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***STATEMENT FOR THE RECORD OF  
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COMMITTEE ON VETERANS' AFFAIRS  
UNITED STATES SENATE  
MAY 13, 2015***

Chairman Isakson, Ranking Member Blumenthal, and Members of the Committee:

Thank you for inviting the DAV (Disabled American Veterans) to testify at this legislative hearing, and to present our views on the bills under consideration. As you know, DAV is a non-profit veterans service organization comprised of 1.2 million wartime service-disabled veterans. DAV is dedicated to a single purpose: empowering veterans to lead high-quality lives with respect and dignity.

**S. 151, the Filipino Veterans Promise Act**

This bill would require the Secretary of Defense to establish a process to determine whether individuals claiming certain service in the Philippines during World War II are eligible for certain benefits despite not being on the so-called "Missouri List." The Secretary of Defense, in consultation with the Secretary of Veterans Affairs and such military historians as the Secretary of Defense would consider appropriate, would establish a process to determine whether a covered individual served as described in subsection (a) or (b) of section 107 of title 38, United States Code, for purposes of determining whether these individuals would be eligible for benefits described within relevant subsections.

DAV has received no resolution from our membership on this topic; thus, DAV takes no position on this bill.

**S. 241, the Military Family Relief Act of 2015**

This bill would authorize the Secretary of Veterans Affairs to pay temporary DIC to the surviving spouse of a veteran if, at the time of death, the veteran was in receipt of or entitled to receive compensation for a service-connected disability rated as total for at least one year preceding the veteran's death. Payments made on this temporary basis would not be made in excess of six months.

Delays in the adjudication of benefits, particularly those to survivors can have serious adverse consequences. Providing temporary payments could provide welcome relief to survivors while their claims are being processed.

DAV supports this bill, because it is alignment with our mission to support the needs of survivors of veterans who died as a result of service-connected disabilities.

**S. 270, the Charlie Morgan Military Spouses Equal Treatment Act of 2015**

S. 270 would amend title 38, United States Code, to revise the definition of spouse for purposes of veterans' benefits in recognition of new State definitions of spouse.

Section 101 of title 38, United States Code would be amended to reflect that an individual would be considered a 'spouse' if a marriage of the individual is considered valid under the laws of any State, thus making same-sex spouses eligible for benefits under title 38.

DAV has received no approved resolution from our membership on this topic; thus, DAV takes no position on this bill.

**S. 296, the Veterans Small Business Opportunity and Protection Act of 2015**

This bill would amend title 38, United States Code, section 8127, to enhance Department of Veterans Affairs business-related protections in instances of death of service-connected disabled veteran business owners. The bill would also extend these business-related protections to survivors of active duty service members who are killed in the line of duty.

These amendments would make changes to the eligibility period for the Department of Veterans Affairs' (VA's) service-disabled small business contracting goals and preferences program. The surviving spouse of a service-disabled veteran who acquires the ownership interest in a small business of the deceased veteran would retain the ability to operate as a veteran-owned small business for a period of ten years following the veteran's death, if such veteran was either 100% disabled or died from a service-connected disability; or for three years after such death, if the veteran was less than 100% disabled and did not die from a service-connected disability.

In instances when a service member is killed in the line of duty, VA small business contracting goals and preferences would also extend to the surviving spouse or dependent. The survivor would be recognized as a small business by VA beginning on the date of the service member's death and end on the earlier of either the date on which the surviving spouse remarries or relinquishes, or the date on which the surviving dependent relinquishes, an ownership interest in the small business concern, and no longer owns at least 51 percent of such small business concern; or ten years after the service member's death.

DAV supports this bill in accordance with resolution No. 150, as adopted at our most recent national convention held in Las Vegas, Nevada, August 9-12, 2014. This resolution calls on Congress to support legislation to provide for a reasonable transition period for all service-disabled veteran-owned small businesses following the death of disabled veteran owners.

