

MARKUP OF PENDING LEGISLATION

THURSDAY, MAY 21, 2009

United States Senate,
Committee on Veterans' Affairs

The Committee met, pursuant to notice, at 9:31 a.m., in Room 418, Russell Senate Office Building, Hon. Daniel K. Akaka, chairman of the Committee, presiding.

Present: Senators Akaka, Murray, Sanders, Brown, Webb, Tester, Begich, Burris, Burr, Isakson and Johann.

OPENING STATEMENT OF CHAIRMAN AKAKA

Chairman Akaka. The meeting on Veterans' Affairs of the United States Senate will come to order.

Aloha and welcome to today's mark-up of pending legislation. I want to take a moment to address today's agenda while we wait for a quorum and as soon as we receive that quorum, I will suspend my remarks and begin the votes on the mark-up.

We are considering a number of significant and far-reaching bills to improve VA care and benefits. These measures were before the Committee in two hearings last month and have been the subject of ongoing discussion and development.

I am pleased that our agenda has been developed in a bi-partisan manner and with so much involvement by our

members. I thank the Committee's ranking member and all of the members of the Committee and their staff for their work. I fully expect that the cooperation will extend to our efforts to secure Senate passage.

I will now highlight just a few of the items we are considering today. S. 262, the Veterans Health Care Authorization Act of 2009, will strengthen VA's workforce and help make VA an employer of choice.

The bulk of the provisions in this bill were included in a bill that the Committee reported out last year. I am confident that by approving it today without controversial amendments, we will be able to enact most or all of the provisions into law.

The budget resolution included language allowing Senate passage of advanced funding of VA healthcare, so today we take another step in ensuring timely and predictable funding for VA healthcare.

S. 423 is supported by the nation's leading veterans organizations and 47 of our colleagues in the Senate, including a majority of the members of this Committee.

S. 801 is legislation aimed at helping disabled veterans and the members of their families who provide care for them. By approving this legislation, we move closer to establishing a permanent program to train, certify and support these family caregivers, a vital link in the chain

of those who help meet the needs of veterans disabled during their service. This is an issue that is ripe for focused improvement and I am confident that this legislation will make a real difference.

The rural health provisions in S. 801 will change VA care in order to address the needs of veterans living in rural communities where they face many obstacles in obtaining the quality care they have earned. This has always been a concern and it is even more so now as so many of those who are serving today entered service from rural areas.

We are also considering a broad benefits package to help veterans, both young and old, as well as their survivors. The Committee's Veterans' Benefits Enhancement Act of 2009 would upgrade insurance benefits for disabled veterans, many of whom have limited insurance options in the private sector due to their service-connected disabilities. It would also increase coverage under the Veterans Mortgage Life Insurance Program and expand retroactive benefits coverage for traumatic injury protection under the service member's group life insurance program. Importantly, this legislation would relieve the burden on certain combat veterans who seek to prove that their disabilities are service connected.

This is a strong agenda that we have before us today

and again, I thank my colleagues and their staff for the hard work that they have done already, for working in a cooperative manner and in a bipartisan fashion to bring us to this point.

Let me now call on our members for any opening statements they may have. First I will call on Senator Johanns.

OPENING STATEMENT OF SENATOR JOHANNS

Senator Johanns. Mr. Chairman, my comments can be very brief because I think you did an excellent job of summarizing the agenda before us.

Let me first start out just say, as a member of the Committee, thank you for your leadership and the leadership of the ranking member on putting this agenda, which you refer to as a strong agenda, together, and I agree with your assessment.

I am very proud to say that I will support each and every one of the agenda items. I think this is a very, very important step forward in terms of how we treat our veterans.

I will wrap up with something in terms of a personal experience I had just recently. I was recently back in Nebraska and visited a veterans home in Bellevue, Nebraska. About 40 percent of the people that are there are World War II vets and the remaining folks there are from an era a

little more recent than that.

