



**STATEMENT FOR THE RECORD
TRAGEDY ASSISTANCE PROGRAM FOR SURVIVORS (TAPS)
BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND
MEMORIAL AFFAIRS
HEARING ON PENDING LEGISLATION**

OCTOBER 20, 2021

The Tragedy Assistance Program for Survivors (TAPS) is the national provider of comfort, care, and resources to all those grieving the death of a military loved one. TAPS was founded in 1994 as a 501(c)(3) nonprofit organization to provide 24/7 care to all military survivors— regardless of a service member’s duty status at the time of death, a survivors’ relationship to the deceased service member, or the circumstances of a service member’s death.

Providing comprehensive support at no cost for military survivors, TAPS offers services and programs that include peer-based emotional support, casework assistance, educational assistance, and community-based grief and trauma resources. TAPS offers additional programs including, but not limited to: a 24/7 National Military Survivor Helpline; national, regional, and community programs to facilitate a healthy grief journey for survivors of all ages; and information and resources provided through the TAPS Institute for Hope and Healing. TAPS extends a significant service to military survivors by facilitating meaningful connections to other survivors with shared loss experiences.

In 1994, Bonnie Carroll founded TAPS after an Army National Guard plane crash in the mountains of Alaska killed her husband, along with seven other soldiers, in 1992. TAPS has since steadfastly provided care and support to more than 100,000 bereaved military survivors. In 2020 alone, TAPS has connected with 7,583 newly bereaved loved ones— an average of 21 new survivors every day. Of the 6,974 newly bereaved survivors seeking our care between January 1 and September 30, 2021, 31% lost a loved one to illness and 32% to suicide.

As the leading national nonprofit organization offering military grief support, TAPS builds a community of survivors helping survivors heal. TAPS provides connections to a network of peer-based emotional support and critical casework assistance, empowering survivors to grow with their grief. Engaging with TAPS programs and services has inspired many survivors to care for other, more newly bereaved survivors by working and volunteering for TAPS.

Chairwoman Luria, Ranking Member Nehls, and distinguished members of the House Committee on Veterans' Affairs, Subcommittee on Disability Assistance and Memorial Affairs, the Tragedy Assistance Program for Survivors (TAPS) is grateful for the opportunity to submit a statement for the record on issues and concerns of importance to the families we serve— all those who have served and died.

The mission of TAPS is to provide comfort, care, and resources for all those grieving the death of a military loved one regardless of the manner of death, the duty status at the time of death, the survivor's relationship to the deceased, or the survivor's phase in their grief journey. Part of that commitment involves advocating for improvements in programs and services provided by the U.S. federal government, Department of Defense (DoD), Department of Veterans Affairs (VA), Department of Education (DoED), Department of Labor (DOL), and Department of Health and Human Services (HHS), and state and local governments.

TAPS and the VA have mutually benefited from a long-standing, collaborative working relationship. In 2019, TAPS and the VA entered into a new, expanded Memorandum of Agreement that formalized their partnership with the intent to provide extraordinary services through closer collaboration. Under this partnership agreement, TAPS works with military survivors to identify resources available within the VA and private sector. TAPS and the VA further collaborate to address areas of relevance to all military survivors, such as education, burial, benefits and entitlements, grief counseling, and survivor assistance.

TAPS appreciates the opportunities provided by the quarterly VA and DoD Survivors Forum, which work as a clearinghouse for information on government and private sector programs and policies affecting surviving families. Through its partnership with the VA and DoD Survivors Forum, TAPS shares information on TAPS programs and services that support all those grieving the death of a military loved one and on specific resources available for the COVID-19 global crisis.

TAPS President and Founder, Bonnie Carroll serves on the Department of Veterans Affairs Federal Advisory Committee on *Veterans' Families, Caregivers, and Survivors* and chairs the Subcommittee on Survivors. The Committee advises the Secretary of the VA on matters related to Veterans' families, caregivers, and survivors across all generations, relationships, and veteran statuses. Ms. Carroll also serves as a PREVENTS Ambassador for the VA's suicide prevention initiative.

MILITARY SURVIVOR-RELATED LEGISLATION

TAPS sincerely applauds Chairwoman Luria and Ranking Member Nehls for their steadfast leadership on issues important to military survivors. We are grateful for their joint efforts with members of this committee in introducing legislation addressing concerns of significance to our survivor community. TAPS will continue to work collaboratively to ensure their passage this year.

H.R. 2827, Captain James C. Edge Gold Star Spouse Equity Act

TAPS Does Not Support As Currently Written

A top priority for TAPS and our military survivor community is to allow surviving spouses to retain their survivor benefits upon remarriage at any age. TAPS is working to ensure the introduction of a comprehensive remarriage bill in the 117th Congress that includes **all surviving military spouses**. Although the *Captain James C. Edge Gold Star Spouse Equity Act* (H.R. 2827) is well-intentioned, it includes only the surviving spouses of service members who die in the line of duty — excluding surviving veteran and retiree spouses.