### **S. 602, the GI Bill Fairness Act of 2015**

This bill would amend title 38, United States Code, to consider certain time spent by members of reserve components of the Armed Forces receiving medical care from the Secretary of Defense as active duty for purposes of eligibility for Post-9/11 educational assistance.

The bill would amend subsection 3301(1)(B) of title 38, United States Code, by inserting the content of subparagraph 12301(h) of title 10, United States Code to the existing language in this subsection. Adding this language in the subsection would validate as active duty time for the purposes of Post 9/11 educational assistance any period(s) spent by service members (including Guard and Air National Guard members in certain circumstances) receiving authorized medical care, undergoing medical evaluations for disability, or completing a required Department of Defense health care study, which may include an associated medical evaluation of the member.

The bill would provide for a retroactive application of this amendment as if the amendment were enacted immediately after the enactment of the Post-9/11 Veterans Educational Assistance Act of 2008, Public Law 110-252.

DAV has received no approved resolution from our membership on this particular topic, but would not oppose passage of such legislation.

### **S. 627, to require the Secretary of Veterans Affairs to revoke bonuses paid to employees involved in electronic wait list manipulations, and for other purposes**

S. 627 would require the Secretary of Veterans Affairs to revoke bonuses paid to employees who were involved in direct or indirect manipulation of patient care waiting lists during a specified period.

DAV has received no resolution from our membership on this topic; thus, DAV takes no position on this bill.

### **S. 666, the Quicker Veterans Benefits Delivery Act**

This bill would amend title 38, United States Code, section 5125, to improve the treatment of medical evidence provided by non-Department of Veterans Affairs medical professionals in support of veterans' claims for disability compensation.

The bill would eliminate the VA practice of ordering unnecessary compensation and pension examinations. Unnecessary examinations lead to delays in delivery of benefits, tie up VA resources and add to the frustration of veterans who in many cases have provided sufficient medical evidence to support the claim. Requesting a VA examination when acceptable medical evidence already has been supplied creates the impression that private evidence is less valuable than evidence produced internally by VA.

DAV continues to press for changes that improve and streamline the claims processing system. This legislation would give due deference to private medical evidence that is competent, credible, probative, and otherwise adequate for rating purposes.

DAV is pleased to provide our support for this bill, consistent with Resolution No. 192, which calls on Congress to support meaningful reform in the Veterans Benefits Administration's (VBA) disability claims process. On April 14, 2015, DAV testified before the House Subcommittee on Disability and Memorial Affairs in support of a similar bill, H.R. 1331.

### **S. 681, the Blue Water Navy Vietnam Veterans Act of 2015**

This bill would amend title 38, United States Code, to expand the accepted presumptions to justify service connection from exposure to herbicides containing dioxin, including Agent Orange deployed by American forces during the Vietnam War.

This legislation would extend existing health care and compensation benefits to certain veterans who served "in the territorial seas of such Republic." S. 681 would extend eligibility for VA benefits retroactively to September 25, 1985.

DAV supports this legislation as it is consistent with DAV Resolution No. 072, passed at our most recent National Convention, held August 9-12, 2014, in Las Vegas, Nevada.

### **S. 695, the Dignified Interment of Our Veterans Act of 2015**

This bill would require the VA Secretary to study and report to Congress on matters relating to the interment of veterans' unclaimed remains in national cemeteries under the control of the National Cemetery Administration.

The study would assess the scope of the issues relating to veterans' unclaimed remains, including the estimated number of such remains; the effectiveness of VA procedures for working with persons or entities having custody of unclaimed remains to facilitate the interment of such remains in national cemeteries; and the state and local laws that affect the Secretary's ability to inter unclaimed remains in such cemeteries.

The report would provide recommendations for appropriate legislative or administrative action to improve areas where deficiencies are identified.

DAV has no resolution pertaining to this recommendation, but would not oppose passage of this bill.

### **S. 743, the Honor America's Guard-Reserve Retirees Act of 2015**

This bill would bestow the designation of "veteran" to any person who is entitled to retired pay for non-regular (reserve) service or who would be so entitled, but for age.

