

SENATOR BERNARD SANDERS

STATEMENT FOR THE RECORD OF SENATOR BERNARD SANDERS AT THE  
COMMITTEE ON VETERANS' AFFAIRS MEETING TO CONSIDER THE NOMINATION  
OF RAUL PEREA-HENZE AND LEGISLATION PENDING BEFORE THE COMMITTEE  
January 28, 2010

Mr. Chairman, I apologize to the Committee that I was not able to attend today's hearing due to a change in the schedule that required me to chair a subcommittee hearing.

I appreciate your calling this hearing Mr. Chairman, and I want to congratulate you and the rest of our colleagues for your work on the numerous pieces of legislation introduced, provisions from which make up the Committee print now before us, S.1237. I especially wanted to state my support for the improvements to programs to prevent and respond to homelessness among our veterans, including the growing number of women veterans and the significant number of homeless veterans with children. Clearly, in the wealthiest country in the world, it is a tragedy for anyone to be homeless, but this is especially true for those who have worn our nation's uniform. I know we all support President Obama's and Secretary Shinseki's efforts to end homelessness among veterans in the next five years. The legislation before us today is sure to go a long way toward achieving that goal.

I also want to thank you and your staff for working with me on my automatic enrollment amendment. I thank Senator Tester for his cosponsorship of the amendment and for offering it on my behalf at today's hearing.

This amendment is a slightly modified version of legislation I have introduced, S.1798, the Automatic Reserve Component Enrollment Act of 2009, which is cosponsored by Senators Begich and Wyden. It is based on legislation supported by the National Guard Association of the United States, the Paralyzed Veterans of America, and the Reserve Officers Association. I thank these organizations for their support.

This amendment would provide for automatic enrollment of eligible, demobilizing Guard and Reserve members in the Department of Veterans Affairs (VA) health and dental care programs. It is based on the belief that if our goal is to help veterans access the care that they have earned through their service, we should make it as easy as possible for them to enter the VA system.

As many of my colleagues know, many members of the Guard and Reserve do not enroll in the VA health and dental care programs at demobilization. Understandably, their top priority at that point is to get done with the paperwork and technical briefings quickly and get back to see their families. They are often not familiar with the health care and benefits to which they are entitled. Yet, especially for those veterans from rural areas like much of my State of Vermont who do not have access to care that the active duty component does, these benefits are critically important.

Many veterans think they won't ever need VA care and skip the enrollment opportunity. While enrollment is possible at a later date, it is much easier to accomplish it right at discharge where most of the needed paperwork is there, all in one place. This legislation would make enrollment for eligible members of the Guard and Reserve automatic but would not force the service member to use the VA. All the existing eligibility criteria would remain unchanged. An opt-out provision is included for those who do not want to enroll at all.

I applaud the VA for the enrollment assistance for Guard and Reserve they are already doing in many demobilization locations across the country - especially the VA employees in my state who do an excellent job of attending these events - but it is not a consistent process. This amendment enhances it by requiring the VA's Veterans Benefit Administration and Veterans Health Administration staff to assist with the automatic enrollment and requiring the Secretary of Defense to provide resources at the demobilization sites to facilitate enrollment.

In addition, the legislation requires the VA to report to this Committee and the Appropriations Committee to make sure the VA receives any needed additional resources and authority to respond to any resulting additional patient load.

This amendment is just one part of a larger effort at VA to streamline the transition between service on active duty and the VA. As my colleagues know, Secretary Shinseki is working with the Department of Defense on a larger concept known as the Virtual Lifetime Electronic Record, a comprehensive system to collect administrative and medical information for members of the military through their period of service and beyond. This provision will help the VA to begin modernizing enrollment from DoD to VA and support Secretary Shinseki's concept of "uniform registration."

It is my hope that this amendment will help bring more of our Guard and Reserve into the VA and reduce some of the paperwork and hassle. Our Guard and Reserve have been called to serve in unprecedented number since 9/11 and we must do everything we can to help get them the mental health, health and dental care they may need when they get home from service.

Mr. Chairman, I would also like to comment briefly on two of the issues that are also before the Committee today.

The first is the issue of providing medical services, hospital care, and nursing home care to service members and family members who were stationed at Camp Lejeune during a period when the water there was contaminated by harmful substances. I share the Chairman and Senator Burr's desire to seek justice for these families and service members who have been harmed through the water contamination at Camp Lejeune. As many of my colleagues know, since my early days serving in the House of Representatives, I have fought for justice for many different generations of veterans who have been exposed to toxins during their service - including those suffering from their exposure to Agent Orange and those still ill from their service in the first Persian Gulf War, known as Gulf War Illness.

The question in this particular case is not whether these individuals deserve care paid for by the government. The government is clearly responsible. The question is which agency of the federal government should pay for that care. In this case, in my view, the Department of Defense is clearly responsible for a large portion of the care.

As many have pointed out, this issue is one that should be addressed by the Armed Services Committee and the Defense Appropriations Committee. I believe the Camp Lejeune issue should be addressed in the FY 2011 Defense Authorization bill or cleared as a standalone bill through the Armed Services Committee. It is my view that the DoD should be forced to provide this care not only because it is the right thing to do, but also because it serves as a deterrent for

future non-compliance with environmental regulations and protocols in place to protect our troops, their families, and the environment in which they live and train.

The approach that the Chairman has put forward establishes a process for examining each case of contamination on its own and creates a system of determining which benefits should be provided by which agency to members of the Armed Forces, and their dependents, who were exposed to environmental hazards. In addition to this legislation, Congress must put continual pressure on the Department of Defense to ensure it addresses the injustice done to these service members and their families. If the DoD continues to neglect this duty, Congress must use all tools at its disposal to force them to act – including through amendments to the FY 2011 Defense Appropriations and Authorization bills.

Finally Mr. Chairman, I want to comment on the amendment offered by Senator Burr dealing with limiting increases in health program costs for military retirees and active duty military personnel. I strongly support the intent of Senator Burr's amendment. In fact, in the last Congress, I was a cosponsor of S.604, the Military Health Care Protection Act, introduced by our colleague Senator Lautenberg. S.604, like Senator Burr's amendment, made similar prohibitions on increases to military health care program premiums, pharmacy benefits, and other related programs. However, this amendment dealing with military health care is clearly outside the jurisdiction of our committee. Rather, this is an issue for the Armed Services Committee, where similar Senate legislation was referred in the last Congress and where H.R. 816, Congressman Chet Edwards' legislation on this topic, has been referred in the House. I support moving this legislation through those committees or as an amendment to the FY 2011 Defense Authorization bill, the FY11 Defense Appropriations bill or cleared as a standalone bill.

In closing, I wanted restate my desire to seek justice for the families and service members who were exposed to environmental toxins at Camp Lejeune and I look forward to working with my colleagues on that effort.

Thank you Mr. Chairman.