

**LEGISLATIVE HEARING ON H.R. 888, H.R. 4335,
H.R. 4910 AND H.R. 4958**

HEARING

BEFORE THE
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND
MEMORIAL AFFAIRS

OF THE
COMMITTEE ON VETERANS' AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
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LEGISLATIVE HEARING ON H.R. 888, H.R. 4335, H.R. 4910 AND H.R. 4958

Tuesday, March 20, 2018

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

The Subcommittee met, pursuant to notice, at 10:30 a.m., in Room 334, Cannon House Office Building, Hon. Mike Bost [Chairman of the Subcommittee] presiding.

Present: Representatives Bost, Esty, Correa and Scott.

OPENING STATEMENT OF MIKE BOST

Mr. BOST. Good morning, everyone. This hearing will come to order. Thank you all for joining us today to discuss the important legislation pending before the Subcommittee. The four bills we will discuss today address issues that are very important to veterans and their families. These bills would expand eligibility for burial in national cemeteries to certain spouses and children of servicemembers, streamline the delivery of the DIC benefits to grieving family members, and extend benefits to veterans who are buried in national park service cemeteries.

We will also discuss a bill that I introduced with Ranking Member Este, H.R. 4958, the Veterans Compensation Cost of Living Adjustment Act of 2018. H.R. 4958 would give a cost of living increase for veterans and their families who receive VA disability compensation or other benefits. I am proud to say that last year's COLA, which I also introduced with Ms. Este, went into effect December 1st, 2017. And since COLAs are not automatic, are not automatically provided for veterans' benefits to each year, it is essential that we pass this bill to ensure that veterans can keep up with the inflation to maintain their standard of living and receive the benefits they have earned. Of course, H.R. 4958 has my full support.

I know many of my colleagues here today have worked hard on their proposals and I look forward to having a productive discussion. Now, I am going to turn it over to Ms. Este for any opening remarks she might have.

OPENING STATEMENT OF ELIZABETH ESTY

Ms. ESTY. Thank you, Mr. Chairman. I am very happy to be here this morning for the second legislative hearing this Congress for the DAMA Subcommittee. I have learned a great deal since I became Ranking Member of this Subcommittee and I feel like we

have done a lot of good work together. Last year's COLA and the appeals modernization bill are two prime examples. So thank you and your staff, Mr. Chairman, for the bipartisan way in which you have approached our responsibilities here because it is more productive for veterans and, frankly, for the Congress as a whole. So thank you very much.

I won't review the four bills in detail before we begin. But I did want to highlight that I strongly support H.R. 4958, the Veterans Compensation Cost of Living Adjustment Act of 2018 sponsored by Chairman Bost and myself. I am very happy to have joined again this year as the original co-sponsor. This bill ensures that important veterans' benefits keep economic pace so veterans with service-connected disabilities and their surviving spouses who receive dependency and indemnity compensation do not see their benefits eroded when the cost of living increases.

I also want to welcome our Veterans Committee colleague Louis Correa, whose bill H.R. 4335, the Service Member Family Burial Act, is on the agenda today. This bill would make it easier for a veteran's child or spouse to be buried in a national veteran's cemetery or state cemetery when they predecease a servicemember on Active duty. These can be very tragic situations. And this will streamline a process being handled now by VA on a case by case basis. The bill is broadly supported by the veterans' service organizations and the VA, and I urge of my colleagues to support it as well.

And I also want to welcome too our other colleagues here today: Walter Jones, who I believe will be joining us, and Representative Austin Scott to the Veterans Committee to testify on behalf of their bills. I look forward to their testimony and to the testimony of the VA and the VSOs. Thank you all for being here. And with that, Mr. Chairman, I yield back.

Mr. BOST. Thank you, Ms. Esty. And we are honored, as you were mentioning—there we go, that is better. Thank you. We are honored this morning to be joined by two of our colleagues. The third may come along later. Any rate, Representative J. Louis Correa of California and Representative Austin Scott of Georgia. Welcome to both of you. We appreciate you taking the time out of your day to be here with us and for sponsoring legislation that will help our Nation's veterans.

We will be starting with—on the Full Committee we are going to let—Mr. Correa is going to be on that speaking from the dais. Mr. Correa, you are recognized for five minutes on H.R. 4335.

OPENING STATEMENT OF J. LUIS CORREA

Mr. CORREA. Thank you, Mr. Chairman Bost and Ranking Member Esty, Members of the Committee for hosting—for holding this most important hearing. And I do appreciate the opportunity to speak on this bipartisan measure, H.R. 4335, known as the Service Member Family Burial Act. I also want to thank my colleague and friend Congressman Mike Coffman for his support in this legislation.

Today, as you know, the National Cemetery Administration processes requests for burial of deceased spouses and dependent children of Active duty personnel in national cemeteries on a case by

case basis. The current process can be intrusive and difficult, especially when you take into context what is going on in a servicemember's life.

This bill adds predeceased spouses and dependent children of Active duty personnel to the list of people eligible for burial in national cemetery. It is a simple change, streamlines the process. And if you think about the situation of Active duty servicemen and women when they have a family member predecease them, I believe this is a very important issue. And I appreciate the opportunity to present. And I hope to count with your support, Mr. Chairman.

Mr. BOST. Thank you. And now we would like to go to Representative Scott. You will be speaking on—let me get this right because the things got cut, there we go, 4910. You are now recognized for five minutes.

OPENING STATEMENT OF AUSTIN SCOTT

Mr. SCOTT. Thank you, Mr. Chairman and Madam Ranking Member and Members of the Subcommittee. Thank you for hosting me and allowing me to speak today on what I hope to be a very simple bill that will help people who are honored to be buried in our veteran cemeteries. H.R. 4910, the Veteran Cemetery Benefit Correction Act, it is an act that would require the Department of the Interior to provide outer burial receptacles, also known as grave liners, for veterans buried in cemeteries under the control of the National Park Services.

Current law requires the United States Department of Veterans Affairs to provide an outer burial receptacle to a veteran buried in a national cemetery under the control of the National Cemetery Administration, a branch of the VA. Additionally, the VA can provide a reimbursement if the family chooses to purchase one in lieu of a government furnished grave liner. However, cemeteries under the control of the National Park Services are not covered by this statute. And neither the VA nor the National Park Services are able to provide this benefit for veterans buried in those cemeteries.

The Veteran Cemetery Benefit Correction Act would amend the law to require the Department of the Interior to provide an outer burial receptacle for each new veteran's grave in a national cemetery under the control of the National Park Service. This bill would also provide for the reimbursement of a veteran survivor who provides a privately purchased outer burial receptacle for use in a National Park Service cemetery.

