



**STATEMENT OF
TRAGEDY ASSISTANCE PROGRAM FOR SURVIVORS (TAPS)
BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES**

DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS SUBCOMMITTEE

**PRESENTED BY
CANDACE WHEELER**

APRIL 10, 2024

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 or veteran 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 survivor's relationship to the deceased service member, or the circumstances or geography of a service member's death.

TAPS provides comprehensive support through services and programs that include peer-based emotional support, casework, assistance with education benefits, and community-based grief and trauma resources, all delivered at no cost to military survivors. TAPS offers additional programs including, but not limited to, the following: the 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 peer survivors with shared loss experiences.

In 1994, Bonnie Carroll founded TAPS after the death of her husband, Brigadier General Tom Carroll, who was killed along with seven other soldiers in 1992 when their Army National Guard plane crashed in the mountains of Alaska. Since its founding, TAPS has provided care and support to more than 120,000 bereaved military survivors.

In 2023 alone, 9,611 newly bereaved military and veteran survivors connected with TAPS for care and services, the most in our 30-year history. This is an average of 26 new survivors coming to TAPS each and every day. Of the survivors seeking our care in 2023, 34 percent were grieving the death of a military loved one to illness, including as a result of exposure to toxins; 30 percent were grieving the death of a military loved one to suicide; and only 3 percent were grieving the death of a military loved one to hostile action.

As the leading 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.

Chairman Luttrell and Ranking Member Pappas, and distinguished members of the House Committee on Veterans' Affairs, Disability and Memorial Affairs Subcommittee, the Tragedy Assistance Program for Survivors (TAPS) is grateful for the opportunity to provide a statement for the record on issues of importance to the 120,000-plus surviving family members of all ages, representing all services, and with losses from all causes who we are honored to serve.

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 or location 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 includes advocating for improvements in programs and services provided by the U.S. federal government — the 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 2014, TAPS and the VA entered into a Memorandum of Agreement that formalized their partnership with the goal of providing earlier and expedited access to crucial survivor services. In 2023, TAPS and the VA renewed and expanded their formal partnership to better serve our survivor community. TAPS works with military and veteran survivors to identify, refer, and apply for resources available within the VA, including education, burial, benefits and entitlements, grief counseling, and survivor assistance.

TAPS also works collaboratively with the VA and DOD Survivors Forum, which serves as a clearinghouse for information on government and private-sector programs and policies affecting surviving families. Through its quarterly meetings, TAPS shares information on its programs and services as well as fulfills any referrals to support all those grieving the death of a military and veteran loved one.

TAPS President and Founder Bonnie Carroll served on the Department of Veterans Affairs Federal Advisory Committee on *Veterans' Families, Caregivers, and Survivors*, where she chaired 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 is also a distinguished recipient of the Presidential Medal of Freedom, the nation's highest civilian honor.

LOVE LIVES ON ACT OF 2023 (H.R.3651)

(TAPS Strongly Supports)

TAPS is honored to work with members of this committee to pass one of our top legislative priorities, the ***Love Lives On Act of 2023 (H.R.3651)***. This comprehensive legislation will allow surviving spouses to retain their benefits following remarriage before the age of 55. TAPS is grateful to Representatives Dean Phillips (D-MN-3) and Richard Hudson (R-NC-9), and Senators Jerry Moran (R-KS) and Raphael Warnock (D-GA) for introducing this important legislation in the 118th Congress.

We ask Congress to:

- Remove the age of 55 as a requirement for surviving spouses to retain benefits after remarrying.
- Allow surviving spouses to retain both the Survivor Benefit Plan (SBP) and Dependency and Indemnity Compensation (DIC) upon remarriage at any age.
- Allow remarried surviving spouses to maintain access to education benefits under the Fry Scholarship and Dependents Education Assistance (DEA).
- Allow remarried surviving spouses to retain Commissary and Exchange benefits (*Passed in Fiscal Year 2024 National Defense Authorization Act*).
- Allow remarried surviving spouses to regain their TRICARE benefits if their remarriage ends due to death, divorce, or annulment.
- Remove the “Hold Themselves Out to Be Married” clause from 38 USC, Section 101, paragraph 3.

Current law significantly penalizes surviving spouses if they choose to remarry before the age of 55. Given that most surviving spouses from the post-9/11 era are widowed in their 20s or 30s, we are asking them to wait 20-plus years to move forward in their lives with the financial security given as a result of their loved ones' service and sacrifice. They often have children who they must raise alone. Many surviving spouses choose not to remarry after the death of their service member because the loss of financial benefits would negatively impact their family, especially those with children. Many choose to cohabitate instead of legally remarrying.