Comprehensive remarriage legislation should expand benefits for all military and veteran surviving spouses, to include the Reserve Components, regardless of their service member's manner of death or duty status at the time of death. It should further ensure the retainment of all survivor benefits upon remarriage at any age— including the Dependency and Indemnity Compensation (DIC), Survivor Benefit Plan (SBP), Education and TRICARE benefits, and access to commissaries and exchanges.

TAPS also recommends remarriage legislation remove the “hold themselves out to be married clause” from 38 U.S. Code § 101(3); and redefine surviving spouse to honor all surviving spouses, including those of same sex marriages. Current law denotes the term “surviving spouse” as a person of the opposite sex.

The negative impacts of losing financial benefits lead the choices of many surviving spouses— especially those with children— to not remarry after the death of their veteran or service member. Surviving spouses who wait to remarry until age 55 may retain all survivor benefits, but those who remarry before age 55 lose almost all survivor benefits— including healthcare, DIC, SBP, education benefits, military identification cards, and access to vital commissary and exchange privileges.

Surviving military spouses should not have to choose between remarriage— a second chance at love— and retaining their survivor benefits, critical to the financial well-being of their family. Choosing to remarry before the age of 55 does not change that they are still surviving military spouses, who earned survivor benefits because of their veteran or service member's ultimate sacrifices. As the average age of surviving spouses is 25, they should not have to wait an average of 30 years to remarry to retain their survivor benefits.

TAPS requests the committee introduce comprehensive remarriage legislation for all surviving spouses, regardless of era or duty status to:

- Allow surviving spouses to remarry and retain benefits at any age.
- Allow surviving spouses to maintain access after remarriage to education benefits under the Fry Scholarship and Dependents Education Assistance.
- Allow surviving spouses to retain commissary and exchange benefits after remarriage.
- Allow surviving spouses to retain the SBP and DIC after remarriage.
- Allow surviving spouses who remarry to retain their TRICARE benefits or, at the minimum, regain their TRICARE benefits if that marriage ends due to death, divorce, or annulment.
- Redefine the term "surviving spouse" to honor all surviving spouses, including those of same-sex marriages, by removing the clause "of the opposite sex."
- Remove the "hold themselves out to be married" clause from 38 U.S. Code § 101(3).

H.R. 3402, Caring for Survivors Act of 2021

TAPS Strongly Supports

TAPS expresses its appreciation to Representative Jahana Hayes (D-CT-5) for reintroducing the *Caring for Survivors Act of 2021* (H.R.3402), which aims to strengthen DIC for more than 450,000 eligible survivors. A tax-free monetary benefit, DIC is paid to eligible surviving spouses, children, or parents of service members whose death was in the line of duty or resulted from a service-related injury or illness.

This bill will raise DIC to 55% of the compensation rate paid to a 100% disabled veteran. The current monthly DIC rate is \$1,357.56 and has only increased due to Cost-of-Living-Adjustments (COLA). TAPS continues to work to ensure that the base rate is increased the same for all DIC recipients— for those pre-and-post

1993— and that added monthly amounts— like the eight-year provision and Aid and Attendance— are protected.

This bill also reduces the timeframe a veteran needs to be rated totally disabled from 10 to 5 years, allowing more survivors to become eligible for DIC benefits.

TAPS and the survivor community have supported increasing DIC for many years, especially for military survivors whose only recompense is DIC. Passing this legislation is the top priority for The Military Coalition (TMC) Survivor Committee, co-chaired by TAPS. TMC consists of 35 organizations representing more than 5.5 million members of the uniformed services— active, reserve, retired, survivors, veterans— and their families.

As the following statements of military and veteran survivors show, the financial impact of the stringent limitations on DIC payments to survivors has widespread impact (housing, transportation, utilities, clothing, food, medical care, recreation, and employment) on all family members— including children— who have experienced the greatest loss— that of a parent.

Ann Drago, Surviving Spouse of LCPL Joseph Drago

“I have lost our family home because the DIC is so low. I have been renting with my son for the last few years. I recently had to move to a new rental.

Rent here in Anchorage, Alaska has risen by several hundred dollars per month for similar units. Food has risen by 10-70%. Gas prices are up and wages are not increasing. Child care, if you are lucky enough to find it at all, can easily cost more than many jobs pay. Having groceries delivered is becoming my best option, for health and safety, but that costs money too.

We're heading into very uncertain times. I have been 100% disabled for almost twenty years and cannot work to provide more income. I can barely walk around my home as a disabled senior. Being in public has become more and more dangerous because of criminal activity. For the first time in my life, I fear homelessness in Alaska.”

