

Mr. Robert N. Lichtenberger National Commander Military Order of the Purple Heart

MILITARY ORDER OF THE PURPLE HEART

ROBERT N. LICHTENBERGER, NATIONAL COMMANDER

2005 ANNUAL TESTIMONY

BEFORE A JOINT HEARING OF THE

HOUSE AND SENATE COMMITTEES ON VETERANS AFFAIRS

MARCH 10, 2005

Chairman Craig, Chairman Buyer, ranking minority members Akaka and Evans, members of the Senate and House Veterans Affairs Committees, ladies and gentlemen.

I am Bob Lichtenberger, National Commander of the Military Order of the Purple Heart (MOPH). It is indeed an honor to appear before this distinguished body on behalf of the members of the Military Order of the Purple Heart. As I am sure you are aware, the Military Order of the Purple Heart is unique among all veteran service organizations in that our membership is comprised entirely of combat veterans who shed their blood on the world's battlefields while serving our country in uniform. For this sacrifice they were awarded the Purple Heart Medal.

I am accompanied today by, on your right, National Junior Vice Commander Tom Poulter, National Senior Vice Commander James Randles and National Legislative Director Hershel Gober. On your left are National Service Director Jack Leonard, National Adjutant Bill Bacon, and National Judge Advocate Daniel Murphy.

Your committees are very important to the Military Order of the Purple Heart and its members. We look to you to represent us and to ensure that your colleagues in Congress who do not serve on the Veterans Affairs Committees understand that our members have earned their entitlements and benefits by the shedding of their blood on the battlefields of the world. In the interest of time, I will make the testimony covering our top priorities as brief as possible. Copies of our National Convention Resolutions have been provided to both committee staffs for your information and consideration.

As my predecessor stated last year before this joint committee, "the issue of doing the RIGHT THING for veterans has never been more important than at this time in our history." Our country's military men and women are fighting in Iraq and Afghanistan on a daily basis. Unfortunately, some have made the ultimate sacrifice and many more are returning home with injuries that will require medical treatment for many years. It is important that this Congress send a message to the brave men and women in uniform that the Department of Veterans Affairs (VA) will be there for them just as it has been there for veterans of earlier wars. The Military

Order of the Purple Heart extends our absolute support for our military men and women who today carry on the proud traditions and legacy of those who have served this great country in previous wars and conflicts. We pray for a swift end to the current conflicts and that our warriors may return safely to their families.

The Military Order of the Purple Heart commends Congress for considering legislation that will increase the death benefits for military personnel. This legislation is long overdue and deserves the full support of Congress. We cannot ask our service personnel to put themselves in harms way without committing to the welfare of their survivors. We urge Congress to pass this legislation without delay.

At the Military Order of the Purple Heart National Convention our delegates considered resolutions that the membership deemed appropriate to help America keep its promise to her veterans. All these resolutions are included in the information packets provided to your staffs. Therefore, as stated earlier I will speak only to those that we feel are vital to the health and welfare of combat wounded veterans.

Our number one priority for this year is the same as last year and that is an adequate funding system for the Department of Veterans Affairs Health Care Administration (VHA). Calling it guaranteed, assured or full funding makes no difference to the Military Order of the Purple Heart as long as VHA receives the necessary funds to care for those veterans who are enrolled in the VA system. Many of our members depend on VHA for their health care needs. Although Veterans' Affairs is to receive its annual budget on October 1 of each year, for the last several years, the VA has not received its budget until well into the fiscal year. This makes it very difficult for the VA to plan or to even know if they will be able to continue all their lines of service. With our military currently fighting in Iraq and Afghanistan and many of them returning home and undergoing treatment at VA hospitals there has to be a better way to ensure that Veterans' Affairs has sufficient funds to care for these personnel. We see the funding for Veterans' Affairs as just an extension of the cost of war. The Military Order of the Purple Heart has joined ranks with eight (8) other prominent veteran service organizations and formed the Partnership for Veterans Health Care Budget Reform, whose goal is to support legislation that would guarantee adequate funding for VHA to accomplish its mission. We urge Congress to support legislation that would achieve this objective.

The Military Order of the Purple Heart is pleased that Congress passed legislation that provides that certain retired military personnel, who also are receiving VA compensation, receive both retired military pay and VA compensation, depending on the percentage of disability. We also appreciate that Congress, in its last session, passed legislation that allows those military retirees who are 100% service connected to draw their full military retired pay and full VA compensation. The Military Order of the Purple Heart continues to urge Congress to pass legislation that will grant full concurrent receipt to all military retirees. It is the right thing to do.