The long-term goal for TAPS is to secure the right for surviving spouses to remarry at any age and retain their benefits. TAPS is leading efforts to pass the ***Love Lives On Act of 2023***, which is supported by over 40 veteran and military organizations. TAPS

spearheaded a letter of support from these partner organizations that has been shared with every member of this committee.

Military spouses are among the most unemployed and underemployed population in the United States. Due to frequent military moves, absence due to frequent deployments of the service member, and expensive child care, military spouses face high barriers to employment and are unable to fully invest in their own careers and retirement. For many families, military retirement pay is treated as the household's retirement pay. These barriers to employment continue when a military spouse becomes a surviving spouse. Many surviving spouses have to put their lives on hold to raise bereaved children. They are reliant on their survivor benefits to help offset the loss of pay from their late spouse and their own lost income as a result of military life.

If a surviving spouse's subsequent marriage ends due to death, divorce, or annulment, while most benefits can be restored, TRICARE benefits are not restored. If a surviving spouse was previously eligible for CHAMPVA, that benefit can be restored. TAPS is not asking for surviving spouses to maintain TRICARE upon remarriage, only that we provide parity with other federal programs, and allow it to be restored if the subsequent marriage ends.

These restrictions appear to be punitive, as they are only imposed on military surviving families, but not others who put their lives on the line to protect and defend. For example, in 30 states, including Texas¹, Virginia², and Louisiana³, first responders' survivors may legally remarry and maintain all or partial pensions and benefits.

In certain circumstances, divorcees are granted more respect than surviving spouses. If a service member was married for at least 20 years and served 20 years, their divorced spouse is entitled to a portion of that retirement benefit regardless of whether they remarry or not. Surviving spouses should not be penalized for remarrying when we grant the right to retain benefits to certain divorced spouses.

Additionally, when a surviving spouse remarries before the age of 55, they are legally required to notify the Department of Veterans Affairs (VA) to discontinue Dependency and Indemnity Compensation (DIC). The VA states that the processing time for these claims is typically eight to 12 weeks, but unfortunately, this is most often not the case. Numerous surviving spouses experience delays ranging from six to 18 months, with some cases taking up to 42 months of constant effort to terminate their benefits. They often encounter the need to make multiple calls and resend paperwork repeatedly.

¹ <https://www.firehero.org/resources/family-resources/benefits/local/tx/>

² <https://www.firehero.org/resources/family-resources/benefits/local/va/>

³ <https://irp-cdn.multiscreensite.com/ac5c0731/files/uploaded/Louisiana.pdf>

As these survivors continue to receive payments, they subsequently receive debt letters demanding the immediate repayment of benefits, often with added interest. This places an undue burden and emotional distress on surviving spouses who followed the required procedures. The challenge is exacerbated by the fact that many surviving spouses, often with minor children, are unaware of the specific portions of the payments they are supposed to retain and which portions should cease. Additionally, they may lack the financial resources to repay the VA promptly. This is a waste of VA resources, and allowing our surviving spouses to maintain benefits upon remarriage would eliminate these unnecessary challenges.

According to the VA, there are approximately 505,000 DIC recipients. Less than 30,000 of those surviving spouses are under the age of 55 and could potentially benefit from this legislation. Currently, less than 5 percent of surviving spouses under the age of 55 have chosen to remarry due to these penalties.

The federal government has allowed surviving spouses to maintain benefits upon remarriage over the age of 55 or 57 for decades. There is no specific reason for the age of 55, it is just the age Congress decided they could live with, but it sets the precedent that surviving spouses can and should be able to remarry and retain survivor benefits without waiting 20-plus years. Most choose to cohabitate until age 55, so all this law does is discourage legal marriages and prevent our young surviving children from having a mother or father figure legally in their lives.

Additionally, not only can a surviving spouse not legally remarry without losing survivor benefits, but there is also a clause in statute that states surviving spouses cannot “hold oneself out to be married” (38 U.S. Code § 101 Paragraph 3). Originally, this referred to common law marriages, but in practice, it means that if anyone could view your new significant other as your “spouse,” you could lose your benefits. If someone addresses a Christmas card to “Mr. & Mrs. *Smith*” as opposed to “Mr. *Smith* and Mrs. *Johnson*,” that is holding oneself out. If a survivor refers to their new partner as their spouse to simplify explaining the relationship, that is holding oneself out. If your neighbors presume you are married, that is holding oneself out. Anyone can turn in a survivor for holding oneself out, just because they do not like them. The VA is legally required to investigate them and suspend their benefits during the investigation. While the VA does not actively go out and search for these cases, they have to investigate when someone submits a tip. This leads to our surviving spouses constantly living in fear of being turned in, even when they have not remarried.