Of the fourteen national cemeteries controlled by the National Park Services, there are two that are still active: Andersonville National Cemetery in Georgia in Congressman Sanford Bishop's district, and Andrew Johnson National Cemetery in Tennessee in Congressman Phil Roe's district.

I am pleased that this is a bipartisan piece of legislation. It is simply common sense that we would treat the families in national parks the same as we treat those that are buried in the other veteran cemeteries. And I would appreciate your favorable consideration of this legislation.

Mr. BOST. Thank you, Representative Scott. And thank you for being here today. We will forgo questions for our colleagues at this

time. Any questions may be submitted for the record. Again, thank you for joining us here today and this morning. You are now excused if you want to leave. And if not, and you want to stay that is great too. I invite our second panel to the table. Joining us today from the VA is Ms. Cheryl Rawls who is the Director of Pension and Fiduciary Services for Veterans Benefits Administration. Ms. Rawls is accompanied by Ms. Lisa Pozzebon. Right? Who is Executive Director of the Office of Cemetery Operations for the NCA. We are also joined by Larry Lohmann, the Assistant Director of National Legislative Division for The American Legion. And Mr. Carlos Fuentes, the Director of the National Legislative Services of Veterans of Foreign Wars. Thank you all for being here. Ms. Rawls, you are now recognized for five minutes to present the Department's testimony.

STATEMENT OF CHERYL RAWLS

Ms. RAWLS. Good morning, Mr. Chairman and Members of the Subcommittee. I am pleased to be here today to provide the views of the Department of Veterans Affairs on pending legislation affecting several of VA's programs. As you mentioned, sir, accompanying me is Ms. Lisa Pozzebon, Executive Director, Office of Cemetery Operations, National Cemetery Administration.

All right so let's get to it. H.R. 888, Automatic Enrollment for Dependency and Indemnity Compensation, DIC, for survivors of certain totally disabled veterans. This bill applies to veterans currently eligible for DIC under Section 1318-A of Title 38, which provides DIC to survivors, spouse or child, of a veteran who is receiving compensation or entitled to receive compensation for a service-connected disability which was totally disabling. This bill would amend 1318 by requiring the VA to treat a death notification the same as a claim for DIC.

While VA is in tune to the intent of this bill, which is to provide expeditious seamless claims process for these beneficiaries who have lost loved ones, VA does not support the bill for the following reasons. One, the bill could slow down our process as we currently have the authority and means to quickly pay those eligible under 1318 without the beneficiary filing a claim. Two, although VA may already have the requisite information to pay the DIC claim, the bill establishes a claim for everyone covered under 1318 and would require contact and development regarding the DIC claim. And lastly this bill assumes eligibility and entitlement are the same. As the final decision for a claim that we have established on behalf of the beneficiary could possibly be denied by VA.

H.R. 4335, Service Member Family Burial Act. This bill authorizes the Secretary to enter and provide a memorial headstone or marker for placement in a national cemetery for the spouse or child of Active duty personnel with service other than dishonorable at the time of a spouse or child's death. Providing there is documentation from a general court martial convening authority. VA supports this bill, as it ensures that Active duty servicemembers whose survivors die may bury their loved ones in a VA national cemetery. We truly appreciate the Committee taking up our proposal and we thank you.

H.R. 4910. This bill would require the Secretary of the Interior to provide an outer burial receptacle for each new grave in an open cemetery under the control of the National Park Service. The bill calls for amending some of the authority provided the Secretary of Interior and therefore the VA defers to the Department of Interior regarding this bill.

Lastly, H.R. 4958, the Veterans Compensation Cost of Living Adjustment Act of 2018. The bill requires the Secretary to increase the rates of disability compensation in DIC by the same percentage as any increase of social security benefits effective on December the 1st 2018, as well as publish these increased rates in the Federal registry. VA strongly supports this bill, as it honors the sacrifice made by all service disabled veterans and survivor.

Mr. Chairman and Members of the Subcommittee, thank you again for having us here today to talk about these bills. We truly appreciate the Committee taking up these proposals for our Nation's veterans. This concludes my statement and we are now happy to take any questions.

[THE PREPARED STATEMENT OF CHERYL RAWLS APPEARS IN THE APPENDIX]

Mr. BOST. Ms. Rawls, thank you. Mr. Lohmann, you are recognized for five minutes to give the testimony.

STATEMENT OF LARRY L. LOHMANN

Mr. LOHMANN. Thank you, Chairman Bost. Chairman Bost, Ranking Member Esty and distinguished Members of the Subcommittee on Disability Assistance and Memorial Affairs. On behalf of our National Commander, Denise H. Rohan and the two million members of the American Legion I thank you for the opportunity to testify regarding pending legislation before this critical Committee.

The bills before you this morning are common sense solutions, Mr. Chairman, and the American Legion is thankful for your leadership in bringing these forward. In consideration of time I'll briefly touch upon the burial benefit bills, H.R.s 4335 and 4910 and will primarily focus on H.R.s 888 and 4958.

As I have said H.R. 4335, the Service Member Family Burial Act and H.R. 4910, the Veterans Cemetery Benefit Correction Act are bills that simply codify common sense benefits earned by those who have raised their right hand and taken the oath to defend the US Constitution.

H.R. 4335 would amend Title 38 to include family members of Active duty members of the armed forces. This bill streamlines the application process for those on Active duty and eliminates the need for waivers allowing grieving families additional time to make proper arraignments during a difficult period. It just makes sense.

In the same vein H.R. 4910 is a common sense law that requires the Department of the Interior to provide outer burial receptacles for veterans' remains buried in open cemeteries under National Park Service Control. A deserved benefit earned with a common sense law to provide for the benefit.

For nearly 100 years the American Legion has advocated on behalf of our Nation's veterans, to include the awarding of disability

benefits associated with chronic medical conditions related to selfless service to this Nation.

H.R. 4958, the Veterans Compensation Cost of Living Adjustment Act of 2018, appropriately recognizes annual increases to cost of living and increases benefits commensurate with those cost increases for veterans with service related medical conditions or veterans earning low incomes. For these veterans and their family members this adjustment is tangible benefit that meets the needs of the increasing cost of living in a Nation they defended.