The bill stipulates that such person would not be entitled to any benefit by reason of such recognition.

DAV has no resolution pertaining to this matter.

**S. 865, to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with mental health conditions related to military sexual trauma, and for other purposes.**

This bill would improve VA disability compensation evaluation procedures in the case of veterans with mental health conditions related to military sexual trauma (MST).

For decades, VA treated claims for service connection for mental health problems resulting from MST in the same way it treated all claimed conditions—the burden was on the claimant to prove the condition was related to service. Without validation from medical, investigative or police records, claims were routinely denied. More than a decade ago, VA relaxed its policy of requiring medical or police reports to show that MST occurred. Nevertheless, thousands of claims for mental health conditions resulting from MST have been denied since 2002 because claimants were unable to produce evidence that assaults occurred. Between 2008 and 2012, grant rates for post-traumatic stress disorder (PTSD) resulting from MST were 17 to 30 percent below grant rates for PTSD resulting from other causes.

Unfortunately, victims of MST often do not report such trauma to medical or police authorities. Lack of reporting results in a disproportionate burden placed on veterans to produce evidence of MST. Full disclosure of incidents occurring during service tend to be reported years after the fact, making service connection for PTSD and other mental health challenges exceedingly difficult.

Establishing a causal relationship between certain injuries and later disability can be daunting due to lack of records or human factors that obscure or prevent documentation or even basic investigation of such incidents after they occur. Military sexual trauma is ever more recognized as a hazard of service for one percent of men serving and 20 percent of women, and later represents a heavy burden of psychological and mental health care for the VA.

An absence of documentation of military sexual trauma in the personnel or military unit records of injured individuals prevents or obstructs adjudication of claims for disabilities of this deserving group suffering the after effects associated with military service, and may interrupt or prevent their care by VA once they become veterans. The VA has issued a regulation that provides for a liberalization of requirements for establishment of service connection due to personal assault, including MST, even when documentation of an “actual stressor” cannot be found, but when evidence in other records exists of a “marker” indicating that a stressor may have occurred. DAV fully supports this relaxed evidentiary practice, consistent with DAV Resolution No. 086.

S. 865 would seek to further relax the evidentiary standard for “stressor” requirements. It would provide that any veteran who claims that a covered mental health condition was incurred

in or aggravated by MST during active military, naval, or air service would require the Secretary to accept as sufficient proof of service connection, a diagnosis of such mental health condition by a mental health professional, together with satisfactory lay or other evidence of such trauma and an opinion by the mental health professional that such covered mental health condition is related to such MST.

The circumstances of MST would need to be consistent with the conditions or hardships of such service, notwithstanding the fact that no official record exists of such incurrence or aggravation in such service. Every reasonable doubt would be resolved in favor of the veteran. In the absence of clear and convincing evidence to the contrary, and provided that the claimed MST was consistent with the circumstances, conditions, or hardships of the veteran's service, the veteran's lay testimony alone would establish the occurrence of the claimed MST.

Service connection of a covered mental health condition could be rebutted by clear and convincing evidence to the contrary. The Secretary would also be required to record, in full, the reasons for granting or denying service connection in each case.

Under this bill, a covered mental health condition would be defined as PTSD, anxiety, depression, or other mental health diagnosis described in the current version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, that the Secretary determines to be related to MST.

MST would be defined as a psychological trauma, which in the judgment of a mental health professional, resulted from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred during active military, naval, or air service.

This bill would require the Secretary to provide a report on implementation of this measure and its impact on claims filed that deal with MST, beginning on December 1, 2016, through 2020.

Enacting this legislation would ease some of the evidentiary requirements for those veterans filing claims for service-connection suffering the aftereffects of a MST. It would bolster the weight afforded to lay evidence. When the lay evidence is corroborated by a mental health professional and a diagnosis is made of one of the covered mental health conditions, the Secretary would be authorized to grant service-connection for the claim.

