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WOUNDED WARRIOR PROJECT

**STATEMENT OF
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**COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
U.S. HOUSE OF REPRESENTATIVES**

LEGISLATIVE HEARING ON

H.R. 5639, H.R. 5487, H.R. 5048, H.R. 5019, H.R. 697, H.R. 6013, H.R. 6060, and H.R. 7443.

July 16, 2020

Chairwoman Luria, Ranking Member Bost and distinguished members of the House Committee on Veterans' Affairs, Subcommittee on Disability Assistance and Memorial Affairs – thank you for inviting Wounded Warrior Project (WWP) to submit the following testimony on H.R. 5639, H.R. 5487, H.R. 5048, H.R. 697, H.R. 6013, H.R. 6060, and H.R. 7443.

Wounded Warrior Project's mission is to connect, serve, and empower our nation's wounded, ill, and injured veterans, Service members, and their families and caregivers. We are meeting our mission through life-changing programming, public policy advocacy, and partnership with like-minded organizations that are helping us fill critical gaps where government services leave off. Since our founding in 2003, WWP has grown from a small, volunteer-led program to an organization with over 700 employees across the country delivering more than a dozen free programs and services that promote mental, physical, and financial health and well-being.

Our services are currently offered to more than 144,000 warriors and 36,000 of their family support members. Since the start of the 116th Congress, more than 20,000 new warriors have registered for our programs and services, and we continue to register nearly 50 warriors and family support members each day. This evidence strongly indicates a growing demand for a 360-degree model of care and support focused on connection, independence, and mental, physical, and financial wellness.

Based on thousands of programming engagements with warriors, new and enduring partnerships with other non-profit organizations, and results from the largest, most statistically relevant

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survey of post-9/11 veterans in the country¹, WWP is uniquely positioned and informed to advocate for the needs of the community we serve, and we use these engagements, partnerships, and data to inform our thoughts on the legislation being discussed today.

H.R. 6013

As an organization dedicated to providing individual support to our nation's wounded, ill, and injured post-9/11 veterans, WWP has witnessed firsthand the effects and challenges grieving families face when veterans sadly pass away. These situations not only cause severe emotional pain for the bereaved family but can potentially create financial hardships for them as well. In addition to paying for immediate end-of-life services, families must also adjust their budgets to account for any loss of income due to the veteran's death. Veterans know this, and naturally, worry about whether their families will be financially secure if something happens to them. For this reason, it is absolutely critical to every veteran's emotional and financial wellness that they, like all people, have access to appropriate life insurance coverage to ensure their families do not suffer added financial distress when they die.

Unfortunately, veterans with service-connected injuries often find it impossible to purchase affordable life insurance plans on the open market. Lifelong disabilities incurred while serving our nation provide a reason for many insurance companies to either decline coverage or extend offers for unaffordable policies. In 1951, Congress addressed this problem by creating the Service-Disabled Veterans Life Insurance (S-DVI) program. This Department of Veterans Affairs-administered program allows veterans to purchase reasonably priced life insurance policies regardless of their service-connected disabilities. As it was during the Korean War era, the S-DVI program remains the only viable option for many disabled veterans to obtain life insurance plans.

Under the current S-DVI program, disabled veterans who were discharged on or after April 25, 1951 may purchase life insurance coverage in increments of \$500 with a maximum coverage amount of \$10,000. Veterans must be in good health except for their service-connected conditions, and they must enroll in the program within two years after receiving notification of a new service-connected disability. Those who miss the two-year window lose S-DVI eligibility. According to the 2020 VA Life Insurance Programs for Veterans and Servicemembers Handbook, there are currently over 250,000 veterans with S-DVI policies².

Although S-DVI remains a critical program, many of its provisions are severely outdated. Perhaps most shockingly, the statutory coverage cap of \$10,000 has remained unchanged since the program's inception in 1951. Today, that amount is barely sufficient to cover funeral and burial costs, without accounting for the immediate loss of family income or other unforeseen expenses. According to the Bureau of Labor Statistics, \$10,000 in 1951 would be worth the equivalent of \$98,993 today, when adjusted for the Consumer Price Index³. Clearly, Congress originally intended a much higher cap than \$10,000 in today's money. Additionally, the two-year enrollment window no longer reflects the realities of life for many disabled veterans today.