I was just enormously impressed, not only by the facility, but the commitment of the people there to continue to serve our veterans in the later years of their life. I only mentioned that because I was impressed by what they are doing there. But I mention it also just to indicate that I believe if we give them the tools in that effort, to give them the tools, we do everything we can to support our veterans, then we will have good quality care, not only of veterans who are in that place, but of veterans who are coming home from Iraq and Afghanistan and desperately need the services that we provide.

So again, Mr. Chairman, I thank you and the ranking member for your leadership on this. I am very pleased to be here to support these initiatives and look forward to their passage ultimately. Thank you.

Chairman Akaka. Thank you very much, Senator Johanns. Noticing that we have eight, nine members, I invite a motion that we take up the items on the agenda.

Senator Burr. So moved.

Senator Murray. Mr. Chairman?

Chairman Akaka. It has been moved.

Senator Burris. Seconded.

Chairman Akaka. Is there a second? There is a second. The motion has been made and seconded. Unless there is some

discussion about the specifics of the agenda, in the interest of time, I would like the clerk to call the roll.

The Clerk. Mr. Rockefeller?

Chairman Akaka. Aye by proxy.

The Clerk. Mrs. Murray?

Senator Murray. Aye.

The Clerk. Mr. Sanders?

Chairman Akaka. Aye by proxy.

The Clerk. Mr. Brown?

Senator Brown. Yes.

The Clerk. Mr. Webb?

Senator Webb. Mr. Chairman, what are we voting on?

Are we voting to adopt the entire package, because I do have an amendment? We are voting to adopt the amendment as well?

Senator Murray. Mr. Chairman, I would ask unanimous consent to put the entire motion, to move forward in the record and it does allow amendments.

Senator Webb. Thank you. Aye.

The Clerk. Mr. Tester?

Senator Tester. Aye.

The Clerk. Mr. Begich?

Chairman Akaka. Aye by proxy.

The Clerk. Mr. Burris?

Senator Burris. Aye.

The Clerk. Mr. Specter?

Chairman Akaka. Aye by proxy.

The Clerk. Mr. Burr?

Senator Burr. Aye.

The Clerk. Mr. Isakson?

Senator Isakson. Aye.

The Clerk. Mr. Wicker?

Senator Burr. Aye by proxy.

The Clerk. Mr. Johanns?

Senator Johanns. Aye.

The Clerk. Mr. Graham?

Senator Burr. Aye by proxy.

The Clerk. Mr. Chairman?

Chairman Akaka. Aye.

Senator Begich. Mr. Chairman, can I have my proxy vote recorded as an in-person vote, as an aye?

Chairman Akaka. It will be recorded.

The Clerk. The ayes are 14, the nays zero. The motion prevails.

Chairman Akaka. The motion is agreed to and the agenda items are reported to the Senate subject to any amendment adopted during the mark-up.

So we will now turn to the one amendment that was noticed to the agenda, an amendment that Senator Webb noticed to agenda item six on S. 728.

As there are no amendments to any of the other items on

the agenda, those items will be considered final.

So Senator Webb, would you like to discuss your amendment?

Senator Webb. Thank you, Mr. Chairman. This is a simple amendment that actually I think would conform one element of the law to historical patterns in veterans benefits. It affects a relatively small number of people and it is low cost, but I think it has great significance for us in terms of recognizing full value of service.

Present law provides that those who are severely disabled may have family members receive educational benefits as a result of their service, but at the same time, if one of those family members goes into the military, their educational benefits for their own service are limited by the number of months that they were allowed to have educational entitlements because of their parents' service.

So what we are basically saying here is that those children who serve on their own deserve to have a full GI Bill benefit based on their own service and there is plenty of precedent for being able to draw from multiple educational programs.

Senator John Warner, who was as chairman a co-sponsor of the GI Bill, often mentioned the fact that he was able to draw GI bills, one from World War II and one from Korea. There are many people who get their educations on NROTC

scholarships or service academy programs who have then been able to use a second educational entitlement because of later service.

This is a simple matter of equity. It was brought to my attention actually by a veteran friend of mine, a very close friend of mine, who was seriously wounded in Vietnam whose son did two tours in Iraq and saw his educational entitlements limited by the fact that he had been able to take advantage of his father's benefits, so I would hope there is no real controversy here. It is \$21 million over 10 years, a very small number of people, but I think a great signal for us to send to our veterans.