Enactment of this legislation would result in two separate adjudication procedures for veterans filing claims related to MST versus veterans filing claims related to combat, or exposure to hostile military or terrorist activity. Those currently filing claims for PTSD unrelated to MST are required to have their diagnosis confirmed by VA psychiatrists or psychologists, or through psychiatrists or psychologists with whom VA has contracted.

DAV Resolution No. 086, approved by our membership at our most recent national convention, supports the purposes of this bill.

We believe VA should address a disparity in current regulation by making similar the adjudication of all stressor-related mental health disabilities. Accordingly, we recommend the following changes:

To ensure parity among veterans claiming mental health-related disabilities as a result of MST, combat, and exposure to hostile military or terrorist activity, title 38, Code of Federal Regulations should be amended to read as follows:

**3.304 Direct service connection; wartime and peacetime.**

(3) If a stressor claimed by a veteran is related to the veteran's fear of hostile military or terrorist activity and a certified mental health professional, including a VA psychiatrist or psychologist, or a psychiatrist or psychologist with whom VA has contracted, confirms that the claimed stressor is adequate to support a diagnosis of posttraumatic stress disorder.

VA should accept and rate claims using private medical evidence for qualifying disabilities related to MST, combat, or exposure to hostile military or terrorist activity when received by a certified mental health professional, that is competent, credible, probative, and otherwise adequate for rating purposes.

A similar bill, H.R. 1607, was introduced in the House. DAV was pleased to provide our testimony to the Subcommittee on Disability and Memorial Affairs on April 14, 2015, concerning this bill, which we supported.

**Draft Bill, the 21<sup>st</sup> Century Veterans Benefits Delivery Act**

This bill would increase efficiencies within the Transition Assistance Program Global Positioning System (TAP GPS) program and other functions of VBA's benefit claims process.

Section 101 of the bill would mandate that TAP be made available through the e-Benefits website to provide service members and families with the option to participate online.

This enhancement to the TAP program does not appear to compromise the requirements set forth under title 10, United States Code, section 1144. DAV would recommend the online option be offered when a transitioning service member is unable to attend the formal class, but not be substituted for the requirement to attend in person.

The bill would also require the Secretary of Defense to provide a report on the participation in TAP of veterans' service organizations (VSOs). The report would evaluate Department of Defense (DoD) compliance with directives contained within the "Installation Access and Support Services for Nonprofit Non-Federal Entities," memorandum dated December 23, 2014, including the number of military bases that have complied with the directives, and the number of VSOs that have been present during portions of the TAP GPS presentations.

DAV supports this provision consistent with national resolution NO. 053, as adopted at our most recent national convention held in Las Vegas, Nevada, August 9-12, 2014. This resolution urges Congress to monitor the review of Transition GPS program, its workshops, training methodology, and delivery of services; the collection and analysis of course critiques; and to ensure the inclusion of DAV and other veterans service organizations in workshops, in order to confirm the program is meeting its objective and to enable follow-up with participants to determine if they have found gainful employment.

Section 102 would require the Secretary to explain to claimants, upon receipt of decisions regarding their claims, the benefits of filing an appeal within 180 days. This provision would amend title 38, United States Code, section 5104, to require explanation of the procedures for obtaining appellate review.

DAV has received no approved resolution from our membership on this topic, but would not oppose passage of this section.

Section 107 would authorize the Board of Veterans' Appeals (BVA) to schedule video conference hearings. This language would give the BVA the authority to schedule such hearings in the first instance, but would preserve the appellant's right to an in-person hearing. We strongly support an appellant's right to request the type of hearing best suited to their needs.

DAV supports this provision of the bill.

Section 201 would require the Comptroller General of the United States to complete an audit of the regional offices of the Veterans Benefits Administration. The audit would include examination of consistency of claims decisions; and identify ways to improve consistency and best practices, including management practices that distinguish higher performing regional offices from others.

DAV has received no approved resolution from our membership covering this issue, but would not oppose passage of such legislation.

