

STATEMENT OF
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NATIONAL LEGISLATIVE SERVICE
VETERANS OF FOREIGN WARS OF THE UNITED STATES
BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
WITH RESPECT TO

H.R. 299, H.R. 1126, H.R. 1199, H.R. 1200, H.R. 1628, H.R. 1826, and Draft Legislation

WASHINGTON, DC

May 1, 2019

Chairwoman Luria, Ranking Member Bost, and members of the subcommittee, on behalf of the women and men 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 this subcommittee.

H.R. 299, the Blue Water Navy Vietnam Veterans Act of 2019

The VFW thanks this subcommittee and its staff for your devotion and hard work to ensure Blue Water Navy veterans receive the benefits they have been wrongfully denied for more than a decade. The VFW is glad to see the United States Court of Appeals for the Federal Circuit recently reversed a years-old ruling that paves the way for the restoration of benefits for some 90,000 aptly named Blue Water Navy veterans from the Vietnam War. We also thank Secretary of Veterans Affairs Robert L. Wilkie Jr. for recommending that the Department of Justice not appeal the decision.

The case, *Procopio v. Wilkie*, was supported by the VFW and a number of other veterans service organizations and advocates. It had Secretary Wilkie being sued by Navy veteran and VFW Life Member Alfred Procopio Jr., who was denied service connection for prostate cancer and diabetes mellitus because he never stepped foot on dry land or served within Vietnam's inland waterways. Mr. Procopio was assigned aboard the aircraft carrier USS Intrepid, which was stationed within 12 miles of Vietnam's coastline. Both of his illnesses are listed among the Department of Veterans Affairs' (VA) 14 presumptive diseases associated with exposure to Agent Orange. By a 9-2 decision, the appeals court ruled Mr. Pocopio was entitled to benefits and provided relief for Blue Water Navy veterans.

While the VFW is pleased with the ruling, the decision can be challenged and overturned in the future. Congress must pass H.R. 299, the *Blue Water Navy Vietnam Veterans Act of 2019*, to make certain Blue Water Navy veterans never have their benefits taken away again.

The *Blue Water Navy Vietnam Veterans Act of 2019* also includes the extension of much needed benefits for Korean Demilitarized Zone (DMZ) and Thailand veterans. The VFW supports expansion of benefits for Korean DMZ veterans who suffer from diseases and illnesses directly linked to Agent Orange exposure. While many of these veterans receive presumptive disability compensation for their service-connected disabilities, hundreds of them are left out despite clear congressional intent for them to be included. This legislation would provide them the benefits they have been unjustly denied.

This legislation would also provide benefits to children suffering from spina bifida because of their parents' exposure to Agent Orange while serving in Thailand during the Vietnam War. Spina bifida is a debilitating birth defect, which has been found to be more prevalent among children of veterans exposed to Agent Orange. Children of Vietnam War and Korean DMZ veterans are eligible for this benefit, but children of veterans exposed to Agent Orange in Thailand are not provided the same support. This bill would make equal the level of benefits that other children receive due to their parents' exposure to Agent Orange.

The 115th Congress failed to restore care and benefits for Blue Water Navy veterans because one senator did not believe Agent Orange made Blue Water Navy veterans sick and another senator was concerned about the cost. Congress cannot fail these veterans again.

H.R. 1126, the Honoring Veterans' Families Act

The VFW supports this legislation, which would authorize VA to properly recognize the surviving spouse and dependents of our nation's veterans.

Current law does not permit VA to replace a veteran's government-furnished headstone to inscribe the deceased veteran's surviving spouse or dependent who is interred with the veteran. This bill would authorize VA to replace a veteran's headstone to ensure it rightfully honors the spouse or dependent that is laid to rest with the veteran.

It would also authorize VA to replace a headstone that has been used to mark the grave of a spouse or dependent that precedes the veteran. Currently, VA lacks the authority to furnish a headstone for an eligible spouse or dependent who precedes an eligible veteran in death and is interred in a private or tribal cemetery.

The VFW is also glad this bill would establish a retroactive effective date to authorize VA to properly recognize a spouse or dependent who is already interred with an eligible veteran, but lacks the proper recognition on the veteran's headstone. The VFW would, however, recommend that this subcommittee amend this bill to align the effective date with Public Law 115-136, which corrected the disparity of eligibility for headstones between spouses and dependents. It authorized VA to provide headstones for certain spouses and dependents who die on or after

November 11, 1998. The VFW urges this subcommittee to establish the same effective date for this authority.