The American Legion is pleased to support H.R. 4958 in part because it does not include two mechanisms we resolved to oppose, consumer price indexing and round down provisions. The American Legion particularly appreciates this bill does not include round down provisions that have appeared in other legislation recently, including President Trump's proposed fiscal 2019 budget where veteran benefits would be rounded down to the next whole dollar to save money. Rounding down is a slippery slope that dilutes the value of future benefits. Veterans should never have their benefits rounded down to provide legislative fiscal ease to help offset the cost of other government action. Veterans having served our Nation have already paid the full price for those benefits and as such should not have it diminished for accounting convenience.

Next the American Legion supports H.R. 888, a bill to improve dependency and indemnity compensation for survivors of certain totally disabled veterans. The American Legion has long supported any action that makes filing claims easier for veterans and their dependents. In 2015 the American Legion opposed VA's standardization of forms eliminating the ability for informal claims. Since that time the American Legion has supported reinstating informal claims and adopted resolutions to reach that end, as well as generally ease administrative burden on veterans and their families.

This bill eases the burden currently existing on surviving spouses and children of deceased veterans. Under current law surviving spouses and children claimants must file a formal claim form to start the claims process for disability and indemnity compensation. This bill will improve and simplify the application process for surviving spouses and children of deceased veterans by requiring the VA to treat notification of the veteran's death as a claim for disability and indemnity compensation.

Through resolution number 377 the American Legion supports legislation to enhance the quality of life for veteran's dependents and their survivors. Because the reporting date of a veteran's death is a date that can easily be ascertained by the VA for claim establishment and adjudication purposes, this bill is a common sense fail safe solution to help grieving survivors.

In closing, the American Legion believes in common sense solutions that help our Nation's veterans. Thank you again, Chairman Bost, Ranking Member Esty and distinguished Members of the Committee. I appreciate the opportunity to present the American Legion's views and look forward to any questions that you may have.

[THE PREPARED STATEMENT OF LARRY L. LOHMANN APPEARS IN THE APPENDIX]

Mr. BOST. Thank you, Mr. Lohmann. And Mr. Fuentes, you are recognized for five minutes.

STATEMENT OF CARLOS FUENTES

Mr. FUENTES. Chairman Bost, Ranking Member Esty and Members of the Subcommittee, on behalf of the men and women of the VFW in our auxiliary I would like to thank you for the opportunity to present our views on legislation pending before the Committee.

The VFW supports H.R. 888, which would require the VA to treat a notification of death of a veteran rated totally disabled at the time of death as a claim by the veteran's surviving spouse or children for DIC benefits. The VFW believes this legislation would be a good step towards mitigating the need for grieving survivors to file additional paperwork to receive their DIC benefits.

The VFW supports the Service Members Family Burial Act, which would require VA to provide headstones and markers for deceased spouses and dependent children of members of the armed forces serving on Active duty. Currently spouses and dependent children who proceed their Active duty servicemember in death are authorized in a case by case basis to be interred in national cemeteries. However, the process requires the approval of the Undersecretary of Memorial Affairs and often requires the Active duty servicemember to submit information that may be intrusive and taxing, especially at a time of mourning. Which also leads to unnecessary delays. Our brave men and women in uniform deserve a better process to honor their deceased loved ones. This bill would rightfully remove unnecessary barriers to ensure servicemembers can spend an eternity with their loved ones.

The VFW supports the Veterans Cemetery Benefits Correction Act, which would require the Secretary of Interior to provide outer burial receptacles to those who wish to be entered in cemeteries under the jurisdiction of the National Park Service. Currently both VA and DoD are required to provide this benefit, but the National Park Service is not. There are two active cemeteries currently administered by the National Park Service that are open for new internments. Veterans who chose to be buried at these cemeteries deserve the same honor of those who are buried in VA and DoD cemeteries.

The VFW supports the Veterans Compensation Cost of Living Adjustment of 2018, which would adjust VA benefits for veterans and survivors to keep pace with inflation. Disabled veterans and surviving spouses and children depend on VA benefits to bridge the gap of lost earnings caused by a veteran service disability. Yet each year they wait anxiously to find out if their benefits will keep pace with the rate of inflation because there is no automatic trigger that increases these forms of compensation for veterans and their dependents. It should not take an act of Congress to provide the same adjustment that is automatically granted to social security beneficiaries. The VFW is glad this bill would include automatic COLA increases based on the percentage increase under the Social Security Act.

Mr. Chairman, this concludes my testimony. I'm happy to answer any questions you may have.

[THE PREPARED STATEMENT OF CARLOS FUENTES APPEARS IN THE APPENDIX]

Mr. BOST. We have a full agenda today, so I'm going to limit the time to five minutes. And I would start—I will start the questioning. Ms. Rawls, please elaborate on your testimony as to why it is important for congress to pass H.R. 4958, the Veterans Compensation Cost of Living Adjustment Act for 2018.

Ms. RAWLS. Thank you very much for the question. I will tell you that the veterans have sacrificed so much and their survivors that it is important for us to allow them to continue to maintain their standards of living to keep pace with everyone else and to be treated the same as those who are receiving social security benefits.

Mr. BOST. Thank you. And my second question is, Ms. Rawls, the VA usually knows when a service-connected veteran has surviving dependents. Can you please explain why the Department believes it would be—would harm families to set automatic convert compensation benefits to DIC for eligible surviving families and PNT veterans.

Ms. RAWLS. Thank you very much, Mr. Chairman, for that question. So currently the way the legislation is written is that it only deals with 1318-A. That piece covers three types of veterans, POWs, those at 100 percent service-connected and they have that within—they have been 100 percent service-connected for ten years, or those who have recently departed the military and they have been out for less than five years and they have succumbed to their service-connections.

The other piece to that is that we need to have the spouse of record on hand and that spouse of record needs to be that spouse of record for a year. We currently right now pay 53 percent of those claims automatically without having anyone file a claim based upon the information that we have in our systems. The only time that we are sending out this information is if we are not able to verify the spouse of record, if we don't have it on there for a year, or if it is in an estate where there's no one there no one there, or if it is a child and we need to see who is going to be that person taking over that child. So that is why we have that 47 percent that we can't pay, but we send them information. If we were to establish that claim for those that we are able to pay, then we are asking them to do something that they really don't need to do because we have the information on record, sir.

Mr. BOST. Okay. Thank you. That is important to know. Ms. Pozzebun, can you explain the purpose of an outer burial receptacle?

Ms. POZZEBON. Sure. The purpose of an outer burial receptacle is essentially to provide stability in the grave. And so while it provides a limited protection to the remains that interned within it, it is not necessarily designed for preservation as much as it is stability of the grave so that the grave doesn't collapse.