With recruiting and retention at an all-time low in the military, every time we do not keep our promises to our military, veterans, and their families, we are discouraging our younger generations from serving. When an 18-year-old enlists in the military, they sign

a check for up to and including their life. They also know that if something happens to them, our government will take care of their family. Period. There are no conditions, they are promised that their family will be taken care of for the rest of their lives. The current law breaks that promise. Our military, Members of Congress, and administration frequently remind survivors that the death of their loved one “is a debt that can never be repaid,” but ending survivor benefits upon remarriage is saying, “that debt is paid in full.” Just because a surviving spouse remarries does not mean they stop grieving. A piece of paper will never change that they are a widow or widower; it just means they are also someone else’s spouse.

Remarriage should not impact a surviving spouse’s ability to pay bills. They should not have to choose between another chance at love, a stable home life for their children, and financial security. They are still the surviving spouse of a fallen service member or veteran, who earned these benefits through their service and sacrifice. Regardless of their marital status, surviving spouses should not be penalized for finding love in the future. All they are asking for is to choose how they move forward to pick up the broken pieces of their lives.

TAPS appreciates the House and Senate Armed Services Committee including section V in the Fiscal Year 2024 National Defense Authorization Act, and we are optimistic this committee will pass sections II and VII in The Senator Elizabeth Dole 21st Century Veterans Healthcare and Benefits Improvement Act soon.

The following personal testimonials from surviving spouses help highlight these important issues.

Gina Kincaide Piland, Surviving Spouse of Lt Col John Kincaide U.S. Air Force

“On November 21, 2019, my husband of 20 years, Lt Col John (Matt) Kincaide, lost his life in a military aviation training mishap at Vance Air Force Base. Through his (our) 20 years of service, I followed him from base to base — Texas to California to Nevada back to California, then Iowa, and finally ‘home’ to Oklahoma — raising our two amazing sons, keeping the home fires burning, and praying he would come home safely. The day after my Matt died, I sat down with a representative from Vance AFB and received my benefits briefing. That day I learned about the benefits I would collect due to Matt’s death. I also learned that most of the benefits would never expire — assuming I remained unmarried until the age of 55. I remember thinking that wouldn’t be a problem. I couldn’t see past the grief and despair of the fresh loss to consider that someday in the future I might meet someone who could make my life — and my sons’ lives — beautiful again. And yet, that’s exactly where I find myself today.

“In March of 2022, I met Cally, a man who helped me see the beauty of life again. He allowed space for the legacy of my late husband. Cally and I struggled with how to move forward together, knowing the severe financial repercussions we would face upon marrying. Because we are both Christians who are dedicated to having God at the center of our relationship, and because we believe marriage is a holy covenant that we want to model for our combined six children, Cally and I made the choice to accept the financial penalty and were married on December 31, 2023. I am no longer eligible to receive DIC or the SBP that my late husband invested in to provide for our needs.

“For the 20 years my late husband served, our sons have been my priority. Matt and I always had the belief that one parent should be wholly available to our kids at all times. In the years of deployments, work-ups, and training, I sacrificed my career goals to support him and to raise our two amazing sons. And now, as a result of his death, I find myself at 50 years old starting over again — not just in a relationship, but also in a career.

“In spite of our tremendous loss, under current law, the U.S. government, the Department of Defense, and Veterans Affairs will be free and clear of any responsibility to the family of the late Lt Col John (Matt) Kincade when our youngest son turns 22.”

Marcie Robertson, Surviving Spouse of SFC Forrest Robertson, U.S. Army

“I lost my husband in November 2013 when he was killed in action in Afghanistan. At the time, I was 34 years old, and our daughters were 14, 10, and 6 years old. One day I had a partner, and the next day I was the only one to make decisions, discipline, and raise three daughters.

“My husband deployed four times during our marriage, so we both understood his job meant there was a real possibility that he might not come home each time he deployed. Early on, we had a discussion about what would happen if he were to lose his life. He told me where he wanted to be buried and what to do with the insurance money. He also told me that when I felt ready, he wanted me to move forward with someone new. It was very important to him that I not spend the rest of my life alone. He said this, not realizing that his wish for me would mean the end of the benefits he provided for me. He went to war for his country knowing that if he sacrificed his life, his family would be taken care of. He did not know that meant his widow would have to stay unmarried until she was practically a senior citizen to maintain her benefits.

“I have met a wonderful man who has become a partner to me and a ‘bonus dad’ to my daughters. He is exactly what my husband would want for the four of us. I dream of the day when I can marry him. I am a Christian and believe that God provided this amazing man to be my husband. I was pulled aside several times by my church leader and told

that if I didn't marry him or kick him out of my home, I would lose my ability to volunteer in the church. This ultimately pushed me away from my church and severed important friendships in my support system. I am being forced to make a choice to put aside my religious beliefs to maintain my income.