Chairman Akaka. Thank you very much, Senator Webb, for this amendment. You have been great on the GI Bill and you have done real well. I am delighted to support this amendment.

Senator Webb. Thank you, Mr. Chairman.

Chairman Akaka. As Senator Webb said, it would raise the 48-month cap on the number of months of benefits to which a dependent may be entitled under all GI Bill programs for 81 months.

This amendment would have been included in the Committee print had the Congressional Budget Office been able to provide a cost estimate in a timely fashion, but it is there.

Is there any discussion before I call for a vote on the amendment?

I want to then mention that in the meantime, we have heard from the Congressional Budget Office and it will be fine. So if there is no discussion, the question is on amendment offered by Senator Webb.

All those in favor say "aye."

[A chorus of ayes.]

Chairman Akaka. Opposed say "no" -- say "nay."

The amendment is agreed to and the ayes do have it and the amendment is agreed to.

Is there any other -- we are expecting a vote on the floor and we will be able to make it.

Senator Burr. Mr. Chairman, if we have concluded with the mark-up of the bill, I wanted to take this opportunity to thank the chairman for the level of cooperation from you and your staff through the process of assembling these seven bills and working with Senator Webb on the amendment.

The Committee has had a proud history of bipartisanship and the fact that we having just unanimously accepted this bill is further evidence that we continue that, even with the comprehensive agenda we have got.

My hope is that we can encourage the rest of the Senate to handle this in as expeditious, unblocked way without any disagreements, as we have just done in the Committee.

Without going through the litany of bills that are in this, because I think that has been covered, I believe that veterans and their families will be proud of the Committee's work here today.

On a final note, Mr. Chairman, let me just say, I made a request of you, which you have agreed to, to hold some hearings on the mistakes that were made during the VA's endoscopy procedures at several of the facilities around the country. Veterans place their trust in the VA to first do no harm. It troubles me that their trust was put at risk. I am glad we are going to hopefully get some answers to the first set of problems which the scopes seem to have caused, then review VA's plan, more importantly, to ensure that this never happens again.

I think we continue to hear things that come out that alarm me that this might be a little bigger than we first noticed. So I think it is absolutely essential that this Committee get their hands around this here from the folks that are in charge of assessing the damage, but more importantly, remediating the problem so we can make the assurance this can never happen again.

So Mr. Chairman, I thank you. I yield back.

I also reserve the right to file supplemental views on any provisions of today's agenda and I thank the Chair.

Chairman Akaka. Thank you very much, Senator Burr.

Now I am going to permit statements from members. May I call on Senator Murray?

STATEMENT OF SENATOR MURRAY

Senator Murray. Mr. Chairman, thank you very much for this hearing and I just want to quickly thank you, especially for the Women Veterans Health Care Improvement Act, which just passed, co-sponsored by Senator Hutchinson, and bipartisan bill, very important for women veterans in this country.

I think we all know well that the number of women who will be accessing the VA over the next five years is going to double and we need to be prepared and make sure we have the kinds of services available that will allow women to feel that they have the best care possible.

I also just quickly wanted to thank you for the authorization of the outpatient clinic at Walla Walla VA Medical Center campus. It is a campus that serves three states, Washington, Idaho and Oregon. Very much needed and I really appreciate you and your staff's help in getting this through. Thank you.

Chairman Akaka. Senator?

STATEMENT OF SENATOR TESTER

Senator Tester. Thank you, Mr. Chairman, and I too want to echo the thanks of everybody on this Committee and your leadership on Rural Veterans Health Care Improvement

Act.

Bringing people together, listening to folks from all perspectives in my particular case with this bill, I went back to Montana, heard from veterans, came back to this Committee and was able to put some good things in this bill. I think that this is a good step forward in the right direction and it shows what working together can accomplish and there is no better group that we need to support than the veterans of this country, so thank you, Mr. Chairman.

Chairman Akaka. Thank you very much for your service. Senator Sanders?