H.R., 1199, the VA Website Accessibility Act of 2019

The VFW supports this legislation which would require VA to ensure its websites and kiosks meet accessibility requirements. With VA's increased reliance on websites, such as eBenefits and My HealtheVet, to communicate with veterans and kiosks at VA medical centers to check in for appointments, VA must ensure all veterans have the ability to utilize such modalities.

H.R. 1200, the Veterans' Compensation Cost-of-Living Adjustment Act of 2019

The VFW supports this legislation which would increase VA compensation for veterans and survivors, and adjust other benefits by providing a cost-of-living adjustment (COLA). The VFW is pleased to support any bill increasing COLA for our veterans, however, we would prefer to make COLA increases permanent and automatic.

Disabled veterans, along with their surviving spouses and children, depend on their disability compensation or dependency and indemnity compensation to bridge the gap of lost earnings caused by the veteran's disability or death. Each year veterans wait anxiously to find out if they will receive a COLA. There is no automatic trigger that increases these forms of compensation for veterans and their dependents. Annually, veterans wait for a separate act of Congress to provide the same adjustment that is automatically granted to Social Security beneficiaries. While the VFW thanks this subcommittee for consistently passing COLA legislation, we urge Congress to make this authority permanent.

H.R. 1628, the Enewetak Atoll Cleanup Radiation Study Act

When service members answer the call of duty without hesitation, it is our duty to take care of the repercussions of their military service. The VFW supports this legislation, which would commission a study to determine if veterans who participated in the atomic cleanup of Enewetak Atoll from 1977 to 1980 were exposed to high levels of radiation.

This is one more example of military toxic exposure causing adverse health conditions which have been ignored for far too long. The VFW thanks the committee for its attention to this important issue and for its efforts to ensure Enewetak Atoll Cleanup veterans are provided the care and benefits they deserve.

H.R. 1826, the Veterans Valuing Our Widows and Widowers Act

The VFW supports this legislation, which would transfer the Medal of Honor pension to surviving spouses.

Veterans who have been awarded the Medal of Honor have made extraordinary sacrifices for our country and are rightfully awarded a special pension for those heroic acts. The loved ones of our most honored heroes often forgo careers to become full time caregivers. This means they become

dependent on the Medal of Honor pension to make ends meet. However, the Medal of Honor pension ends with the death of the recipient and their spouses often do not qualify for VA benefits upon that death.

Our nation has continued pensions for surviving spouses in the past, such as pensions for members of the Grand Army of the Republic. It is fitting that our Medal of Honor veterans' spouses should continue to receive Medal of Honor pensions until remarriage of the spouse or their death. This legislation would continue the pension until the surviving spouses' death, but it does not include a remarriage clause. The VFW recommends this subcommittee discontinue pensions for surviving spouses who remarry before age 55, to make this new benefit equitable with other survivor benefits.

Draft Legislation to Establish a Grant Program to Conduct Cemetery Research and Produce Educational Materials for the Veterans Legacy Program

The VFW supports this bill, which would support and enhance the VA Veterans Legacy Program.

Perpetuating the memory and history of our dead is one of the VFW's founding principles. That is why the VFW has collaborated with Ace Hardware to honor veterans by giving out 1 million American-made flags nationwide. This past Memorial Day, 2,300 VFW posts throughout the country used the donated flags to mark and honor veterans' graves.

The Veterans Legacy Program ensures the memories and stories of the brave men and women who have worn our nation's uniform are preserved in perpetuity. While it is still being fully developed, the program provides an avenue for students, descendants, friends, and fellow veterans to learn about the contributions veterans who are interred at VA national cemeteries made to their communities and the country. The VFW is a strong supporter of this program and has worked with the National Cemetery Administration to improve and expand it.

This bill would establish a grant to help VA conduct research and produce educational materials for the program, which are the most labor-intensive and often difficult parts of the program. The VFW believes that such a grant would expedite the research process and ensure this important program is expanded to all VA national cemeteries as soon as possible.

Madam Chairwoman, this concludes my testimony. I am prepared to take any questions you or the subcommittee members may have.