Barclay Murphy, Surviving Spouse of Major Edward Murphy

“Widows with older children especially need a DIC increase. As our children reach age 16, “our” portion of Social Security goes away, effectively reducing our income by over \$1,700 a month. At the same time, expenses for our children are

on the rise between graduation, supplies, college applications, and expenses for school visits— and even basics like higher car insurance premiums for a young driver. Costs are up on EVERYTHING and we're already being told this winter will see some of the highest heating costs around.”

Pat Collins Miller, Surviving Spouse of SGT Danny Miller

“I am the daughter of a career Army officer, a combat veteran of Korea and Vietnam, who died in 2006, service-connected from exposure to Agent Orange. His 80-year-old widow relies heavily on DIC.

I am also the widow of a Vietnam combat veteran who died in 2008, service-connected from exposure to Agent Orange. Our income was cut by almost 2/3 and we had 3 children in college at the time of his death. I, too, rely on DIC. I am most concerned that the service and deaths of my father and husband are valued less than the service and death of other federal employees. H.R. 3402 will correct this hurtful disparity by increasing DIC.”

Milissa Lee, Surviving Daughter of SSGT Gary Lee

“My father fought for over 40 years to be rated 100% totally disabled. He was finally awarded a 100% disability rating at 68 years old. My parents were both on Social Security with a very small pension from my father’s prison job, and they were struggling to keep afloat. The 100% disability rating was heaven sent. The extra \$3,000 a month allowed my parents to pay for everything they had neglected. Unfortunately, six years later my father passed away. It was unexpected but caused by his horrid medical conditions. However, the cause of death was not listed as service-connected on his death certificate.

With a \$1,000 mortgage and all the bills left on my mother’s shoulders, we fought to get my father’s death certificate fixed, so my mom would be eligible for DIC. Although DIC has been heaven sent for my mom, the \$1,300 a month does not cover her basic expenses. We still need to help her financially and absolutely will!

Many of our older veterans and their spouses have no idea that their husband or wife’s disability pay does not transfer over at death. They have no idea that they will lose more than half or sometimes all of their veteran’s disability pay. Some spouses don’t even know about DIC.”

H.R. 3793, Supporting Families of the Fallen Act

TAPS Supports the Intent

The Servicemembers' Group Life Insurance (SGLI) and Veterans' Group Life Insurance (VGLI) are critical programs for service members and veterans' families. Currently, service members can secure up to \$400,000 in life insurance coverage for their families in \$50,000 increments.

When a service member is released, separates, or retires from active duty or the reserves, they can apply for VGLI within one year and 120 days from their discharge to secure up to the amount of coverage they had through SGLI. A service member can also apply for VGLI if they are assigned to the Individual Ready Reserves (IRR), Inactive National Guard (ING), or placed on the Temporary Disability Retirement List (TDRL).

Unfortunately, SGLI and VGLI have not kept up with the rate of inflation. TAPS appreciates the intent of the *Supporting Families of the Fallen Act* (H.R. 3793) but would like to see SGLI and VGLI increased based on Cost-of-Living-Adjustments (COLA) as opposed to raising the coverage to a flat \$500,000.

However, raising the coverage only addresses part of the issue of protecting our surviving families. Educating service members on the intents of the SGLI, VGLI, and death gratuity programs is critical to the financial well-being of military families. When designating a beneficiary for SGLI or VGLI, service members and veterans need to consider the person in their life who will be financially responsible for taking care of their personal effects, settling their estate and debts, and raising their children. They also need to update this information when life changing events occur.

Over the past 27 years since TAPS was founded, we have seen many cases where surviving families suffered financial distress because of decisions their service members or veterans made regarding their SGLI or VGLI beneficiaries. In some cases those decisions were made long before their death and were not updated due to marriage, divorce, children, or other life changing events.

In addition, service members often confuse SGLI with the intent of the death gratuity. The original intent of the death gratuity was to provide military survivors with "emergency funding" of six months of pay, since there were no government or commercial life insurance programs for service members prior to 1908. The death gratuity provides a critical bridge payment to meet the financial needs and

obligations of survivors during the period immediately following the death of their service member— when their service member's paycheck stops and before other government benefits become available.

As the government can only reimburse travel vouchers and cannot authorize travel in advance, family members eligible for survivor benefits often incur substantial out-of-pocket funeral expenses. If the person who must incur those costs does not get the death gratuity right away, they may not be able to travel to the funeral, pay their rent or mortgage, or put food on the table for their family.

The death gratuity payment was increased from \$12,000 to \$100,000 in 2005 and made retroactive to October 7, 2001. Before May 2007, the death gratuity was payable according to a specific hierarchy prescribed in law with limited opportunity for service members to designate a beneficiary. Established on July 1, 2008, a new beneficiary hierarchy allows service members to designate any person or persons to receive up to 100% of the death gratuity in 10% increments.