STATEMENT OF SENATOR SANDERS

Senator Sanders. Thank you, Mr. Chairman. I will be very brief. I just want to concur with my colleagues. I think we are making some real progress and addressing the unmet needs of veterans.

I particularly want to thank you for including in today's legislation three provisions that I have been working on, number one, eliminating co-payments, the catastrophically disabled veterans. That is something we want to do.

We also want to do a better job on outreach, make sure that all veterans know the benefits that are entitled to them and we have some provisions in here to do that. And lastly, very importantly, for our disabled veterans, to make

sure that they get an upgrade in the kind of help they receive when they purchase an automobile if they are disabled, and you have included that in as well. So thank you very much for your support.

Chairman Akaka. Thank you, Senator. Senator Brown?

STATEMENT OF SENATOR BROWN

Senator Brown. Thank you, Mr. Chairman. I will be as brief, even as brief as Senator Sanders. Thank you all for all your work on this.

The 15 or 20 or so roundtables I have done in Ohio exclusively with veterans and with active duty soldiers and Marines and sailors, I have obviously learned a lot of things about the VA and the direction we need to go.

One of the issues, and many this Committee has already taken care of, and I am thankful for that, one of the things that has come out to me is the critical shortfall in the number of blind rehabilitation outpatient specialists. One-third of those jobs at VA hospitals around the country are still unfilled.

The Vision Scholars Act language was included in this bill, which is particularly helpful. I think it will significantly increase some recruitment and help with recruitment of blind instructors as we move forward.

So I thank the chairman and thank the committee for that.

Chairman Akaka. Thank you. Senator Begich, would you have any comment?

STATEMENT OF SENATOR BEGICH

Senator Begich. Mr. Chairman, I will be very brief.

As a new member to the Committee, I want to echo Senator Burr's comment. This is one of those committees that I enjoy sitting on because of the bipartisanship effort and the amount of legislation that is being brought forward today and the impact it is going to have on Alaska's population of veterans, which 11 percent of our state population are veterans.

So to the members that worked aggressively on these over the years, thank you. To the chairman, thank you for giving me an opportunity to be here, and to the ranking member, let's hope you are right that over time the whole Senate works in the same manner, because it is a great opportunity to move things forward.

Thank you, Mr. Chairman.

Chairman Akaka. Senator Burris?

STATEMENT OF SENATOR BURRIS

Senator Burris. Thank you, Mr. Chairman. I want to echo the comments of my colleagues in reference to your leadership and Ranking Member Burr's leadership, of course. We are looking at a major issue in my state where we have a closed hospital that can be of benefit to our veterans, if

we can work out an arrangement with the Department of Veterans Affairs, because they have to travel from Joliet, Illinois all the way to either Hines Hospital, and there is a vacant hospital with current facilities there where those persons in Will County would not have to travel.

So my staff is working on that in Chicago and we hope to be able to convince the VA that there should be some services taken over for those veterans there in that area. The fastest growing community in the country is this Will County and a lot of veterans are there and they got to travel so far.

We have a vacant hospital that we are looking at and legislation that we are passing in our Committee today will go a long ways to help and we are very appreciative. Thank you, Mr. Chairman.

Chairman Akaka. Thank you very much.

Senator Burris. Mr. Chairman, could I be recognized for one minute? It has come to my attention that today is a very special day and I would like to ask my colleagues, staff and visitors here today to join me in congratulating the chairman. Today is his 62nd wedding anniversary.

[Applause.]

Senator Burris. Congratulations. Mr. Chairman, I can say with great confidence, my goal is to live to 62, much less to have --

[Laughter.]

Chairman Akaka. Well, that's the way to go. Thank you so much for that, Ranking Member Senator Burr, and all of you here for your best wishes.

Before I adjourn this mark-up, I again thank each of the members of the Committee for their work. This has been tremendous work. Every member has contributed to this, as they have said. We look forward to do even better as we move on here.

The Committee has created a solid body of legislation that will significantly benefit the nation's veterans and their families. The Committee intends to file the reports for the legislation as soon as possible, with the expectation that we will seek Senate passage in short order.

This mark-up stands adjourned.

[Whereupon, at 9:54 a.m., the Committee was adjourned.]