

**STATEMENT OF
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NATIONAL CEMETERY ADMINISTRATION
BEFORE THE
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
HOUSE COMMITTEE ON VETERANS' AFFAIRS**

May 1, 2019

Madam Chair 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 are Kevin Friel, Deputy Director for Pension and Fiduciary, Veterans Benefits Administration; Dr. Patricia Hastings, Deputy Chief Consultant, PDHS, Veterans Health Administration; and Derrick Curtis, Director, Software Testing & 508, Enterprise Portfolio Management Division, Office of Information Technology.

H.R. 1126

H.R. 1126, the Honoring Veterans' Families Act, would permit VA to replace a Veteran's Government-furnished headstone or marker in a non-VA cemetery in order to add an inscription for a deceased spouse or eligible dependent child following the death of the spouse or child. VA would also be authorized to inscribe information regarding a spouse or eligible dependent child who has predeceased the Veteran on the Veteran's Government-furnished headstone or marker. The bill would define "non-VA cemetery" as a Veterans' cemetery owned by a State, or a State, local, tribal, or private cemetery. The provisions of the bill would be effective for deaths on or after October 1, 2018.

This legislation is consistent with a VA proposal in the President's Budget for FY 2020, and, as such, VA supports H.R. 1126, provided Congress can identify corresponding funding, and subject to some technical edits discussed below.

In recent years, VA has received an ongoing and steady interest by families to have information about a Veteran's loved one, beyond just general terms of endearment referring to a spouse, inscribed on the Government-furnished headstone or marker. These headstones or markers would mark the gravesites of Veterans who are eligible

for burial in a national cemetery but are not buried there, including gravesites in private and local government cemeteries as well as VA grant-funded Veterans' cemeteries.

H.R. 1126 would not expand eligibility for the headstone and marker benefit to spouses and dependents buried outside of a VA national cemetery (who, under current statutory authority in 38 U.S.C. § 2306 are not eligible for a headstone or marker of their own in local or private cemeteries). Rather, the bill would allow VA to inscribe information about a deceased spouse or dependent child on a Veteran's headstone or marker. The information would be included either when the Veteran's headstone or marker is requested (if the spouse or dependent child has predeceased the Veteran) or on a replacement headstone or marker (if the spouse or dependent child dies after the Veteran). Replacement is the most cost-efficient way to provide this additional inscription, as VA does not have resources to add inscriptions to pre-set headstones in cemeteries outside the national cemetery system.

However, we note that the text of the bill does not reflect certain changes made to title 38 by Public Law 115-407, signed by the President on December 31, 2018. First, the new law added subsection (i) to section 2306; therefore, the language proposed by H.R. 1126 should be added as subsection (j), not subsection (i), as proposed in the bill. In addition, Public Law 115-407 expanded VA's authority to provide headstones and markers for spouses and dependents in tribal Veterans' cemeteries, where previously VA no had such authority. In doing so, the law added a new term to the statute, "covered cemeteries," defined as national cemeteries, state Veterans' cemeteries, and Tribal Veterans' cemeteries. Because VA may now provide a marker for the unmarked grave of a spouse or dependent of a Veteran in one of these covered cemeteries, the need being addressed by H.R. 1126 is somewhat narrower than before. We would suggest utilizing the new term established by Public Law 115-407, by indicating that the focus of H.R. 1126 is to inscribe information about the Veteran's spouse or eligible dependent child following the death of the spouse or child on the headstone of a Veteran who is not buried in a "covered cemetery."

We would also ask that the Committee consider making this provision effective for spouses and dependents of deceased Veterans whose deaths have occurred in the last 5 years. By creating this window, the bill would allow VA to process requests to

provide a replacement headstone or marker to add information about recently-deceased spouses and dependent children (in cases where the spouse or child has recently died after the Veteran and the Government has already furnished the Veteran's headstone or marker).

VA estimates that this bill will result in costs to the mandatory Compensation and Pension appropriation of approximately \$780 thousand in 2020, \$3.0 million over 5 years, and \$6.8 million over 10 years.

H.R. 1199

H.R. 1199, the VA Web site Accessibility Act of 2019, would direct the Secretary of Veterans Affairs, not later than 180 days after the date of the enactment of the bill, to examine all Web sites (including attached files and Web-based applications) of the Department to determine whether such Web sites are accessible to individuals with disabilities in accordance with section 508 of the Rehabilitation Act of 1973 (20 U.S.C. § 794d). Within 90 days of completing this study, the Secretary would be required to submit a report to Congress regarding the study. The report would have to include a list of each Web site, file, or Web-based application that is not accessible to individuals with disabilities in accordance with section 508 of the Rehabilitation Act of 1973, as well as a plan to bring each Web site, file, or Web-based application that is not in compliance into compliance.

While VA agrees with the intent of this legislation, we do not believe it is necessary because it provides no new authority and because system owners already scan and remediate their Web sites as needed. Moreover, we have some concerns with the mandated schedule regarding conducting a review and developing a remediation plan. VA's Section 508 Office currently scans VA Web sites to identify non-compliant Web sites, files, and Web-based applications. The results of these scans are shared with the administrations and staff offices responsible for maintaining these sites. Although VA's administrations are actively engaged in remediation activities, there is no consolidated enterprise-wide plan to bring each Web site, file, or Web-based application into compliance with the requirements of section 508 of the Rehabilitation Act of 1973. However, we wish to emphasize that scanning and remediation are occurring. Finally,

we believe that attempting to conduct a universal review within 180 days would be logistically challenging.