Section 202 of the bill would require VA to establish a training program for veterans service center managers, and would include employees in successor positions within regional offices of the Veterans Benefits Administration. This training program would place emphasis on matters pertaining to managerial and other skills for those in leadership.

DAV has received no approved resolution pertaining to this issue, but would not oppose passage of this section.

Section 203 would require the Secretary of Veterans Affairs, for each systemic analysis of operations that is completed by a Veterans Service Center Manager (VSCM) in a regional office (RO), also include an analysis of the communication between the regional office and veterans service organizations and case workers employed by Members of Congress.



This section of the bill seeks to analyze the communication between those referenced above. Within VA ROs, the Secretary requires VSCMs to collect various forms of data and information to assess and report on overall performance and trends. This provision seeks to require that VA report on the effectiveness of communications amongst stakeholders.

DAV has received no resolution from our membership pertaining to this issue, but would not oppose passage of this section.

Section 204 would require the VA Inspector General (IG) to conduct a review of the practices of regional offices regarding the use of suspense dates during the disability claim assessment process. The intent of this legislation is unclear, but we presume that IG would be expected to report on whether VBA is following its own protocol for specific controls established for claims processing.

DAV has received no approved resolution from our membership pertaining to this issue, but would not oppose its passage.

Section 205 would require Secretary to submit to Congress a report on the capacity of the Veterans Benefits Administration to process claims for benefits during the next one-year period.

This report would contain the number of claims Secretary expects VBA to process, the number of full-time equivalent employees who are dedicated to processing such claims, an estimate of the number of such claims a single full-time equivalent employee of the Administration can process in a year, and an assessment of whether the Administration requires additional or fewer full-time equivalent employees to process such claims during the next 1-year, 5-year, and 10-year periods.

DAV recommends that any such report also include, in addition to the number of claims, the number of issues the Secretary expects to process, the number of issues granted or denied and the error rate per issue.

DAV has received no approved resolution from our membership pertaining to this issue, but would not oppose passage of such legislation.

Section 206 would require the Secretary to complete the revision to VBA's resource allocation model within 180 days after enactment of this legislation. Congress would also require the Secretary to provide a report on the newly revised resource allocation model.

Although we welcome and look forward to changes of VBA's resource allocation model, mandating its completion within a specified period may lead VA to implement hasty and less comprehensive changes.

DAV has received no approved resolution from our membership pertaining to this issue, would not oppose passage of this section, but would encourage the committee to consider the potential effect of mandating the completion of the resource allocation model within 180 days after enactment of governing legislation.

Section 207 would require the Secretary to submit a report to Congress on the current functionality of the Veterans Benefits Management System (VBMS). It would also solicit recommendations to improve VBMS from VBA employees and VSO's that use the system. We would recommend that any report not only contain the functionality and progress of VBMS, but also review the anticipated enhancements to this platform and its interoperability with other systems within the VA.

DAV has voiced concerns that there are functions within the VA, specifically those performed by the Board of Veterans Appeals (Board), that are essential to the processing of appeals that must become more seamless and interoperable with VBMS. We have recommended additional funding for VBMS to support the full range of benefits and claims process improvements.

DAV has received no resolution pertaining to this issue, but would not oppose passage of this section.

Section 208 would require the Secretary of Veterans Affairs to produce a report to Congress no later than 90 days after the enactment of this legislation detailing a plan to reduce the inventory of claims pending for Dependency and Indemnity Compensation and Pension benefits.

Delays in the adjudication of benefits, particularly those for survivors, can mean serious adverse financial consequences. The death of a spouse means a significant loss in household income. Losing one's spouse already creates an emotional hardship which should not be compounded by an unnecessary delay in the approval of survivor benefits.

Although DAV has received no resolution from our membership on this particular topic, we would welcome the findings of this report and the Secretary's plan to process these claims more expeditiously.

Section 209 would require the Secretary to include in each Monday Morning Workload Report of VBA the number of claims for benefits that have been received by all regional offices and that are pending decisions, disaggregated by various categories. We recommend the language be amended to include information for the number of issues as well as the number of claims pending adjudication.