“Even after all of this, he is willing to wait until we are in our 50s to marry me. I should never have been put in a position to have to ask that of him —especially when a soldier can get divorced, and, if the couple was married for a certain length of time, the spouse will receive as much as half of the soldier’s retirement. That same spouse can remarry and maintain their share of retirement. It is unbelievable that this is not the same for me.

“It appalls me that my country would ask me to give up my financial independence to get married. We are talking about a small portion of the population of the United States that has sacrificed so much. If you are willing to vote ‘yes’ on a bill to send people to war, you should also hold responsibility for the catastrophic effects of war and serving. It should be a reminder of the cost of war. Continuing to pay these earned benefits after remarriage is a small price to pay to take care of the families of our fallen. If you are concerned about the cost of supporting survivors, stop asking men and women to give their lives.”

Kellie Hazlett, Surviving Spouse of Capt Mark Nickles U.S. Marine Corps

“My husband, a United States Marine Corps F-18 pilot, died in a training accident while deployed to Japan in 1997 on my 30th birthday. He is still considered Missing in Action because they were never able to recover his remains. I had to move out of our home in San Diego within six weeks of his death because I could not afford to maintain the payments on our rental without his paycheck, so I moved back home to be a caregiver to my mother. I could no longer continue my career in the medical field due to the trauma of losing my husband and had to start over.

“Eventually I met my now husband, Steve, but I hesitated to remarry as I was dependent on the financial benefits that helped offset my own lost income as a military and surviving spouse. Mark and I never had the chance to start a family, and it was important to me that when Steve and I did, we were legally married. We now have three beautiful children.

“I was recently diagnosed with a long-term illness, and my treatments are not covered by insurance as they are viewed as experimental. Restoring my survivor benefits, that Mark and I paid into, would go a long way in helping offset the very expensive costs of my treatments. As I am 57 years old, I could divorce Steve, reinstate my benefits, and remarry him the next day because of the arbitrary remarriage age of 55. This is something that I have seriously considered, due to the unfair penalty.”

Linda Ambard Rickard, Surviving Spouse of MAJ Phil Ambard, U.S. Army

“I became a widow just before my 50th birthday when my husband of 23 years, Major Phil Ambard, was killed in Kabul, Afghanistan, in a mass shooting that left eight airmen and one civilian dead. For over two decades, we had moved every two to four years. While I had multiple master’s degrees and a teaching license, I never progressed beyond probation/provisional status at my jobs because we were never in any one place long enough. I never got too attached to a home, people, or a job because everything was so temporary.

“When I became a widow, I didn’t know where to move. I hadn’t lived back home in Idaho since 1979. I was too old to go live with my mom and dad, and too young to live with my children, four of whom were in the military. It took me years to get my feet on the ground.

“I didn’t date for many years because I just couldn’t. At 57, I met the man who would become my husband. I married him just after my 60th birthday. While I maintain my survivor benefits and survivor social security, due to my age, I had to give up TRICARE even though I now qualify for CHAMPVA. It is ridiculous that younger widows and widowers lose everything with remarriage; there is a big difference with the magic age of 55.”

Tonya Syers, Surviving Spouse of W4 Lowell Syers II, U.S. Army

“My husband, Lowell, enlisted in high school via the delayed entry program. We met at Fort Campbell, Kentucky, and married six months later. After multiple moves, he decided to join the National Guard, and we moved to California. He retired after 20.5 years. In May of 2019, we watched my son graduate from UGA and be commissioned into the USAR. My husband gave him his first official salute. It was a very exciting moment, but the next day Lowell asked me to take him to the emergency room. Instead of celebrating Jake's graduation, we found out Lowell had stage 4 glioblastoma from exposure to the burn pits while deployed. By the end of July, it took his life.

“Eventually, I met a gentleman named James ‘Jay’ Matheson. He also retired from the reserves. We got engaged. I was shocked to learn that remarrying before the age of 55 would cause me to lose my military benefits. Jay’s ex-wife was granted half of his Navy retirement. She is free to remarry without any financial loss. Why does the government allow divorcees to keep military pensions but punish military widows? I am not in any way telling the government to rescind ex-wives’ court-appointed portions of military pensions. I am only saying that it is morally wrong not to offer military widows the same option to remarry without financial penalty.

“The most pro-family and pro-military decision Congress could make is to change this law! Lowell served over 20 years and never collected one cent in retirement. He died, like most, too early due to military service. We would gladly trade our benefits to have our spouse back. Unfortunately, we do not have that option.”