Mr. BOST. Okay. So is this what we would know as a vault or not?

Ms. POZZEBON. A vault is generally something different. And a vault can be a little more of a significant structure that can provide a little bit more of that protection that I was talking about.

Mr. BOST. Okay.

Ms. POZZEBON. And that is why sometimes families opt for a vault. They can be made of stronger materials and lined so that it will preserve the remains a little bit longer than an outer burial receptacle would.

Mr. BOST. Well, there are currently two open veteran cemeteries administrated by the National Park Service. I know one of those is Chairman Roe's district. Would it be significant administrative burden for the VA to provide outer burial receptacles for veterans who choose to be interned into those cemeteries?

Ms. POZZENBON. The issue is more that we do not have the statutory authority to provide those outer burial receptacles to the Park Service for use for veterans. So we do provide them in our cemeteries, as does Arlington, but we don't have that ability. We certainly would be willing to work with them and help them, you know, implement a similar program as called for under this legislation.

Mr. BOST. Okay. Thank you. The next question, I am going to do it real quickly here. This is for the VO witnesses. Based on your experience please share your perspective on why veterans should get a cost of living increase next year if social security beneficiaries get on. Mr. Lohmann or either one.

Mr. LOHMANN. Thank you, Chairman Bost. Generally we support any benefit that would help a veteran that helps with their cost of living. And this obviously raises it to keep up with inflation and helps maintain a standard of living that they have become accustomed to.

Mr. LOHMANN. Yeah, I would just echo Mr. Fuentes' statement that we would really prefer it to be automatic as well and remove it from the equation and take veterans out of the debate.

Mr. BOST. Mr. Fernandez, I would assume that your answer is pretty well the same.

Mr. FUENTES. Yes. You know, price of gas and general goods increase, so should the benefits.

Mr. BOST. Thank you. And my time has expired. Ranking Member Esty, you are recognized for five minutes.

Ms. ESTY. Thank you, Mr. Chairman. Again, thank you for joining us here today. I wanted to follow up, Ms. Rawls, with the conversation you were having with the Chairman. We are striving for efficiency. I do have a concern you indicated that this would slow things down to file claims. And you also—but what you didn't answer is a question I have is what happens if you have a surviving dependent that doesn't file a claim, would they receive anything? What if they're not in your system? What if the records are out of date or inaccurate and that person doesn't file, wouldn't they then not receive any compensation under what you are proposing that we allow to continue?

Ms. RAWLS. So thank you very much, ma'am, for the question. And absolutely there could be that circumstance. Right now whenever we are notified of a veteran's death the home of record that we have in our database if we are not able to apply 1318-A to that person, then we do send them out information as to how to file a claim and what their benefits consist of.

Ms. ESTY. Well, I hope you will work with us on trying to get the efficiency that we have for spouses to be eligible for children as

well. I think that is our shared goal. And you have raised some issues here today, but I think we have raised some back that merit further conversation and figuring out a way to make this as easy as possible. It is a ten-page form. We are hearing from constituents that this is a problem. They find it difficult, they find it offensive to have to go through this. I have to believe there is a better way than where we are now. I think we—I know the Chairman shares that assessment, our colleagues do too. So I hope you will work with us on that and with the VSOs. I will note for the record nodding their heads that this is something that we should better.

Because part of it is about efficiency, but also recognizing the trauma and the loss that is reflected here. And we—it is human nature that people may have difficulty filling out those forms at that time and they shouldn't be penalized for that. We should find a more efficient way of proceeding.

Ms. Pozzebon, you—I want to, again, pick up with where the Chairman left off. So it is—is it your opinion and read of the law that Congress does need to act in order to empower VA to really effectively work with the Park Service to provide appropriate burial for veterans who chose to be buried in these important national sites?

Ms. POZZEBON. So, yeah, so currently the statutory authority the way it is written allows—it requires that the Secretary provide the outer burial receptacle for veterans who choose to be buried in a national cemetery under the control of the National Cemetery Administration. So if we were to provide them, yes, that would, you know, language would need to be changed in order for that occur.

Ms. ESTY. Thank you. I realize for anybody watching this it may seem like a technicality, but it matters a lot to our veterans. And we know we have challenge—space limitations and challenges in some of our national veteran cemeteries. And for those who choose to be buried in these really beautiful sites that may be close to home we want to facilitate that for veterans who make that choice and empower the VA to properly provide for the remains of veterans who choose that. So I think that looks like something we absolutely need to be passing through this Committee.

To Mr. Lohman and Mr. Fuentes, you got short thrift there in making the case to let people know why it is so important for our veterans to receive this cost of living increase, which is not automatic in the same way that it is for social security. So we are going to start with Mr. Fuentes who got—who went second last time. Thank you.

Mr. FUENTES. Thank you, ma'am. And, you know, I think what is very important that's included in here is the fact that it is automatic. Because you have veterans who are really just waiting and hoping that Congress is able to act that year so that they are able to afford the increases in their electricity and gas and food and all of those basic necessities, right. Those increase, their benefits must increase as well and it shouldn't take an act of Congress for it to do so.

Ms. ESTY. Amen, yes. And we agree with you that it should be automatic. And we would prefer that it return to a point it is automatic, that is as it ought to be. Mr. Lohmann.

Mr. LOHMANN. Yeah, I would just echo Mr. Fuentes' statement that we would really prefer it to be automatic as well and remove it from the equation and take veterans out of the debate.

Ms. ESTY. Absolutely. I want to thank again the four of you for joining us here today. And I know the Chairman and I absolutely if we had that magic wand we would wave it and make it automatic. Right now where we are at this point in Congress this is what we can do is what we are doing. But don't mistake our commitment to try to get this rectified so it is permanent. It ought to be permanent, it ought to be automatic. Thank you very much.

Mr. BOST. Okay. If there are any other further questions for our second panel you are excused, but thank you to everyone for joining us here today, for sharing your views with the Subcommittee. Your testimony provides us with important insight into those proposed as we move forward with this legislative process.

I ask unanimous consent that all written statements provided by the—for the record be included in the hearing record. I also ask unanimous consent that all Members have five legislative days to revise and extend the remarks and include continuous material of any of all of the bills under consideration this afternoon. Without objection, so ordered. This hearing is now adjourned.

[Whereupon, at 3:25 p.m., the Subcommittee was adjourned.]

