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Testimony of

Vietnam Veterans of America

Presented by

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BEFORE THE
THE SENATE VETERANS AFFAIRS COMMITTEE
REGARDING
PENDING LEGISLATION

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Good morning, Mr. Chairman. On behalf of VVA National President John Rowan and all of our officers and members, I thank you for the opportunity to share our thoughts on these pieces of pending vital legislation with you and the other distinguished Senators and this panel. With your permission, I will keep my remarks brief and to the point.

S. 1718 - The Veterans Education Tuition Support Act

The Veterans Education Tuition Support Act ; amends the Service members Civil Relief Act to require an institution of higher education, in the case of a service member who because of military service discontinues a program of education at an institution that administers a federal financial aid program, to: (1) refund to the service member tuition and other fees paid for the portion of the program of education for which the service member did not receive academic credit because of such military service; and (2) provide the service member an opportunity to reenroll at the institution with the same educational and academic status that the service member had when the program was discontinued because of the military service.

Vietnam Veterans of America (VVA) strongly supports early enactment of this proposal. This proposal will provide simple common sense equity for those called to active duty, and is the least that institutions should do for those who place their lives on the line for all of us. It is a shame that there needs to be a law passed in order to achieve this simple goal, but we know from talking to young service members that this proposed law is much needed.

S. 2090 - Privacy & Security Concerns

S.2091 - Increasing the number of judges at the Court of Veterans Appeal

VVA favors enactment of both measures. Increasing the number of judges, if it accompanied by hiring of additional personnel to assist the judges in their work, should help somewhat to cut down the unconscionable delays currently experienced by veterans waiting for a decision on their claim before the court.

VVA also favors strengthening security of records as long as it is accompanied by report language that makes it clear that general data on cases before the court is to be released into the public domain as appropriate. In other words, it must be made clear that VA cannot withhold vital data as to what is happening with cases pending before the court using their canard of protecting each veteran's privacy. If VA were really worried about privacy of the individual veteran, then the medical records of individuals would not be wide open (with no record) to any physician or other generally authorized person in the Veterans Health Administration whether there was a legitimate need for the person accessing the data to be looking into that veterans' record or not. Still, with the above noted reservation, VVA favors passage of S. 2090.

S. 2139 - Department of Veterans Affairs Reorganization Act of 2007

VVA favors enactment of this proposal, as the needs and demands of construction is a huge job in and of it, and should not be combined with any other procurement or management activities. VVA does hope that the Committee will take a close look at why regulations fully implementing Public Law 109-461, particularly as it pertains to procurement utilizing service disabled veteran owned small business concerns of all sort, including construction.

S. 2139 - National Guard and Reserve Educational Benefits Fairness Act of 2007

While VVA favors full equity for National Guard and Reservists who have been activated since 2001 (same hostile fire should = same benefits), the way to achieve parity or fairness regarding the educational benefits is not to increase financial contributions of Guard and reservists in our view, but rather early enactment of S. 22 as amended. Should that prove to not occur this session of Congress, then VVA would not oppose this bill.

S. 2309 - Compensation for Combat Veterans' Act

VVA strongly favors this bill, and thanks the Chairman for advancing this proposal to put an end to any attempt by DOD or VA to deny compensation based on MOS or other factors which may not mean much given the nature of warfare in Iraq and Afghanistan today. VVA is painfully aware of how VA and/or DOD can and sometimes will play this "game" with veterans in regard to exposure to certain conditions during military service that can cause illness or injury.

S. 2471 -USERRA Enforcement Improvement Act of 2007

VVA favors enactment of this proposed legislation as taking several much needed steps to strengthen and improve the USERRA system for ensuring re-employment rights of individuals who are members of the Reserves or of the National Guard.

Having noted that we favor this initiative, VVA also suggests to the Committee that there is not enough staff at the Veterans Employment & Training Service (VETS) of the United States Department of Labor (USDOL) who are adequately trained and supervised to do proper investigations regarding re-employment. VVA would hope that the Appropriations Committee would add to the VETS staff and to the VETS training budget enough additional resources to close this gap between what needs to be done and what is now happening in many states.

VVA further suggests that a very small percentage of businesses are bearing a disproportionate share of the burden of paying for these wars in which we are currently engaged, in that they are the ones who DO support their employees who are also Guard and Reserve members when they are deployed. These employers pay the cost of lost productivity, the cost of hiring and training a temporary employee while the Guard member or reservist is on active duty, and in many cases the cost of re-training the returning service person whose skills have become outdated and the cost of helping that person readjust to civilian life again.

Therefore, VVA strongly urges the Congress to consider two options: First, to provide tax incentives for those employers who have Guard and Reservists on their payroll who are activated for the proportional number of months in a given year that their employee was away; and, two, to make available training dollars through USDOL to both train the temporary replacement worker and the returning service member when they come back to the job. These two measures together would materially strengthen the support for the National Guard and Reserves from the employer community, but we believe it would greatly reduce the number of problems with re-employment rights, therefore reducing the number of complaints dramatically.

What we are really suggesting is that we look to better educate the employers as to what is their responsibility under the USERRA law BEFORE there is a problem and everyone gets emotional, but also that the employers' perspective and needs should be taken into account. Frankly, VVA believes that providing real incentive for voluntary compliance will prove to be far more effective than any or all enforcement efforts.

S. 2550 - (Hutchison) Combat Veterans Debt Elimination Act of 2008

S. 2550 would prohibit the Secretary of Veterans Affairs from collecting debts owed to the United States by certain members of the armed forces or veterans who die as a result of an injury incurred or aggravated on active duty in a war or a combat zone after September 11, 2001. It would except any amounts owed the United States under federal housing and small business loan programs from such prohibition on debt collection.