CARING FOR SURVIVORS ACT OF 2023 (H.R.1083)

(TAPS Strongly Supports)

TAPS and the survivor community have supported increasing Dependency and Indemnity Compensation (DIC) for many years. We are grateful to Congresswoman Jahana Hayes (D-CT-5) and Congressman Brian Fitzpatrick (R-PA-1), and Senate Veterans’ Affairs Committee Chairman Jon Tester (D-MT) and Senator John Boozman (R-AR) for reintroducing the ***Caring for Survivors Act of 2023 (H.R.1083)***.

Passing this important legislation is a 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.

TAPS remains committed to improving DIC and providing equity with other federal benefits. We continue to work with Congress to:

- Pass the ***Caring for Survivors Act of 2023***.
- Increase DIC from 43 percent to 55 percent of the compensation rate paid to a 100 percent disabled veteran.
- Reduce the timeframe a veteran needs to be rated totally disabled from 10 to five years, allowing more survivors to become eligible for DIC benefits.

More than 505,000 survivors receive DIC from the Department of Veterans Affairs (VA). DIC is a tax-free monetary benefit 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.

The current monthly DIC rate for eligible surviving spouses is \$1,612.75 (Dec. 1, 2023), which has only increased due to Cost-of-Living Adjustments (COLA). TAPS is working to raise DIC from 43 percent to 55 percent of the compensation rate paid to a 100 percent disabled veteran; ensure the DIC base rate is increased equally; and protect added monthly amounts, like the eight-year provision and Aid and Attendance.

The following statements from survivors demonstrate that stringent limitations on DIC payments have financial and widespread impacts on housing, transportation, utilities, clothing, food, medical care, recreation, and employment for surviving families:

Katie Hubbard, Surviving Spouse of CSM James Hubbard Jr., U.S. Army

“Due to his status at the time of my husband’s death, the only financial benefit we are eligible for is DIC. CSM James W. Hubbard Jr. died May 21, 2009, while in treatment for leukemia caused by the burn pits in Iraq. Having your income cut by more than 60 percent while trying to navigate funeral costs, bills that aren’t stopping, and unexpected ambulance and ER charges nearly took me out too.

“My mental health was not conducive to returning to the workplace quickly after being his caregiver and dealing with the unexpected loss, yet I had to figure out something to make up the income or lose our home too. My future, my best friend, and my normal were gone. While a 12 percent increase doesn’t seem like much, any widow living paycheck to paycheck can tell you it is.

“The military is a federal entity, yet their survivors are treated less than. Passing the Caring for Survivors Act would show military widows that their spouse and themselves are cared for and not forgotten.”

MaryAnne Kerr, Surviving Spouse of GySgt Cory Kerr, U.S. Marine Corps

“The money that I receive from DIC has allowed me to stay at home to care for my children full-time. However, an increase will be very beneficial due to my new role as the sole provider for my children. The loss of my husband and children’s father has been very hard on our family and especially hard on my daughter. She is not only dealing with the loss of her father but the trauma she endured while he was battling with the effects of combat trauma. There have been incidents at school where she had to be picked up and could not return until cleared by her therapist. An increase in DIC will be greatly appreciated and allow us to continue to heal from the trauma and death of our loved one, free from financial burden.”

Sadie Clardy, Surviving Spouse of TSgt Michael Clardy, U.S. Air Force

“Five years ago, my husband died suddenly, leaving me to raise four children — ages 11 and under — on my own. My earning potential is severely limited, due to the years I dedicated to supporting my husband’s career, and also the logistics of maintaining a job as a single mother of four. These past few years have been financially draining with supply-chain issues, inflation, and the loss of a vehicle due to an uninsured driver.

“It is time to increase DIC in parity with federal death benefits. It is time to give families of the fallen some breathing room. A DIC increase for our family would mean paying back savings, music lessons, school supplies, and cooking for my children with carefree abandon. Moreover, putting us level with other survivor groups is the right thing to do.”

Jackie Ferguson, Surviving Spouse of SGT James Ferguson, U.S. Army

“I completed my degree before my husband joined the Army. It was a blessing I finished. We moved several times before he passed, but I found it very difficult to obtain a position using my degree. It seemed no one was interested in hiring me because we would be moving constantly. In order to work in my field, I drove every day from Fort Sill, Oklahoma, to Oklahoma City, which is over an hour each way. I think that raising the DIC to 55 percent would help me offset the earning potential I have lost due to unemployment and underemployment during my husband's service.”

Harry McNally, Surviving Spouse of SGT Shanna Golden, U.S. Army

“Increasing the amount of DIC to levels identical to other federal survivor benefits should have been done decades ago. As it stands, the implication is that the death of a veteran or service member is worth less than the death of other federal employees.”