A P P E N D I X

Prepared Statement of Cheryl Rawls

Mr. Chairman and Members of the Subcommittee, I am pleased to be here today to provide the views of the Department of Veterans Affairs (VA) on pending legislation affecting VA's programs. Accompanying me today is Ms. Lisa Pozzebon, Executive Director, Office of Cemetery Operations, National Cemetery Administration (NCA).

H.R. 888

Section 1318 of Title 38, United States Code (U.S.C.), provides for dependency and indemnity compensation (DIC) for survivors of a Veteran who received or was entitled to receive compensation for a service-connected disability that was rated totally disabling for a certain amount of time immediately preceding death. H.R. 888 would amend section 1318 to require the Secretary of Veterans Affairs to treat notification of a Veteran's death as a DIC claim by the surviving spouse and children of the deceased Veteran, and would preclude the Secretary from requiring the spouse and children to file a claim for such benefits.

VA does not support H.R. 888 because VA currently has the means to promptly provide DIC to eligible survivors. Under 38 U.S.C. § 5101(a)(1)(B), VA may pay DIC or pension to a survivor of a Veteran who has not filed a formal claim if the record contains sufficient evidence to establish the survivor's entitlement to such benefits. The effective date of the survivor's claim is the date on which the survivor notifies VA of the death of the Veteran by means of a death certificate or other relevant evidence that establishes entitlement, or the date on which the head of any other U.S. Government department or agency notifies VA of the Veteran's death. The statute specifically states that, in notifying VA of the Veteran's death, the survivor or the survivor's representative may submit additional documents relating to the death "without being required to file a formal claim." This proposed amendment is not applicable to Active duty deaths. It is specific only to 38 U.S.C. § 1318 and therefore, it is only applicable to those Veterans who meet the requirements under section 1318. Veterans who meet section 1318 requirements have been released from Active duty and are already in receipt of VA compensation benefits.

In addition, when VA receives notice of a Veteran's death, the Veterans Benefits Administration provides the Veteran's next-of-kin with notice of the benefits to which he or she may be eligible and instructions on how to apply for VA benefits. Also, under VA regulations, 38 Code of Federal Regulations section 3.155(b), a DIC claimant could submit an intent to file a claim for VA benefits, and upon receipt of the intent to file a claim, VA would furnish the claimant with the appropriate applicable form. If VA receives a formal claim within 1 year of receipt of the intent to file a claim, the completed claim would be considered filed as of the date the intent to file a claim was received.

Finally, even if H.R. 888 were enacted, VA would be required, in some instances, to collect information from the survivor to establish entitlement to DIC, and as a result, VA would not be able to pay DIC to the survivor until evidence sufficient to establish entitlement is received.

We agree that the statute does not require VA to start paying DIC. However, VA already has in place expedited payment of DIC under section 1318 to a surviving spouse without the filing of a claim when there is sufficient evidence of record to establish entitlement to the benefit. Therefore, VA does not feel the amendment is necessary to achieve the desired effect of the amendment.

Additionally, upon notification of the death of a Veteran who is receipt of VA benefits, VA provides notification either to the estate or surviving spouse, if of record. This notification informs the recipient of all potential benefits and how to apply for them.

Finally, although the report of death will generate a claim and VA review, the collection of evidence needed that will be unavailable at the time of review will re-

quire VA to have to wait to substantiate or finalize a claim. This has the potential to create a workload that VA cannot address, let alone complete, because the required evidence doesn't exist in VA's record and may not be provided.

No benefit or general operating expenses would be associated with H.R. 888.

H.R. 4335

H.R. 4335, the "Servicemember Family Burial Act," would authorize the Secretary to provide a memorial headstone or marker for placement in a national cemetery for the spouse or child of a member of the Armed Forces serving on Active duty under conditions other than dishonorable, as shown by a statement from a general court-martial convening authority, at the time of the spouse or child's death. The bill would also authorize VA to inter in a national cemetery under NCA control, the spouse, minor child and, in the Secretary's discretion, unmarried adult child of a member of the Armed Forces serving on Active duty under conditions other than dishonorable, as shown by a statement from a general court-martial convening authority, at the time of the death of the spouse or child. By adding these individuals to the list of those eligible for interment in a national cemetery in section 2402(a)(5), VA would also be able to provide a headstone or marker for the grave of such individuals if they are buried in a state Veterans' cemetery as provided in 38 U.S.C. § 2306(a)(4).

VA supports H. R. 4335 because it ensures that Active duty Servicemembers whose survivors die may bury their loved ones in a VA national cemetery. NCA currently processes requests for burial of spouses and eligible dependent children of Active duty Servicemembers in VA national cemeteries on a case-by-case basis pursuant to the Secretary's discretionary authority in 38 U.S.C. § 2402(a)(6). H.R. 4335 would eliminate the need for such review of each burial request for a deceased spouse or dependent child of an Active duty Servicemember, thus eliminating any delay in a burial decision.

Enactment of H. R. 4335 would result in total benefit costs of \$25,000 in fiscal year (FY) 2019; \$122,000 over 5 years; and \$239,000 over 10 years. Additionally, Enactment of H. R. 4335 would result in total discretionary burial operation costs of \$18,000 in FY2019; \$94,000 over 5 years, and \$198,000 over 10 years.

H.R. 4910

H.R. 4910, the "Veterans Cemetery Benefit Correction Act," would require the Secretary of the Interior to provide an outer burial receptacle for each new grave in an open cemetery under the control of the National Park Service. The bill would amend 38 U.S.C. § 2306(e) to authorize the Secretary of the Interior to promulgate regulations or procedures governing the use of outer burial receptacles in a National Park Service Cemetery, including regulations specifying the amount of administrative costs incurred by the Secretary of the Interior that must be paid by survivors if an outer burial receptacle is provided in lieu of a grave liner and providing for the use of a voucher system or other system of reimbursement for payment for outer burial receptacles.

VA defers to the Department of the Interior on H.R. 4910.

H.R. 4958

H.R. 4958, the "Veterans' Compensation Cost-of-Living Adjustment Act of 2018," would require the Secretary to increase the rates of disability compensation and DIC by the same percentage as any increase to Social Security benefits effective on December 1, 2018. The bill would also require VA to publish these increased rates in the Federal Register.

VA strongly supports this bill because it would express, in a tangible way, this Nation's gratitude for the sacrifices made by our service-disabled Veterans and their surviving spouses and children. The bill would also ensure that the value of these benefits keeps pace with increases in consumer prices.