VVA favors enactment of this measure. We should be providing support and assistance to the family, not hounding them with debt collectors.

S. 2573 - Veterans Mental Health Treatment First Act

This proposal would amend title 38, United States Code to require a program of mental health care and rehabilitation for veterans for service-related post-traumatic stress disorder, depression, anxiety disorder, or a related substance use disorder, and for other purposes.

VVA is not sure of the intent of this act, but believes that it may have some merit if it truly strengthens rehabilitation and training that will help in the veterans' recovery to the highest state of independence and realization of natural talents possible. For veterans of working age, that means re-acquiring the ability to obtain and sustain meaningful employment at a living wage. VVA looks forward to discussing with this proposal further with the sponsor and co-sponsors, and making further comments at the hearing on May 21.

S. 2617 - Veterans' Compensation Cost-of-Living Adjustment Act of 2008

Effective December 1, 2008, this proposal would increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

VVA strongly favors this proposed legislation.

VVA also asks that the Committee take a hard look at payments for DIC and at payments for ratings of 60% and more to consider adjusting the compensation rate base, separate and apart from the annual Compensation Cost-of-Living (COLA). VVA agrees with the findings of the recent Commission that dealt with compensation for service disabled veterans that the payments are purchasing substantially less today than was the case a decade or two ago, and even the COLA has not resulted in maintaining the buying power to properly "care for he hath borne the battle, and his widow and orphan."

S. 2683 - amends title 38, United States Code, to modify certain authorities relating to educational assistance benefits for veterans, and for other purposes

VVA strongly favors this bill, which would increase the monies available to the State Veteran Approving Agencies, who essentially are the primary quality assurance program for the educational benefits program. These state agencies depend on the VA for the grants that enable them to do a thorough job of investigating and approving (or not) programs of study that can be used by a veteran and still draw education benefits.

The State Approving agency model has worked well for many years, and the primary problems experienced with this program has been that there simply was not enough money appropriated to get the job done in some past years. VVA thanks Senator Akaka for taking steps toward assuring that adequate resources are available to keep these programs strong, and to ensure the success of the educational benefits are available only for programs that are reputable and real in regard to the education the veteran will receive for money spent.

S. 2737 - Veterans' Rating Schedule Review

This proposal would authorize the Court of Appeals for Veterans Claims to review whether, and the extent to which, the schedule of ratings for veterans' disabilities complies with statutory

requirements applicable to entitlement to veterans' disability compensation for service-connected disability or death.

VVA favors this act, which could provide some potentially useful oversight of VA implementation of the laws pertaining to disability compensation. It has long galled us that the rating schedule, as just one example, for PTSD has little or nothing to do with the definition of PTSD in the DSM IV. Frankly the rating schedule seems to be more about dementia than Post Traumatic Stress Disorder (PTSD). However, VVA must point out that the VA all too often does not follow the orders issued by the Court of Appeals for Veterans claims, or only partially follows said orders. VVA recommends that a way be found to make it clear that VA is to comply with any and all orders of the Court just as it would (should) comply with an order from any other Federal judge.

S. 2768 - provides a temporary increase in the maximum loan guaranty amount for certain housing loans guaranteed by the Secretary of Veterans Affairs

VVA generally favors this proposed legislation as a temporary measure to alleviate some of the pressure on veteran home buyers (and those who are potential home loan lenders to veterans) by in effect raising the amount guaranteed by VA.

However, VVA suggests that there are some broader conceptual problems that need to be addressed in the VA home loan guaranty program to make it more consistent and coordinated with other VA benefits and services, including health care. VVA looks forward to discussing possible reform of this program with staff on both sides of the aisle.

S. 2825 - Veterans' Compensation Equity Act of 2008;

This proposed measure would amend title 38, United States Code, to provide a minimum disability rating for veterans receiving medical treatment for a service-connected disability.

VVA favors passage of this proposal. This change is needed, particularly in regard to the conditions of hearing loss and the separate condition of tinnitus, which are more often than not rated as 0% even though there is significant ongoing impairment in the ability to function normally in the workplace or in just accomplishing every day tasks that those with normal hearing take for granted. The 0% rating is often over-used, apparently in order to save money instead of properly compensating for the loss of function, limitations on earnings, and other factors such as quality of life.

S. 2864 - Training and Rehabilitation for Disabled Veterans Enhancement Act of 2008

This proposal would amend title 38, United States Code, to include improvement in quality of life in the objectives of training and rehabilitation for veterans with service-connected disabilities, and for other purposes.

Vietnam Veterans of America (VVA) strongly favors enactment of this proposal at an early date. There are no limitations on the number injured on the battlefield, and therefore there should be no artificial limitation placed on the number that can qualify for, enroll in, and receive

independent living services and assistance. In addition, quality of life should have long been considered to be a factor in the receipt of services by service connected disabled veterans (but was not), and it is time that this be rectified.

Servicemember's Group Life Insurance (SGLI) & PTSD

VVA also encourages the Committee to take up the measure introduced by Senator Barbara Boxer of California that would include Post Traumatic Stress Disorder (PTSD) as among the conditions covered by traumatic injury protection coverage under the Service member's Group Life Insurance in tandem with your distinguished colleagues on the Committee on Armed Services. This is a much needed step that will finally recognize that PTSD is every bit as debilitating (possibly even more so) than traumatic physical injury, and will make a world of difference in how many families will remain intact where the returning service member is suffering from PTSD.

Thank you, Mr. Chairman for allowing Vietnam Veterans of America to provide you and your distinguished colleagues with our comments on so many bills under consideration. VVA further thanks you and Senator Burr for your consistent strong leadership for veterans. I will be pleased to answer any questions.