¹ <https://www.woundedwarriorproject.org/media/183530/2019-annual-warrior-survey.pdf>

² https://benefits.va.gov/INSURANCE/docs/2020_VALifeBook.pdf

³ https://www.bls.gov/data/inflation_calculator.htm

It is not uncommon for young men and women to wait several years after being discharged and granted service-connection to start families. Only then do they fully appreciate the need for life insurance coverage, but for them, it is too late.

The *Veteran Families Financial Support Act* would make several significant improvements to the S-DVI program. By increasing the maximum allowable coverage amount to \$40,000, it would provide veteran's families with a far more adequate payment to cover end-of-life costs and the various financial transitions that accompany the death of a loved one. It would also eliminate the two-year enrollment window in lieu of a two-year waiting period before coverage starts, ensuring that veterans maintain eligibility as their personal needs change. Importantly, this legislation would also grant the opportunity for all those enrolled in the current S-DVI program to opt-in to coverage under the new cap, allowing the maximum number of disabled veterans to select the amount of life insurance coverage that is right for them and their families.

Modernization of the S-DVI program is a high priority for WWP and the warriors we serve, and we believe that this legislation would make several improvements to this critical program that are both significant and long overdue. Accordingly, we strongly support H.R. 6013, the *Veteran Families Financial Support Act*, and urge its swift passage.

H.R. 7443

Wounded Warrior Project is still reviewing the impact of the recent 48-hour review change implemented by the Veterans Benefits Administration (VBA). While we have worked on alternative policy procedures within our own benefit office to compensate for this recent change, we have concerns with H.R. 7443's proposal to provide "opportunity for representative of record to review a proposed determination regarding a claim for compensation or benefits administered by the Secretary of Veterans Affairs."

We interpret the term "claim for compensation or benefits" to encompass any benefits decision issued by VBA, Veterans Health Administration (VHA), or the National Cemetery Administration (NCA). This would, as it is currently written, impose a mandatory 48-hour review for all claims for compensation or benefits without regard for the issue or the impracticalities that reviewing would impose on obtaining certain types of claims for compensation or benefits. Even within VBA, veteran service officers have historically not reviewed determinations of the Debt Management Center, Loan Guarantee Program, or Vocational Rehabilitation and Employment Program. This bill can be interpreted to mandate such review for the above programs and more. We do not think it would be in the best interests of the veterans, dependents, veteran service officers, or VA to have such a bill pass written as-is. From a claimant's perspective, it is a potential time loss on the promulgation of their awards. From a veteran service officer's perspective, liability issues may arise from nonperformance of the 48-hour review because it would now be essentially required by law. While one can argue that the language only indicates the Secretary shall offer "the opportunity" for review, based on the Model Rules of Professional Conduct⁴ that govern the way VSOs do business, that could extend another requirement onto our already overly burdened shoulders. Finally, there are many

⁴https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_table_of_contents/

circumstances in which VA would not benefit from VSO interactions with a case. While VSOs are highly trained within our organization, there are many who are unaware of the technical requirements for certain benefits.

Alternatively, we believe that the return of something akin to the old 48-hour review would be hugely beneficial to veterans, veteran service officers, and the VA, especially when obvious corrections need to be made to newly issued rating decisions. Our ability as practitioners to deal with these errors with relative ease has helped us save hours, days, months, and years of heartache for countless of veterans in the past. However, we want to be respectful of the complex nature surrounding the 48-rule change and find an appropriate alternative that still works for VA and veteran service officers.