The Military Order of the Purple Heart supports a trust fund resolution for those veterans, and indeed all Americans and their survivors, who suffer from asbestos related diseases. While on its face this may not seem to be a veteran's issue, we became involved when we learned of the large numbers of veterans who are affected by these diseases and afflictions. Military personnel, particularly those in the United States Navy, were exposed to asbestos until the mid 1970s when

the use of this material was discontinued. The existing systems to adjudicate asbestos claims are cumbersome and time consuming and veterans have limited avenues to seek compensation for their illnesses caused by asbestos exposure. The VA continues to receive claims from veterans related to asbestos exposure; however, less than one third of known VA asbestos claimants receive service-connected compensation for their asbestos diseases. The establishment of a trust fund solution would not replace or alter the current VA benefits system. Rather it would serve to complement the existing benefits. The Military Order of the Purple Heart urges Congress to enact asbestos trust fund legislation.

Another important issue that the Military Order of the Purple Heart supports is protecting the Federal Supply Schedule (FSS) pricing that the VA currently receives. There has been legislation adopted in some states and legislation was introduced in the last session of Congress to open up the FSS to Medicare recipients and others. The pharmaceutical industry has strongly opposed this move and has implied that if this happens then the current pricing schedule that Veterans' Affairs enjoys could be endangered. This could cost the VA hundreds of millions of unbudgeted dollars from a budget that is already stretched too thin. The Military Order of the Purple Heart fully supports efforts to provide less expensive drugs to America's citizens and encourages Congress to seek ways to do so but is opposed to any actions that threaten the VA's ability to provide pharmaceuticals and treatment for our veterans.

The burial plot allowance of \$300.00 was last increased effective December 1, 2001. This increase has not kept pace with inflation or the cost of purchasing a final resting place for those who honorably served our nation during a war time period. The Military Order of the Purple Heart urges Congress to pass legislation that would increase the burial plot allowance to \$500.00

Currently the VA will pay the full cost of nursing home care for any veteran whose service connection is 70% or greater, if the VA determines that the veteran requires skilled nursing care. However, this benefit is only available if the eligible veteran accepts admission to a VA or community contracted nursing home. The 117 state veterans' homes are not eligible to take advantage of this program, but instead receive a daily per diem, which in most cases is significantly lower than the amount received by the VA community-contracted nursing homes, for the veterans they care for. The Military Order of the Purple Heart requests that Congress pass legislation that will permit state veterans' homes to admit or retain any eligible veteran who has a 70% or greater service-connected disability rating and who requires skilled nursing care, and to receive the full cost of care for the veteran from the VA. The state veterans' home, therefore, would relinquish the federal state home per diem and require no resident charge for those veterans who qualify for the higher benefit.

Unlimited exchange and commissary store privileges are currently available to honorably discharged veterans with a service-connected disability rating of 100%, unmarried surviving spouses of members or retired members of the armed services, Medal of Honor recipients and their dependents and orphans. Our members believe that it is inherently unfair to deny our combat wounded and less than 100% disabled veterans, and their surviving dependents, exchange and commissary privileges when their combat wound, disability, or death prevented their having the opportunity to serve their full term of service of 20 or more years. The Military

Order of the Purple Heart urges Congress to pass legislation that would authorize exchange and commissary privileges for recipients of the Purple Heart Medal.

In August 2004 the VA announced a new laser eye surgery policy that permitted Optometrists who had received laser training to perform laser eye surgery under the supervision of an Ophthalmologist. The Military Order of the Purple Heart strongly disagreed with this policy because we support the concept that surgeons should perform surgery. Moreover, we oppose non-physicians being granted privileges to perform surgery on America's veterans. The Military Order of the Purple Heart is pleased to note that former VA Secretary Principi did the right thing by rescinding the VA directive that authorized Optometrists to perform laser surgery.

During the 108th Session Congress passed Public Law 108-357. Section 883 of this Law will have a dramatic effect on the Military Order of the Purple Heart Service Program. The Law affects the donation of vehicles, boats and airplanes to the Military Order of the Purple Heart Service Foundation, as well as other charitable organizations that have donation programs. The Military Order of the Purple Heart receives funds from the Military Order of the Purple Heart Service Foundation that enable us to place service officers throughout America to assist veterans, dependents and survivors in filing for and receiving those VA entitlements that the veterans have earned by their service to our country. These service officers relieve the VA of untold hours of work on developing veterans' claims and save the VA badly needed funds. Public Law 108-357 places new restrictions and requirements on, not only charitable organizations, but on those patriotic Americans who want to support veterans by donating their used vehicles, boats or airplanes to this worthy cause. While the Military Order of the Purple Heart certainly supports and understands the need for fair tax laws we feel that they should not be such that good, worthwhile programs are damaged. In other words we believe, in this case, ?the baby got thrown out with the bath water.? We urge Congress to re-think this issue and amend this law so the Military Order of the Purple Heart may continue to receive the donations that it requires to carry on our great service program for veterans.

In conclusion, the Military Order of the Purple Heart is grateful for legislation that members of the committees have supported that enhanced the quality of life for America's veterans. There is still much to be done and the Military Order of the Purple Heart pledges our support as you move forward. My staff and I will be pleased to answer your questions. Thank you.