

Written Statement of

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To the
Committee on Veterans' Affairs
United States Senate
Pending Benefits Legislation
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Mr. Chairman and Members of the Committee:

My name is David Stacy, and I am the Government Affairs Director for the Human Rights Campaign, America's largest civil rights organization working to achieve lesbian, gay, bisexual and transgender (LGBT) equality. On behalf of our 1.5 million members and supporters nationwide, I am honored to submit this statement into the record for this important hearing on pending benefits legislation that will impact our veterans. Today I will specifically speak in support of the Charlie Morgan Military Spouses Equal Treatment Act of 2015. Our veterans and their families have sacrificed deeply in service to our country. The Charlie Morgan Act promotes fundamental fairness and ensures that all veterans, regardless of who they love or where they live, receive the benefits that they have earned and deserve.

Following the U.S. Supreme Court decision in *U.S. v. Windsor*, which invalidated Section 3 of the Defense of Marriage Act (DOMA), the federal government – including the Department of Veterans' Affairs – began recognizing same-sex spouses for the purposes of federal benefits and services. However, for LGBT veterans access to these benefits is far from universal. Current statutory language limits eligibility for veterans' benefits to those living in states that recognize their marriage. This means that despite sweeping advances in equality and marriage recognition over the past decade, thousands of same-sex married couples living in states that do not recognize their marriage are denied access to these benefits including burial rights and home loan guaranty benefits.

Veterans' benefits provide critical medical and financial support for veterans and their families. For veterans struggling with injury or disability as a result of service, these benefits can be a lifeline. For many active duty servicemembers, these benefits are a promise that their loved ones will be taken care of if they don't make it home. However, despite their service and sacrifice some veterans and servicemembers continue to be denied these most basic assurances. This denial is not only fundamentally unfair, it also promotes an arbitrarily discriminatory system that harms veterans and their families solely based on geography.

Recognizing this, the Department of Defense has implemented a policy recognizing all same-sex marriages of enlisted servicemembers regardless of the state where the family lives. This policy promotes consistency and fairness and recognizes the mobility that we so often ask of our servicemembers. The failure of the federal government to provide uniform benefits to all veterans results in a frustrating and harmful scenario for many LGBT servicemembers. Due to these conflicting policies, upon retirement many veterans' families will lose benefits over night. This not only frustrates common sense, but disrespects the service and sacrifice of our veterans as well as their families.

The harm of these denials results in daily hardships for too many families. Despite the Supreme Court decision in *U.S. v. Windsor*, eight year Army veteran Earl Rector was denied a VA home loan in Texas with his husband Alan. The couple had legally married in Washington State and returned to Dallas to purchase a home. Despite meeting every other qualification, the Department of Veterans' Affairs denied the loan, leaving Earl with no recourse or assistance. Under the current discriminatory statute Earl and Alan were considered to be legal strangers by the Department simply because of their home state. Despite years of service, Earl was forced to secure a costly private mortgage to purchase the home.

Earl and Alan are not alone. These daily denials are disrespectful, costly, and too often heartbreaking. Chief Warrant Officer Charlie Morgan passed away believing that her wife and daughter would go unrecognized and receive none of the benefits that she had earned during her years of service. No servicemember should face this stark discrimination at a time when they need support the most. We have made a promise to all of our veterans who faithfully serve our country alongside their families. It is time to keep this promise.

I appreciate the opportunity to offer this testimony today and urge Congress put an end to this harmful discrimination against our brave service men and women.

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