Wounded Warrior Project does not support or oppose H.R. 7443. We are still determining whether our current processes are sufficient and furthermore, think that the conversation needs to continue on what a potential fix could look like and how veteran service officers and VA can return to a normal working relationship. In the past, many veteran service officers felt they could work with VA to resolve issues at the lowest administrative level and not put the veteran through more undue stress. When the national work queue came into play, it greatly reduced the ability of the veteran service officers to establish working relationships with VA decision-makers. Now that the 48-hour policy has been eliminated, the collegial atmosphere permitting collaboration at the lowest administrative level has been replaced with a sterile one relegated to a lengthy appeals process.

The National Cemetery Administration

The National Cemetery Administration (NCA) operates 143 national cemeteries and 33 soldiers' lots and monuments sites in 40 states. The NCA also provides funding to establish, expand, improve, and maintain 115 veterans' cemeteries in 48 states and territories to include tribal trust lands. In 2019, the NCA honored more than 300,000 veterans and their loved ones with memorial benefits in national, state, tribal and private cemeteries. Sadly, some of those who WWP serves will never recover from their injuries or illnesses. When a veteran succumbs to their injuries or illnesses, it is important to honor their service, if they should choose. Honoring those who served their country not only promotes pride among the family members but also promotes pride in our county by highlighting those few that risked their lives and sometimes gave their life for the freedom and ideas this country represents. WWP supports expanding funding and grants to support federal, state, and local veteran cemeteries. Below are our thoughts regarding the following bills that increase funding and authorities to the NCA.

H.R. 5639

Wounded Warrior Project supports H.R. 5639, the *Chuck Osier Burial Benefits Act*, which would authorize the Secretary of Veterans Affairs to furnish urns for veterans who decide to become cremated at non-VA cemeteries. This bill would also authorize the Secretary to pay for commemorative plaques signifying the individual's status as a veteran. For many, service to this nation is remembered throughout their life as one of their most proud moments. This feeling of

service to our country should be remembered and honored with designated veteran markers highlighting the veteran's service.

H.R. 5487 and H.R. 5048

Wounded Warrior Project supports H.R. 5487, the *Veterans Cemetery Grants Improvement Act*, which will increase the Department of Veterans Affairs cemetery improvement grants from \$5 million to \$10 million to cover the cost of operating and maintaining state veterans' cemeteries. State-run veteran cemeteries are not funded at the same level as federally run veterans cemeteries; however, the respect owed these veterans after their death is not different. WWP supports increasing the grants to these cemeteries to ensure the quality of State-run cemeteries reflects those cemeteries run by the federal government. This also reflects our thoughts on H.R. 5048, *Fairness for Local Veteran Cemeteries Act*, which would authorize the Secretary of Veterans Affairs to provide aid for counties to establish and improve State-run veterans' cemeteries. This will ensure that funds needed to operate these cemeteries are going directly to the county that maintains them.

H.R. 697

State-run veteran cemeteries are, at times, located closer to the family members of the deceased veteran than federal cemeteries. Currently, VA is authorized to pay costs related to the transportation of certain deceased veterans to federal cemeteries but not to certain state-run veteran cemeteries. WWP supports H.R. 697, which would ensure that the family can bury their loved one in a location that is best suited to their needs.

H.R. 6060

Wounded Warrior Project supports H.R. 6060, the *Veterans Burial Benefit Correction Act*. Currently, only veterans buried in cemeteries under the control of the VA or National Park Service are provided with a cost-free outer burial receptacle (OBR), a grave liner that reduces the likelihood of a sunken grave and maintains the integrity of the soil around the grave. The *Veterans Burial Benefit Correction Act* would ensure an OBR is provided to veterans buried in VA grant-funded state or tribal cemeteries.

Wounded Warrior Project thanks the House Committees on Veterans' Affairs, Subcommittee on Disability and Memorial Affairs, its distinguished members, and all who have contributed to a robust discussion of the challenges – and the successes – experienced by veterans across our great nation. Your actions of support during this critical time of need is outstanding and appreciated by all. We are thankful for the invitation to testify and submit this statement for the record, and we stand ready to assist when needed on these issues and any others that may arise.