Unfortunately, service members who confuse the intents of SGLI and the death gratuity sometimes do not secure the majority of the death gratuity— which they designate prior to their death— for the primary next of kin responsible for paying the bills. Their survivors often contact TAPS for immediate financial assistance. As such, TAPS is working to secure at least 50% of the death gratuity for eligible surviving spouses and for the death gratuity to be renamed to more accurately reflect the payment's intended purpose.

Although the death gratuity does not fall under the purview of this committee, TAPS recognizes the importance for this committee to consider survivor benefits as they relate to one another and help educate our veterans, service members, and their survivors on their benefits.

H.R. 4191, Gold Star Spouses Non-Monetary Benefits Act

TAPS Supports the Intent But Has Concerns

Allowing remarried spouses to retain benefits is a top priority for TAPS. We are supportive of the first section of the *Gold Star Spouses Non-Monetary Benefits Act* (H.R.4191), which allows remarried spouses to maintain federal hiring preference. Just because a surviving spouse has remarried does not mean that they are no longer a surviving spouse— they do not stop grieving just because they have remarried.

However, TAPS has identified concerns about how this bill defines a surviving spouse. The use of the Gold Star Lapel Button limits eligibility to only those who died while deployed in a combat zone. TAPS does not support any legislation that excludes most survivors.

The Department of Veterans Affairs (VA) does not distinguish a veteran's burial benefits by cause of death. There is no differentiation of military headstones, the folding of the flag, the playing of Taps, or the distribution of government benefits based on the geography or circumstances of death for a service member, whether they died in combat, by accident, as a result of an illness, or by suicide. A service member's death is honored and remembered based on their life and service— not based on the geography or circumstance of their death.

TAPS recommends replacing the Gold Star Lapel Button definition with the following: "Died while serving or from a service-connected injury or illness." Using any other definition will cause discrepancies in the survivor community and treat surviving spouses of those who died stateside as second-class citizens. Currently, only 3% of survivors seeking TAPS support and services are from a combat loss, 30% are from a suicide loss, 32% are due to a service-connected illness, and 20% are from an accident that occurred stateside.

War looks very different these days than it did in previous eras. The battlefield is not only a place— it comes home for our veterans and their families in both visible and invisible wounds of war. A large part of honoring Gold Star families is recognizing that we look different now than we did 50 years ago. How or where our loved ones died does not change the grief survivors feel. Honoring the service and sacrifice of our veterans, service members, their families, caregivers, and survivors— regardless of their manner of death or duty status at the time of death— is our Nation's solemn obligation.

Legislation to amend title 38, United States Code, to extend increased Dependency and Indemnity Compensation (DIC) paid to surviving spouses of veterans who die from amyotrophic lateral sclerosis, regardless of how long the veterans had such disease prior to death (discussion draft)

TAPS Strongly Supports

TAPS is grateful to Representative Elissa Slotkin (D-MI-8) for introducing the *Justice for ALS Veterans Act of 2021*. TAPS strongly supports this legislation, which would extend critical DIC benefits to surviving spouses of veterans who die

from ALS or Lou Gehrig's disease regardless of how long the veteran had the disease before their death.

The VA has included ALS as a presumptive service-connected disease since 2008 for veterans who have served in the military for at least 90 days of continuous active duty service. However, under current law, a veteran needs to be rated totally disabled for a continuous period of at least eight years immediately preceding their death for their survivors to receive DIC.

According to the ALS Association, military veterans are twice as likely to be diagnosed with ALS than civilians, no matter their branch of service or if they served during peacetime or war. Veterans are also at greater risk of dying from the disease. As the average life expectancy for someone living with ALS is two to five years from the time of diagnosis, many veterans who contract ALS do not live long enough to secure DIC benefits for their survivors.

Over the past five years, the number of military survivors of an illness death seeking TAPS services increased by 95 percent. In 2020 alone, 2,317 new survivors of a death by illness reached out to TAPS for support. Based on current trends, TAPS sadly projects this number will increase by more than 2,300 each year. Although we do not know how many of these deaths are related to ALS, we know there has been a tremendous uptick in illness loss survivors seeking TAPS support and services.

TAPS has been a leading voice in advocating for all illness loss survivors. We are pleased to support the *Justice for ALS Veterans Act of 2021 and urge its passage* this year. Survivors of our Nation's veterans who have died from ALS should wait no longer to receive their veterans' hard-earned benefits.

CONCLUSION

The Tragedy Assistance Program for Survivors thanks the leadership of the House Committee on Veterans' Affairs, Subcommittee on Disability Assistance and Memorial Affairs, and its distinguished members for holding this hearing to discuss the myriad of legislation recently introduced. TAPS appreciates the opportunity to provide a statement for the record.