VA estimates the cost of this bill would be \$1.6 billion in FY2019; \$10 billion over 5 years; and \$22 billion over 10 years. However, the cost of these increases is included in VA's baseline budget because VA assumes that Congress will enact a cost-of-living adjustment each year. Therefore, enactment of H.R. 4958 would not result in additional costs, beyond what is included in VA's baseline budget.

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

Prepared Statement of Larry Lohmann

Chairman Bost, Ranking Member Esty, and distinguished members of the Committee; On behalf of our National Commander, Denise H. Rohan, and the over 2 million members of The American Legion, we thank you for this opportunity to testify regarding The American Legion's positions on pending legislation before this Committee. Established in 1919, and being the largest veteran service organization in the United States with a myriad of programs supporting veterans, we appreciate the Committee focusing on these critical issues that will affect veterans and their families.

H.R. 888

To amend title 38, United States Code, to improve dependency and indemnity compensation for survivors of certain totally disabled veterans.

This bill will improve and simplify the application process for surviving spouses and children of deceased veterans by requiring the Department of Veterans Affairs (VA) to treat notification of the veteran's death as a claim for Disability and Indemnity Compensation (DIC).

The American Legion has long supported any action that makes filing claims easier for veterans and their dependents. In 2015, The American Legion opposed VA standardization of forms eliminating the ability for informal claims. Since that time, The American Legion has supported reinstating informal claims and adopted resolutions to reach that end as well as generally ease administrative burdens on veterans and their families. This bill eases the burden currently existing on surviving spouses and children of deceased veterans.

Under current law, surviving spouses and children claimants must file a formal claim form to start the claims process for DIC. If the claim is filed within one year of the veteran's death and granted, the VA will then pay retroactive benefits back to the date of the veteran's death. Otherwise, claims granted that were filed after one year from the date of death are only paid back to the date of claim. Regrettably, there are too many cases where grieving spouses and/or children promptly notified VA of the death of the veteran, but were not informed to file for DIC benefits within one year of the death. Consequently, many survivors have lost years of retroactive benefits because they did not know to file a claim for DIC.

Through Resolution No. 377, The American Legion supports legislation to enhance the quality of life for veterans, dependents, and their survivors.¹ Because the reporting date of a veteran's death is data that can be easily tracked by VA for claim establishment and adjudication purposes this bill is a common sense "fail-safe" solution to help grieving survivors during their greatest time of need, and ensures retroactive DIC benefits are not lost they may be otherwise entitled to.

The American Legion supports H.R. 888.

H.R. 4335: Servicemember Family Burial Act

To amend title 38, United States Code, to provide for headstones and markers for, and interment in national cemeteries of, deceased spouses and dependent children of members of the Armed Forces serving on Active duty, and for other purposes.

The American Legion through its National Cemetery Committee has formulated and recommended policies, plans, and programs related to the VA national cemeteries, and the interment of veterans, military members, and their dependents. The American Legion believes that all veterans, Active duty members, and their families should be honored with final resting places with honor and lasting tributes for their service to our Nation. We believe that all veterans and their eligible family members have earned burial benefits including a gravesite in any national cemetery with available space, or a VA-funded state or tribal cemetery including; the opening and closing of the grave; grave liner; government headstone or marker; and perpetual care of the grave at no cost to the family.

Currently, the National Cemetery Administration (NCA) already provides headstones and markers for, and interment in national cemeteries, to eligible family members of Active duty personnel at the time of need, but it is not codified in statute. NCA is able to provide the benefit through a waiver process when an application is received. HR 4335 would amend Section 2306(b)(2) of title 38 to include members of the Armed Forces on Active duty. With the passage of this bill, the application process for Active duty members will be streamlined with the elimination of the waiver request, which will allow the family additional time to make proper arrangements during a difficult time. Similarly, in adopting this law this would make the authority NCA is currently relying on obsolete.

¹ American Legion Resolution No. 377: Support for Veteran Quality of Life

Through Resolution No. 377, The American Legion supports legislation to enhance the quality of life for veterans, dependents, and their survivors. Codifying this to make this benefit permanent for Active duty members of the Armed Forces is common sense and the right thing to do for their service to our country.

The American Legion supports H.R. 4335.

H.R. 4910: Veterans Cemetery Benefit Correction Act

To amend title 38, United States Code, to provide outer burial receptacles for remains buried in National Parks, and for other purposes.

The American Legion's National Cemetery Committee formulates and recommends to the National Executive Committee, through the Veterans Affairs & Rehabilitation Commission, policies, plans and programs as they relate to Department of Veterans Affairs' national cemeteries, and the interment of veterans, military and their dependents. This includes Arlington National Cemetery administered by the Department of the Army.

The National Park Service (NPS) currently controls 14 national cemeteries, although only two are still active, i.e., Andersonville National Cemetery in Georgia and Andrew Johnson National Cemetery in Tennessee. Veterans who wish to be buried at these two cemeteries must pay the cost of their own outer burial receptacle (OBR). Veterans buried in national or state cemeteries controlled by the VA's National Cemetery Administration (NCA) are provided an OBR at no cost. This gap in benefits creates an undue burden of expense.

The American Legion supports this bill because it aims to ensure that veterans receive the same level of benefits and is consistent with American Legion Resolution No. 146, which urges Congress to review current legislation and public laws to ensure that veterans' benefits are provided equitably and consistently for all veterans.²

The American Legion supports H.R. 4910.

H.R. 4958: Veterans' Compensation Cost-of-Living Adjustment Act of 2018

To increase, effective as of December 1, 2018, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

This bill will provide a Cost of Living Allowance (COLA) effective December 1, 2018. Disability compensation and pension benefits awarded by the VA are designed to compensate veterans for medical conditions due to service or those who earn below a designated income threshold. H.R. 4958 appropriately recognizes annual increases to costs of living, and increases benefits commensurate with those cost increases.

For nearly 100 years, The American Legion has advocated on behalf of our Nation's veterans, to include the awarding of disability benefits associated with chronic medical conditions manifest related to selfless service to this Nation. Annually, veterans and their family members are subjects in the debate regarding the annual cost of living adjustment for these disability benefits. For these veterans and their family members, COLA is not simply an acronym or a minor adjustment in benefits; instead, it is a tangible benefit that meets the needs of the increasing costs of living in a Nation they defended.

The American Legion is pleased to support this bill, in part because it does not include two mechanisms we are resolved to oppose, Consumer Price Indexing and "round down" provisions. The American Legion opposes using any Consumer Price Index that would reduce the annual cost-of-living adjustment for military retirees, veterans receiving Social Security benefits or VA beneficiaries.³ Similarly, The American Legion also appreciates this bill does not include "round-down" provisions, where veterans' benefits would be rounded-down to the next whole dollar to save money. Rounding down is a slippery slope that dilutes the value of future benefits. Veterans should never have their benefits "round down" to provide legislative fiscal ease to help offset the cost of creating or expanding additional benefits elsewhere under Title 38.