DAV has received no resolution pertaining to this issue, but would not oppose passage of this section.

Section 210 would require the Secretary, on an Internet website of the Department, to make available to the public internal reports entitled "Appeals Pending" and "Appeals Workload by Station." We recommend the language be amended to include information for the number of issues as well as the number of appeals pending appellate review.

DAV has no resolution pertaining to this issue, but would not oppose passage of this section.

Section 211 would modify an existing pilot program that concerns the use of contract physicians to perform disability examinations. It would permit licensed and duly recognized physicians to perform examinations at any location in any state, the District of Columbia, or a Commonwealth, territory or possession of the United States so long as the examination is within the scope of the authorized duties stipulated under the contract. It would alleviate the jurisdictional obstacles in areas where physicians are not licensed within a particular jurisdiction.

DAV supports this provision of the bill. We do not have a specific resolution on this issue, but in general it improves VA's ability to provide contract examinations for disability compensation purposes.

Section 301 would require the appointment of liaisons by the Secretary of Defense, Commissioner of Social Security and the Administrator, National Archives and Records Administration, to work in coordination with the VA for the purpose of improving records transfers and claims processing efficiencies.

DAV has no resolution pertaining to this issue, but would not oppose passage of this section.

Section 302 would require the Secretaries of the VA and DOD to submit a report to Congress that outlines their plans for interoperability of electronic health records of each Department. This report would require specific timelines and milestones to achieve the goal of interoperability.

We believe it is important that the transfer of health records from DOD to VA be accomplished seamlessly so that the transition of military members to civilian life can be improved. The movement of information is critical in the case of wounded and injured military personnel transitioning to veteran status, as well as for Guard and reserve component members who are in rotational assignments and combat deployments.

DAV supports this provision of the bill.

### **Draft Bill, Veterans' Compensation Cost-of-Living-Adjustment Act of 2015**

If introduced, this draft bill would provide for an increase, with no "round down" requirement, effective December 1, 2015, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation (DIC) for the survivors of certain disabled veterans.

Mr. Chairman, DAV strongly supports this legislation, especially since it does not mandate that the cost-of-living adjustment (COLA) be rounded down to the next lowest whole dollar amount. DAV recognized this same accomplishment by this Committee last year when the COLA for 2014 was enacted and excluded the round-down provision.

Many disabled veterans and their families rely heavily or solely on VA disability compensation, or DIC payments, as their only means of financial support, and they have struggled during these difficult times. While the economy has faltered, their personal economic circumstances have been negatively affected by rising costs of many essential items, including food, medicines and gasoline.

As inflation becomes a greater factor, it is imperative that veterans and their dependents receive a full COLA. On the strength of DAV Resolution No. 071, DAV supports enactment of this legislation.

### **Recommendations of the Military Compensation and Retirement Modernization Commission**

Recommendation 11 seeks to safeguard education benefits for Service members by reducing redundancy and ensuring the fiscal sustainability of education programs. In an effort to accomplish these objectives, more stringent restrictions would be placed on availability of the active duty Tuition Assistance program to active duty service members.

The recommendation also proposes increases in active duty service commitments from six years with a four year re-up, to ten years with a two year re-up as a prerequisite to transfer Post 9/11 GI Bill benefits to eligible dependents. It would eliminate the housing stipend for dependents and prohibit the receipt of unemployment benefits when a housing stipend is received under Post 9/11.

It would require reports on those using educational benefits, with reports to be supplied by schools. Montgomery GI Bill Active Duty (MGIB-AD) and Reserve Educational Assistance Program (REAP) would be sunset as all current and future educational programs would fall under the Post 9/11 GI Bill.

DAV takes no position on this recommendation.

Recommendation 12 seeks to better prepare service members for transition to civilian life by expanding education and granting states more flexibility to administer the Jobs for Veterans State Grants (JVSG) program.