Melissa Evinger, Surviving Spouse of Sgt Barry Evinger, U.S. Marine Corps

“As a widow and mother of three children, the weight I carry on my shoulders is substantial and often paralyzing as I strategize how to take care of my children. As a Texas public school teacher, my income will never be substantial. I do receive DIC, however, this does not come close to what my husband received in disability compensation. Because of this, I have to supplement my income by working as a tutor before and after school. This all amounts to time I have to be away from my children just to ensure we can afford a basic lifestyle.

“My husband, children, and I have paid a huge price for our country. As the nation asked my husband to help defend its interests, I now ask for your help in return. I respectfully ask you to consider the possibility of increasing the amount of DIC for the widows and children of the fallen.”

PRIORITIZING VETERANS’ SURVIVORS ACT (H.R.7100)

(TAPS Strongly Supports)

TAPS appreciates Congressman Juan Ciscomani (R-AZ-06) and House Veterans’ Affairs Committee Chairman Mike Bost’s (R-IL-12) many expressions of strong support

for the community of military and veteran survivors, the most recent being their introduction of the ***Prioritizing Veterans' Survivors Act (H.R.7100)***, which would return the Office of Survivor Assistance organizationally to its previous location within the Office of the VA Secretary. Additionally, we are grateful to the Department of Veterans Affairs (VA) for recently holding a Survivor Summit to gain valuable insight and input from survivors and survivor-focused organizations to enhance VA services for survivors enterprise-wide.

The Office of Survivor Assistance (OSA) was established in 2008 in recognition of the sacred obligation the nation has to the survivors of military service members and veterans. Its director was to serve as a principal advisor to the VA Secretary on policies impacting military service members' and veterans' survivors, and to serve as a resource for surviving family members regarding the benefits, care, and memorial services provided across the entire department.

Unfortunately, this office has been relocated several times over the past 15 years — moved from within the Office of the Secretary under the Chief of Staff to the Veteran Experience Office; then to the Veterans Benefits Administration, where it was placed in the Office of Outreach, Transition and Economic Development; and then recently moved under the Pension and Fiduciary Service in June of 2023. These moves have made it very difficult for survivors to understand its role, find needed information on resources, and access all the department's support with reliable consistency.

While the Department of Defense (DOD) is able to use existing contact information to reach out to grieving families in the event of the death of an active-duty service member to ensure that they have access to the comprehensive support provided by both the DOD and the VA, the VA lacks a similar proactive capability. Prior to the death of their veteran, family members are generally not known to the VA because they are not receiving benefits or services. Thus, following a veteran's death, the burden falls on grieving families to identify, interpret, apply for, and comply with the complex eligibility requirements and siloed administration of benefits, care, and memorial services across one of the largest agencies in the government.

Despite the best intentions of Congress and the VA leadership and employees, the multiple ongoing navigation challenges survivors must manage across their survivor journey too often become confusing, frustrating, and unmanageable, and many fail to even access the much-needed assistance available to them.

For example, surviving spouses are expected to find and use the same entry points for information as veterans. Regrettably, survivors tell us that calls to the general helpline can result in inaccurate information, and some have even been told that they are ineligible for benefits during their initial call. Survivors share this experience with one

another, and the unfortunate result is that they become less willing to turn to the VA for assistance. This is harmful to the survivor, and it undermines trust in the VA among the community it serves. Although survivors represent only 1 percent of those receiving VA services, it is essential that all VA staff they may come in contact with have the same willing spirit of customer service that the department's motto expresses so clearly.

From the perspective of the community, OSA would be the logical entry point or “front door” to access VA assistance, but far too many survivors don't even know it exists. It falls on organizations like TAPS to inform them of all the VA resources they may be eligible for and to reach out to OSA on their behalf.

The frequent moves of OSA and its minimal staffing appear to the survivor community to reflect a less than full understanding of the comprehensive nature of their needs and willingness to support their access to the full range of care, benefits, and memorial services that they so desperately need at a most difficult time in their lives.

In its current placement within Pension and Fiduciary Services, the department is operating OSA as if the only benefits survivors receive are related to compensation. Currently, OSA staff only have access to DIC and Pension records, therefore they are unable to assist with many issues survivors face, to include burial benefits, education benefits, CHAMPVA, Survivors Group Life Insurance, home loans, or additional programs and benefits survivors are eligible to receive enterprise-wide, to include the new VHA Survivors Assistance and Memorial Support (SAMS) program. OSA appears not to have the authority and full range of case management coordination processes in place to ensure that they can help survivors access all of the care and memorial services available in other administrations within the VA.