The American Legion supports legislation to provide a periodic cost-of-living adjustment increase and to increase the monthly rates of disability compensation.⁴

The American Legion supports H.R. 4958.

CONCLUSION

²Resolution No. 146: Veterans Receive Same Level of Benefits

³American Legion Resolution No. 164: Oppose Lowering of Cost-of-Living Adjustments

⁴American Legion Resolution No. 187: Department of Veterans Affairs Disability Compensation

As always, The American Legion thanks this Subcommittee for the opportunity to elucidate the position of the 2 million veteran members of this organization. For additional information regarding this testimony, please contact Mr. Larry Lohmann, Assistant Director of The American Legion's Legislative Division at (202) 861-2700 or llohmann@legion.org.

Prepared Statement of Carlos Fuentes

Chairman Bost, Ranking Member Esty and members of the Subcommittee, on behalf of the men and women of the Veterans of Foreign Wars of the United States (VFW) and its Auxiliary, thank you for the opportunity to provide our remarks on legislation pending before the Subcommittee.

H.R. 888, to improve dependency and indemnity compensation for survivors of certain totally disabled veterans.

The VFW supports this legislation, which would require the Department of Veterans Affairs (VA) to treat a notification of the death of a veteran rated totally disabled at the time of death as a claim by the veteran's surviving spouse and children for dependency and indemnity compensation (DIC) benefits.

DIC is a monthly benefit that is paid to eligible survivors of servicemembers who died while on active-duty training or inActive duty training; veterans whose death resulted from service-connected conditions; and veterans with a disability rating of total and permanent at time of death. Currently, once eligibility is established, the beneficiary must complete a 10-page claim form and mail it into the Pension Management Center (PMC) that has jurisdiction over their state. This process can take months to complete and often leaves the beneficiary confused and frustrated.

The VFW feels that this legislation would be a good step toward mitigating the need for grieving survivors to file additional paperwork to receive DIC. In light of this, we are curious as to how VA plans on implementing this change.

Ideally, the Office of Information Technology (OIT) should be responsible for automating the process to ensure that DIC claims for those who are affected by this legislative change would be adjudicated separately from standard DIC claims. Doing so would guarantee that the process operates as efficiently as possible, but also prevent a substantial backlog at the regional PMCs.

H.R. 4335, Servicemember Family Burial Act

The VFW supports this legislation, which would require the Department of Veterans Affairs (VA) to provide headstones and markers for, and interment in national cemeteries of, deceased spouses and dependent children of members of the Armed Forces serving on Active duty.

Spouses and dependent children of Active duty servicemembers are eligible for burial at cemeteries maintained by the National Cemetery Administration (NCA) in the event that they proceed the servicemember in death. However, this is only done on a case-by-case basis, with the approving authority resting in the hands of the Under Secretary for Memorial Affairs. According to NCA, this process often requires the active-duty servicemember to submit information that may be considered intrusive and taxing, especially at a time of mourning, and can lead to a delay in the final adjudication process.

Given the anticipated population that would now be eligible under this proposal, it is expected that NCA burials would only increase by approximately 50 burials a year due to the overall health and age of this population. In reviewing the number of exceptions that NCA has made over the past 50 years, this number has remained extremely consistent. Last year, for instance, there were 43 exceptions granted by NCA.

H.R. 4910, Veterans Cemetery Benefit Correction Act

The VFW supports this legislation, which would require the Secretary of the Interior to provide outer burial receptacles to those who wish to be interred in cemeteries under the jurisdiction of the National Park Service (NPS).

Currently, both VA and the Department of Defense (DoD) are required to provide outer burial receptacles for remains that are going to be interred in either a VA national cemetery or a DoD cemetery, such as Arlington National Cemetery. The next of kin may choose to purchase and use a private outer burial receptacle, rather than use the government-furnished grave liner and receive a monetary allowance equal to the average cost to the government of a grave liner, less administrative costs.

However, in the cemeteries that fall under NPS jurisdiction, there is no offset or reimbursement provided to the family of the veteran, even in cases where the NPS

cemetery is the most viable location for the family. Currently, NPS manages 14 national cemeteries. Eleven of these cemeteries were transferred from the War Department to the Department of the Interior by Executive Order No. 6166 in 1933. Three national cemeteries were authorized or transferred after 1933. These cemeteries represent a continuum of use dating to a period before the establishment of the historical parks of which they are an integral part, and are administered to preserve the historic character, uniqueness, and solemn nature of both the cemeteries and the historical parks.

National cemeteries administered by NPS are classified as either “active” or “closed.” Active cemeteries have casket or cremation gravesites available for first interments. A first interment is the initial burial of human remains following the death of the individual. Closed cemeteries have no available unreserved gravesites for either casket or cremation first interments, but may inter eligible family members in the same gravesite as previously interred individuals.

There are two active national cemeteries currently administered by the NPS that are open for new interments: Andersonville and Andrew Johnson National Cemeteries. Unlike cemeteries under VA jurisdiction, NPS is under no obligation to provide a grave liner. The VFW agrees that veterans who choose to be buried at these cemeteries deserve the same honor as those who are buried in VA and DoD cemeteries.

H.R. 4958, Veterans’ Compensation Cost-of-Living Adjustment Act of 2018

The VFW strongly supports this legislation which would increase the cost-of-living allowance (COLA) for veterans and survivors receiving disability compensation, DIC, clothing allowance, and other VA benefits.

Disabled veterans, along with their surviving spouses and children, depend on VA benefits to bridge the gap of lost earnings caused by the veteran’s disability. However, each year veterans wait anxiously to find out if their benefits will keep pace with the rate of inflation. Currently, there is no automatic trigger that increases these forms of compensation for veterans and their dependents. It should not take an act of Congress to provide the same adjustment that is automatically granted to Social Security beneficiaries.

The VFW is glad this bill would authorize automatic COLA increases based on the percentage increases under the Social Security Act. The VFW is confident that this legislation will provide millions of veterans with an added layer of financial security.

Mr. Chairman, this concludes my testimony. Again, the VFW thanks you and Ranking Member Esty for the opportunity to testify on these important issues before this Subcommittee. I am prepared to take any questions you or the Subcommittee members may have.