If enacted into law, it would require active duty service members to attend the educational track, which is now optional within TAP GPS, if service members plan to use their educational benefits, or if they have transferred their benefits to a qualified dependent. The TAP GPS program would also be reviewed by DoD, VA, DOL and SBA to determine if the current curriculum most accurately addresses the needs of transitioning service members.

The recommendation also calls for relevant statutes to be amended to permit state departments of labor, or their equivalent agencies, to work directly with state Veterans Affairs directors or offices to coordinate implementation of the JVSG program.

DAV does not oppose this recommendation. Requiring active duty service members to attend a class within TAP focused on the use of their educational benefits seems beneficial overall. Additionally, continuous review of the TAP GPS program to ensure its relevance and effectiveness seems like a necessary function to keep pace with change.

Finally, enacting legislation that improves coordination between state departments of labor of veterans affairs to enhance facilitation of the JVSG program could streamline processes resulting in better employment opportunities for veterans.

### **Department of Defense Legislative Proposals**

Section 514 of the DoD legislative proposal parallels the language of S. 602, the GI Bill Fairness Act of 2015, discussed above.

Section 522 of the DoD legislative proposal seeks to amend chapter 1606 of title 10, United States Code. The amendment would add language to preclude the loss of entitlement to and payment for the Montgomery GI Bill Selected Reserve (MGIB-SR). This amendment would preserve MGIB-SR benefits for service members in instances when they are called to active duty in support of a major disasters or emergencies, or when they are ordered to active duty for pre-planned missions in support of combat commands.

DAV has received no approved resolution from our membership on this topic; thus, DAV takes no position on this bill.

Section 542 of the DOD legislative proposal would amend section 4312, title 38, United States Code, governing reemployment rights of persons who serve in the uniformed services.

DOD proposes to add the language of sections 12304(a) and 12304(b) of title 10, United States Code, noting that this additional language would complete the list of current involuntary mobilization authorities that are exempt from the five-year limit imposed by the Uniformed Services Employment and Reemployment Act (USERRA). We believe this amendment would further reemployment safeguards afforded to service members who are involuntarily called to active duty with limited notice provided to an employer.

DAV has received no resolution from our membership pertaining to this particular topic, but would not oppose passage of such legislation.

Section 545 of the DOD legislative proposal would amend section 1142 of title 10, United States Code, relative to pre-separation counseling to service members being released from service prior to the completion of 180 days of active duty. DOD proposes to clarify that pre-separation counseling services would not be provided to a member who is being discharged or released before the completion of that member's first 180 "continuous" days of active duty.

DAV has no resolution from our membership pertaining to this topic, but would not oppose passage of such legislation.

Section 1041 of the DOD legislative proposal seeks eliminate the requirements set forth by the Radiation Dose Reconstruction Program . DOD recommends the repeal of the statutory requirement for an advisory board of the Radiation Dose Reconstruction Program. DOD contends the advisory board has achieved its objectives and that its functions can still be accomplished through interagency collaboration, rather than through the advisory board.

DAV has no resolution pertaining to this issue and takes no position. However, DAV Resolution No. 187, speaks directly to the issue of atomic veterans' radiation exposure. Our resolution calls on Congress to support legislation authorizing presumptive service connection for all radiogenic diseases.

Military service members have participated in test detonations of nuclear devices and served in Hiroshima or Nagasaki, Japan, following the detonation of nuclear bombs, including clean-up operations at test sites. The government knew or should have known of the potential hazards to the health and well-being of these service members.

VA cites that approximately 50 claimants have obtained disability compensation or dependency and indemnity compensation pursuant to Public Law 98-542.

Considerable resources have been expended by our government to provide dose reconstruction estimates which do not accurately reflect actual radiation dose exposure. DAV encourages Congress to enact legislation that provides presumptive service connection to atomic veterans for all recognized radiogenic diseases. Furthermore, all veterans involved in clean-up operations following the detonation of nuclear devices should be considered atomic veterans for all benefits and services provided by VA.

Mr. Chairman, this concludes DAV's testimony. Thank you for inviting DAV to submit this statement for the record of today's hearing.