H.R. 1200

H.R. 1200, the Veterans' Compensation Cost-of-Living Adjustment Act of 2019, would require the Secretary of Veterans Affairs to increase the rates of disability compensation for service-connected Veterans and the rates of dependency and indemnity compensation (DIC) for survivors of Veterans, effective December 1, 2019. The bill would increase these rates by the same percentage as the percentage by which Social Security benefits are increased effective December 1, 2019. The bill would also require VA to publish the resulting 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 and would ensure that the value of their benefits will keep pace with increases in consumer prices.

VA estimates that this bill will result in costs of \$1.6 billion in FY 2019, \$10.0 billion over 5 years, and \$21.8 billion over 10 years. However, the cost of these increases is included in VA's baseline budget because VA assumes Congress will enact a cost-of-living adjustment each year. Therefore, enactment of this bill would not result in additional costs beyond what is included in VA's baseline budget.

Draft Bill Establishing a Grant Program for Veterans Legacy Program

This draft bill would provide VA with the authority to establish a grant program to conduct cemetery research and produce educational materials under the auspices of the Veterans Legacy Program (VLP). VLP supports the ongoing mission of the National Cemetery Administration to honor Veterans and their eligible family members with final resting places and with lasting tributes by providing engagement and educational tools and opportunities for the public to learn about Veterans' service and sacrifice. By engaging educators, students, researchers, and the public, VLP proudly shares the stories of all those who served to help build an appreciation of what earlier generations

have given to the Nation and to help individuals understand why national cemeteries are set aside as national shrines.

VA supports this bill which is similar to a proposal in the President's Budget for FY 2020. VLP seeks to continually develop learning products to ensure that educational opportunities for commemorating Veterans' service and sacrifice to our Nation are available to educators, students, researchers, and the public. To date, VA, working through the VLP, has awarded 16 separate contracts to conduct cemetery research and produce VLP educational material for use in elementary and high schools and the public to promote community engagement with Veterans' history. These contracts were awarded to procure a framework of digital and non-digital tools based on research that focused on Veterans interred at national cemeteries. In addition to developing biographies of Veterans, which are available on-line (including video presentations on YouTube), lesson plans and walking tours have been developed that can be employed without digital media/computers, so that teachers can print out a lesson plan and its accompanying resources to use with all students in the classroom or on-site at the national cemetery. VLP has produced over 573 Veteran biographies, 17 documentary films about Veterans, and 6 Veterans cemetery walking tours, all based on research conducted on-site in VA national cemeteries by students. Under the contracts issued to date, VLP will have engaged almost 9,000 students from kindergarten through high school, over 300 teachers and 200 undergraduate students, nearly 40 graduate students, and over 50 scholars.

The use of grants instead of contracts would be a more appropriate vehicle for VA to obtain educational tools and services for VLP in the future. In particular, the use of grants would allow VLP to adopt an awards cycle that more closely aligns with the academic calendar of universities and other learning institutions, which are largely expected to be the entities to produce VLP learning products. VLP could also use this vehicle to increase its flexibility in the size and scope of an award, thus making better use of its resources to increase the reach of the program beyond large universities to smaller groups that wish to engage with VA in enhancing the memorialization of Veterans.

This bill would incur no additional cost to VA, as funds are already allocated for VLP. Grants authorized by this bill would be an additional tool, beyond contracts, for the appropriate disbursement of existing allocated funds for VLP.

H.R. 1628

H.R. 1628, the Enewetak Atoll Cleanup Radiation Study Act, would direct the Secretary of Veterans Affairs to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to conduct a study on radiation exposure relating to the cleanup of Enewetak Atoll.

Subject to provision of funds to conduct this study, VA supports this legislation provided Congress can identify corresponding funding. Veterans who participated in the cleanup at Enewetak Atoll encountered low levels of radiological contamination and have a low risk of health problems. Today, residents of this atoll have very little or no intake of residual radionuclides, with annual radiation doses below U.S. averages. However, many Veterans are quite concerned that exposure on Enewetak may have negative consequences for their health. This study may answer those concerns.

VA estimates the cost of conducting this study would be \$1,500,000.00 in FY 2019.

H.R. 1826

H.R. 1826, the Veterans VOW Act, would increase the Medal of Honor (MOH) special pension rate from \$1,000 to \$1,329.58 per month. It would also provide payment of MOH special pension to a surviving spouse of a deceased MOH recipient.

VA supports the bill to the extent that it increases the MOH special pension rate and sets specific parameters for surviving spouses' receipt of MOH special pension, provided Congress can identify corresponding funding. Extending the MOH special pension to surviving spouses allows a surviving spouse to receive the same amount as the Veteran would have received but for the Veteran's death. Extending the MOH special pension to surviving spouses accords with other survivor benefits VA offers such as Survivors Pension and special monthly pension for survivors.

VA would require clarification regarding one aspect of this bill: it is unclear if the remarriage limitations associated with DIC entitlement would apply to surviving spouses receiving the MOH special pension. For example, a surviving spouse who remarries prior to age 57 loses entitlement to DIC, but it is unclear whether a surviving spouse receiving the MOH special pension under this bill would also lose entitlement if they remarried.

VA estimates that this bill will result in mandatory costs of approximately \$1.7 million in 2020, \$8.8 million over 5 years, and \$18.7 million over 10 years.

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