Statements For The Record

HONORABLE WALTER JONES

Hearing statement of Congressman Walter B. Jones on H.R. 888 before the House Veterans’ Affairs Subcommittee on Disability Assistance and Memorial Affairs.

Mr. Chairman, Ranking Member, and distinguished members of this Subcommittee, I respectfully submit this statement to you in support of H.R. 888, a bill to improve Dependency and Indemnity Compensation (DIC) for survivors of certain totally disabled veterans. This bill will reduce the administrative burdens on grieving family members, and ensure that they receive the benefits that they are entitled to as quickly and expeditiously as possible.

Dependency and Indemnity Compensation is a tax free monetary benefit paid to eligible survivors of military servicemembers who died in the line of duty, or whose death resulted from a service-related injury or disease.

Currently, after reporting the death of a totally disabled family member, survivors are then required to apply for DIC by filling out a lengthy 12 page form. This form consists of information that the VA already possess, and results in a gap in payment while the form is processed. In cases where the surviving family members fail to fill out the correct form, no compensation is ever provided.

This process presents an unnecessary financial burden on grieving families, as well as an increased administrative workload for the VA. Not only does the form need to be processed, but survivors often require the assistance of Veterans Service Officers to fill it out. In some extreme cases, it can take between 18 and 24 months

for the VA to start paying DIC to the family members as a result of this arduous process.

This unnecessarily onerous procedure was first brought to my attention by my Military and Veterans Advisor, Jason Lowry, who had assisted a number of my constituents through the very same process. As he worked with a Retired Affairs Officer from the Marine Corps, Luis Alers, he discovered a more efficient alternative, which is laid out in this legislation.

H.R. 888 will streamline the process by requiring the VA to immediately treat a notification of the death of a totally disabled veteran as a claim by the veteran's surviving spouse and children for dependency and indemnity compensation benefits. The VA may not require that such spouse and children file a claim for benefits - They are automatically "opted in." This will ensure that surviving family members receive their rightful compensation quickly, as well as reduce administrative requirements on the VA.

I urge you to support H.R. 888 and join me in maintaining the promise of Abraham Lincoln, "to care for him who shall have borne the battle and for his widow, and his orphan."

NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 4910, a bill to amend title 38, United States Code, to provide outer burial receptacles for remains buried in National Parks, and for other purposes.

The Department supports this legislation, as it would eliminate an inconsistency between the veterans benefits provided at national cemeteries administered by the National Cemetery Administration and the benefits provided at national cemeteries administered by the National Park Service. However, to better meet the intent of H.R. 4910, the Department recommends several clarifying amendments that are described in this statement. In addition, the Department notes that this legislation would place a new financial obligation on the National Park Service.

H.R. 4910 would require the Secretary of the Interior to provide an outer burial receptacle for a new grave in an open cemetery administered by the National Park Service. The bill would also allow the Secretary of the Interior to provide an outer burial receptacle other than a grave liner in a National Park, but would require that the survivors pay the amount by which the alternative outer burial receptacle exceeds the cost of a grave liner, as well as the amount of administrative costs incurred by the Secretary.

The term "outer burial receptacle" includes both grave liners and burial vaults. In each instance, the casket is placed inside the outer burial receptacle. However, while a burial vault is sealed and lined, a grave liner is neither sealed nor lined. Grave liners and burial vaults serve multiple purposes, such as protecting the casket from the impact of the soil backfill and the equipment necessary for cemetery maintenance, and reducing the likelihood of the settling of grave backfill.

The National Park Service administers 14 national cemeteries, all of which are associated with a battlefield or other historic site managed by the Service. The cemeteries are administered to preserve the historic character, uniqueness, and solemn nature of both the cemeteries and the national parks of which they are a part. At these cemeteries, the use of grave liners and vaults is allowed, but National Park Service policy requires that any costs associated with the acquisition and installations of such outer burial receptacles be assumed by the next of kin. The individual manager of a national cemetery administered by the National Park Service may implement additional policies specific to that cemetery regarding the use of outer burial receptacles. Andersonville National Cemetery, for example, requires the use of a grave liner for interment, while Andrew Johnson National Cemetery does not.

38 U.S.C. 2306(e) requires the Secretary of Veterans Affairs to provide an outer burial receptacle for each new grave in an open cemetery under the control of the National Cemetery Administration, and authorizes the Secretary of the Army to provide an outer burial receptacle for such a grave in Arlington National Cemetery. The law also authorizes the provision of an outer burial receptacle other than a grave liner, but requires that the survivors pay the amount by which the alternative outer burial receptacle exceeds the cost of a grave liner, as well as the amount of administrative costs incurred by the Secretary of the Veterans Affairs or the Secretary of the Army. H.R. 4910 would amend 38 U.S.C. 2306(e) to add this responsibility, as a requirement, to the Secretary of the Interior with respect to national cemeteries under the control of the National Park Service.

While the Department supports the intent of the bill, we recommend that the phrase "national cemetery administered by the National Park Service" be substituted for the phrase "cemetery under the control of the National Park Service". The phrase "cemetery under the control of the National Park Service" could be interpreted to apply to all cemeteries inside the boundaries of units of the National Park Service - including private cemeteries - rather than national cemeteries only.

The Department also recommends striking the phrase "each such a grave in an open cemetery under the control of the National Park Service" and replacing it with "each such grave in a national cemetery administered by the National Park Service." The term "open cemetery" is not used by the National Park Service; national cemeteries are classified as either "active" or "closed." Active cemeteries have casket or cremation gravesites available for first interments. Closed cemeteries have no available gravesites for either casket or cremation for first interments but may inter eligible family members of previously interred individuals. Of the 14 national cemeteries administered by the National Park Service, only two - Andersonville National Cemetery and Andrew Johnson National Cemetery - are currently active, or open to new burials. However, several other closed national cemeteries administered by the National Park Service are still conducting subsequent interments. The benefit, if enacted, should apply to new internments at both active and closed cemeteries.

Finally, while the Department views this issue as a matter of equitable treatment for veterans and their families, we want to note that this bill would impose a new financial obligation on the National Park Service that is not included in its current budget. Based on the number of interments at Andrew Johnson National Cemetery over the last five years, we estimate that this benefit would cost between \$13,000 and \$50,000 a year at that one cemetery alone. We do not have comparable estimates for the other 13 national cemeteries. If the bill were enacted, execution of this new benefit would be subject to the availability of appropriations and would need to be balanced with other park and program priorities of the National Park Service.

Mr. Chairman this concludes our statement.