With more than 505,000 survivors currently eligible for DIC, OSA staffing should be significantly increased to better serve surviving families. OSA should be the official entry point into VA for survivors, with the authority, bandwidth, expertise, and access needed to answer any and all challenges that survivors face regarding VA benefits and services. There should also be a dedicated survivor helpline within the Veterans Call Center to provide access to trained agents with the knowledge to address survivor issues. We applaud VA for implementing an education-specific helpline for survivors in 2019, which has been a huge success.

The limited awareness among survivors regarding OSA highlights the need for VA to more effectively communicate and promote this essential survivor program. TAPS strongly believes that OSA should be elevated to the Office of the Secretary or the Office of the Under Secretary for Benefits and granted the necessary authority and access to all programs and services survivors are eligible to receive.

TAPS is committed to working with Congress and the VA to ensure that the organizational placement, staffing, and department-wide connectivity **are** in place to enable OSA to serve as the "front door" for the department and the advocate for the increasing number of surviving veteran families seeking access to all VA benefits, care, and memorial services.

Melissa Alex, Surviving Spouse of SSGT Eugene Alex, U.S. Army

"The Office of Survivor Assistance was established in 2008 to serve as an outreach regarding benefits and services for our families. I didn't know for years that they existed. I found out only because I am a service provider with the Michigan National Guard, not because they reached out to me and my children personally!"

Sadie Clardy, Surviving Spouse of TSgt Michael Clardy, U.S. Air Force

"My husband passed in 2017 and I had never heard of OSA until learning about them from TAPS. I had to Google the Office of Survivor Assistance to find out about their services. Without that search, I would not be able to tell you anything about OSA, not even who they're affiliated with. I'm still a little hazy as to what role they may be able to play in supporting me and my children."

SURVIVOR BENEFITS DELIVERY IMPROVEMENT ACT OF 2024 (H.R.7150)

(TAPS Strongly Supports with Further Recommendation)

TAPS appreciates House Veterans' Affairs Committee Ranking Member Mark Takano (D-CA-39) for introducing the ***Survivor Benefits Delivery Improvement Act of 2024 (H.R.7170)***, which would improve equitable access to certain benefits of the Department of Veterans Affairs (VA) for survivors of veterans, through the collection of demographic data, and would improve outreach services to individuals who served in the uniformed services, their dependents, and survivors.

In addition to collecting demographic data, TAPS recommends adding "Cause of Death" as a tracked demographic. This data would be incredibly important to understand the different types of losses survivors face as well as creating programming and resources that are relevant for all survivors.

The lack of data collection based on the cause of death has also led to issues with the implementation of the PACT Act. For example, the VA estimates there are 382,000 potential survivors who may be eligible for PACT-related benefits, but this number includes all manners of death, including those who died of old age, by suicide, or in car

accidents, not just those filing claims related to toxic exposure. This helps explain why after extensive outreach by the VA and organizations like TAPS, more survivors have not applied for PACT-related benefits. Unfortunately, the potential survivor numbers have also informed the Congressional Budget Office's (CBO) scoring of current survivor legislation, such as the *Love Lives On Act* and *Caring for Survivors Act*, almost doubling the cost and creating exorbitant scores, making it difficult to find funding.

The Survivor Benefits Delivery Improvement Act of 2024, would also require an assessment of the resources of the VA Office of Survivors Assistance (OSA) and the development of a strategy to ensure the availability of these necessary resources. TAPS strongly supports the development of such a strategy, and will continue to work in partnership with the VA to ensure that survivor needs are included in this discussion.

VETERANS COMPENSATION AND COST OF LIVING ADJUSTMENT ACT OF 2023 (H.R.1529)

(TAPS Strongly Supports)

TAPS thanks Chairman Luttrell and Ranking Member Pappas for introducing the ***Veterans Compensation and Cost of Living Adjustment Act of 2023 (H.R.1529)*** to help improve Dependency and Indemnity Compensation (DIC). The current monthly DIC rate for eligible surviving spouses is \$1,612.75 (Dec. 1, 2023), which has only increased due to Cost-of-Living-Adjustments (COLA).

TAPS also encourages the committee to pass the *Caring for Survivors Act of 2023* (H.R.1083) to increase DIC from 43 percent to 55 percent of the compensation rate paid to a 100 percent disabled veteran, providing parity with other federal survivor programs.

More than 505,000 survivors receive Dependency and Indemnity Compensation (DIC) from the VA. DIC is a tax-free monetary benefit 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. TAPS is committed to strengthening DIC and providing equity with other federal benefits.

