the claim.

#### House Bill

Section 107(a) of H.R. 5892, as amended, would require the Secretary to provide for the expeditious treatment of any fully developed claim. A fully developed claim would be defined as a claim for which the claimant received assistance from a veterans service officer, a State or county veterans service officer, an agent, an attorney or for which the claimant submits with the claim an indication that the claimant does not want to submit any additional information and does not require assistance with respect to the claim. The claimant would certify in writing that no additional information is available or needed to be submitted in order for the claim to be adjudicated. The Secretary would be required to decide such claims within 90 days of submittal.

Section 107(b) of H.R. 5892, as amended, would require the Secretary to amend the notice required by section 5103 of title 38 to require the creation of a detailed checklist for claims for specific requests of additional information or evidence.

The checklist would be required to be developed within 180 days of enactment.

#### Senate Bill

The Senate Bills contain no comparable provision.

#### Compromise Agreement

Section 221 of the Compromise Agreement accepts the House provision with an amendment that creates two pilot programs to test the effectiveness of providing expedited treatment of fully-developed claims and providing an additional checklist that includes information or evidence required to be submitted by the claimant to substantiate the claim. The pilot program on expedited treatment of fully developed claims would be carried out at 10 VA regional offices for a period of one year beginning 60 days after the date of enactment; the pilot program on the provision of checklists to individuals submitting claims would be carried out at four VA regional offices for a period of one year beginning 60 days after the date of enactment for reopened claims and claims for increased disability ratings. The Secretary would be required to provide interim reports for each pilot authorized under this section and final reports would be due to Congress upon conclusion of the pilots.

The Compromise Agreement provides that such checklist be construed as an addendum to the notice required by section 5103 of title 38 and shall not be considered as part of the notice for purposes of reversal or remand of a decision of the Secretary. As such, the Committees stress that these checklists are intended to serve only as guidance for claimants and that any errors in these checklists should not be the basis for a remand of the claimant's claim.

The Committees expect that, in selecting locations for the pilot projects, the Secretary shall ensure that regional offices of various size and geographic location are included in the pilot projects. The Committees encourage the Secretary to locate the four pilot programs for the checklist at locations selected for the expedited claims pilot projects.

#### OFFICE OF SURVIVORS ASSISTANCE

#### Current Law

There is no relevant provision in current law.

#### House Bill

Section 101 of H.R. 5892, as amended, would require VA to create an Office of Survivors

Assistance (Office) within the Veterans Benefits Administration that would provide policy and program analysis and oversight regarding all benefits and services delivered by the VA to survivors of deceased veterans and servicemembers.

The Office would be responsible for ensuring that survivors and dependents of deceased veterans and deceased members of the Armed Forces have access to applicable benefits and services provided under title 38. The Office would also be responsible for regular and consistent monitoring of benefits delivery to survivors and dependents and ensuring that appropriate referrals are made with respect to various administrations within the VA.

The Office would act as a primary advisor to the Secretary on all matters related to the policies, programs, legislative issues, and other initiatives affecting such survivors and dependents.

The Secretary would be required to identify and include the activities of the Office in the annual report to Congress under section 529 of title 38.

In establishing the Office, the Secretary would have to seek guidance from interested stakeholders, including veterans service organizations and other service organizations.

The Secretary would be required to ensure that appropriate personnel, funding, and other resources are provided to the Office to carry out its responsibilities.

#### Senate Bill

The Senate Bills contain no comparable provisions.

#### Compromise Agreement

Section 222 of the Compromise Agreement follows the House language with modifications. In the Compromise Agreement, the Office is established in the Department rather than in the Veterans Benefits Administration (VBA). The Committees expect that, by placing the Office under the Department, the full spectrum of VA benefits and services for survivors would be addressed.

The Compromise Agreement does not specify the duties of the office in the legislation. However, the Committees intend that the Office be responsible for ensuring that the surviving spouses, children and parents of deceased veterans, including deceased members of the Armed Forces, have access to applicable benefits and services under title 38. The Committees expect that programs carried out by the Department for such survivors will be conducted in a manner that is responsive to their specific needs. The Committees expect the Office to conduct regular and consistent monitoring of the delivery of benefits and services to this population. The Committees expect the Office to ensure that policies and procedures are such that such survivors will receive appropriate referrals to the relevant administrations and offices of the Department, so that such survivors may receive all of the benefits and services for which they are eligible.

#### COMPTROLLER GENERAL REPORT ON ADEQUACY OF DEPENDENCY AND INDEMNITY COMPENSATION TO MAINTAIN SURVIVORS OF VETERANS WHO DIE FROM SERVICE-CONNECTED DISABILITIES

#### Current Law

VA dependency and indemnity compensation (DIC) is a benefit that is paid to survivors of certain veterans. To be eligible, the veteran's death must have resulted from: a disease or injury incurred or aggravated in the line of duty or active duty for training; an injury incurred or aggravated in the line of duty while on inactive duty training; or a service-connected disability or a condition directly related to a service-connected disability.

DIC may also be paid to survivors of veterans who were totally disabled from service-connected conditions at the time of death, even if the death was not caused by their service-connected disabilities. To be eligible for the benefit under this circumstance, the veteran must have been rated totally disabled for the ten years preceding death; rated totally disabled from the date of military discharge and for at least five years immediately preceding death; or, a former prisoner of war who died after September 30, 1999, and who was rated totally disabled for at least one year immediately preceding death.

Surviving spouses of veterans who died on or after January 1, 1993, receive a basic rate, plus additional amounts for dependent children. Surviving spouses of veterans who died prior to January 1, 1993, receive an amount based on the deceased veteran's military pay grade, plus additional amounts for dependents.

#### Senate Bill

Section 807 of S. 1315, as amended, would require the Comptroller General to report on the adequacy of DIC to maintain survivors of veterans who die from service-connected disabilities. The Comptroller General would be required to submit, to the Committees on Veterans' Affairs of the Senate and House of Representatives, a report regarding the adequacy of the benefits to survivors in replacing the deceased veteran's income. The Comptroller General would be required to include a description of the current system of payment of DIC to survivors, including a statement of DIC rates; an assessment of the adequacy of DIC in replacing a deceased veteran's income; and any recommendations that the Comptroller General considers appropriate in order to improve or enhance the effects of DIC in replacing the deceased veteran's income. The Comptroller General would be required to submit the report not later than ten months after the date of enactment of the provision.

#### House Bill

The House Bills contain no comparable provision.

#### Compromise Agreement

Section 223 of the Compromise Agreement follows the Senate language.

#### INDEPENDENT ASSESSMENT OF QUALITY ASSURANCE PROGRAM

#### Current Law

Section 7731 of title 38 requires the Secretary to carry out a quality assurance program within the Veterans Benefits Administration. Under this provision, the Secretary has elected to carry out a separate quality assurance program, the Systematic Technical Accuracy Review (STAR), for measuring compensation and pension claims processing accuracy.

#### House Bill

Section 106 of H.R. 5892, as amended, would require the Secretary to contract with an independent third-party entity for an annual quality assurance assessment. The assessment would measure a statistically valid sample of VBA employees and their work product to assess quality and accuracy. The provision would also require the production of automated categorizable data to help identify trends. Under this provision, the Secretary would be required to use information gathered through the annual assessment to develop an employee certification as found in section 105 of H.R. 5892, as amended.

#### Senate Bill

The Senate Bills contain no similar provision.

#### Compromise Agreement

Section 224 of the Compromise Agreement follows the House bill with modifications.