Barclay Murphy, Surviving Spouse of MAJ Edward Murphy, U.S. Army

“When my son turned 18 and went to college, a significant amount of income was lost while expenses remained constant — if not higher — due to inflation. I had planned for the income loss; I even sold my house and downsized. I raised two kids solo for almost 18 years. As an empty nester, I thought I’d have enough money for just me, but it has been tough even after the Widow’s Tax repeal and cutting out so much.”

FAIRNESS FOR SERVICEMEMBERS AND THEIR FAMILIES ACT OF 2023 (H.R.2911)

(TAPS Supports With Further Recommendation)

TAPS thanks Congresswoman Marilyn Strickland (D-WA-10) for introducing the ***Fairness for Servicemembers and their Families Act of 2023 (H.R.2911)***, which would require the Department of Veterans Affairs to periodically review the automatic maximum coverage under the Servicemembers' Group Life Insurance (SGLI) program and the Veterans' Group Life Insurance program (VGLI).

While TAPS appreciates the importance of periodically reviewing the automatic maximum coverage, TAPS would ideally like to see both the SGLI and VGLI fully tied to Cost-of-Living-Adjustments (COLA) and inflation to ensure it stays at the intended rate long term. This would prevent it from continuing to fall behind the intended rates without Congress having to repeatedly increase the maximum amount. While it was increased from \$400,000 to \$500,000 in 2023, it has already fallen behind due to inflation.

MEDICAL DISABILITY EXAMINATION IMPROVEMENT ACT OF 2024 (Discussion Draft)

(TAPS Supports)

TAPS thanks House Veterans' Affairs Committee Ranking Member Takano for introducing the ***Medical Disability Examination Improvement Act of 2024***. This important legislation would improve medical nexus examinations for claims associated with toxic exposure risk activities (TERA) for covered veterans and seek to improve Department of Veterans Affairs (VA) medical disability examinations for rural veterans. It would also require additional training for VA employees who process or review medical disability examinations.

This legislation would also allow the Secretary of Veterans Affairs to provide each claimant with another examination and priority processing for the impacted claim if the Secretary finds any covered medical disability examination to be not adequate for adjudicating a claim.

By improving the medical nexus examination claims process for TERA, more veterans will be able to access critical VA benefits, positively impacting their lives, and improving the financial well-being of their families, caregivers, and survivors.

TOXIC EXPOSURES EXAMINATION IMPROVEMENT ACT (Discussion Draft)

(TAPS Supports)

TAPS thanks the committee for introducing the ***Toxic Exposures Examination Improvement Act***, which would provide a veteran with a medical examination in connection with certain claims for disability compensation under the laws administered by the Department of Veterans Affairs (VA).

By amending the current language from “such evidence is not sufficient to establish a service-connection for the disability” and inserting “such evidence does not contain sufficient medical evidence for the Secretary to make a decision on the claim,” would provide a toxic-exposed veteran the opportunity for a medical examination in the claims process for disability compensation.

This important legislation would allow more veterans to potentially establish a service connection for disability, and secure disability compensation for themselves and their families, and Dependency and Indemnity Compensation (DIC) for their survivors.

CLEAR COMMUNICATION FOR VETERANS CLAIMS ACT (Discussion Draft)

(TAPS Supports)

TAPS expresses gratitude to the committee for introducing the ***Clear Communication for Veterans Claims Act***, which proposes that the Secretary of Veterans Affairs collaborate with a federally funded research and development center to evaluate notice letters sent to claimants for benefits under laws administered by the Secretary, among other purposes. The primary objectives of this evaluation are as follows.

1. Assess whether modifications to the letters could decrease paper usage and costs incurred by the federal government.
2. Enhance the clarity, organization, and conciseness of notices and letters to claimants in accordance with the laws administered by the Secretary.

TAPS is of the opinion that veterans, their families, caregivers, and survivors would derive significant benefits from receiving clearer communication from the Department of Veterans Affairs (VA), with legal disclaimers positioned at the conclusion of all notices. It is believed that this approach would contribute to a reduction in appeals and an increase in the accurate processing of claims for all veterans, caregivers, and survivors.

Should the involvement of a third-party entity be deemed beneficial in simplifying language while ensuring compliance with all relevant laws, TAPS fully supports this notion. Ensuring that our veterans, families, caregivers, and survivors comprehend the requests made by the VA, and more importantly, providing accurate information to survivors, while ensuring they understand what the letters mean for them in a practical sense.

CONCLUSION

TAPS thanks the leadership of the House Committee on Veterans' Affairs, Disability and Memorial Affairs Subcommittee, distinguished members, and professional staff for convening this important hearing to address key veteran and survivor legislation introduced in the 118th Congress. TAPS is honored to testify on behalf of the thousands of veteran and military surviving families we serve.