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CHAIRMAN SANDERS, RANKING MEMBER BURR AND DISTINGUISHED MEMBERS OF THE COMMITTEE, on behalf of the over 380,000 members of The Military Officers Association of America (MOAA), I am pleased to present the Association's views on pending legislation under consideration at today's hearing.

MOAA does not receive any grants or contracts from the federal government.

S. 6, Putting Our Veterans Back to Work Act of 2013 (Sen. Reid, D-NV). S. 6 would extend transition services deadlines under the VOW to Hire Heroes Act, provide grants for hiring veterans as first responders, create a single, unified online employment portal for veterans, provide job training benefits for older veterans, and for other purposes.

MOAA is grateful to the Committee for passing the VOW to Hire Heroes Act (P.L. 112-56).

The Veterans Retraining Assistance Program (VRAP) provision in the VOW Act opens Montgomery GI Bill (MGIB) benefits for one year to older, unemployed veterans to train for high demand occupations.

As of 1 May 2013, the VA had approved 99,492 VRAP applications and enrolled 44,839 in training.

A key provision in the VOW Act improves Vocational Rehabilitation and Employment (VR&E) benefits and extends automatic eligibility through 2014 for active duty servicemembers referred by DoD with severe illnesses or injuries. The provision affords VR&E rehabilitative services early in the disability evaluation process.

The law also expands the Special Employer Incentive program to employers who hire veterans participating in VR&E even in cases where the veteran has not completed training.

S. 6 is consistent with recommendations MOAA made before a joint Senate and House Veterans Affairs Committees' hearing on 28 February 2013.

In addition to support for extension of VOW Act deadlines, MOAA recommends S. 6 be further amended to:

- Grandfather VRAP participants whose licensing, training, or associate's degree program – leading to employment – won't be completed in the compressed timeframe authorized.
- Authorize VRAP participants to attend 4-year colleges that offer non-degree licensing and certification programs.

MOAA strongly supports S. 6.

**S. 200 (Sen. Murkowski D-AK).** S. 200 would authorize interment in a National Cemetery any individual who: the Secretary of Veterans Affairs (VA) determines served in combat support of the Armed Forces in Laos during the period beginning on February 28, 1961, and ending on May 15, 1975; and, at the time of death was a U.S. citizen or lawfully admitted alien. MOAA is supportive of S. 200. We recommend the Committee work closely with the Armed Services Committee to ensure the procedures for validating the service of individuals addressed in the bill are consistent and reliable.

**S. 257, the GI Bill Tuition Fairness Act of 2013 (Sen. Boozman, R-AR).** S. 257 would direct the Secretary of Veterans Affairs (VA), for purposes of the educational assistance programs administered by the Secretary, to disapprove courses of education provided by public institutions of higher education that do not charge tuition and fees for veterans at the same rate that is charged for in-state residents, regardless of the veteran's state of residence.

S. 257 is a practical, cost-saving bill that will provide our returning warriors more options to take advantage of the Post-9/11 GI Bill and other GI Bill programs. The legislation comes at a critical time when more service members than average will be leaving active service due to the drawdown of our forces and the withdrawal from Afghanistan. Our volunteers have served and sacrificed for the nation and should be given every consideration when they transition from military service.

As the bill moves through Committee, MOAA respectfully recommends consideration of including eligible family members of veterans with transferred GI Bill benefits for in-state tuition rates if they are enrolled in a public college but not state residents. Many service women and men are married when they separate from service. The transitioning family's economic prospects are enhanced when all eligible members with GI Bill benefits can take advantage of S. 257. MOAA strongly supports S. 257.

**S. 262, the Veterans Education Equity Act of 2013 (Sen. Durbin, D-IL).** S.262 would allow veterans enrolled in public colleges to receive tuition benefits up to \$18,077.50 to help cover the cost of out-of-state tuition. The Post-9/11 GI-Bill caps the amount of education benefits for veterans enrolled in private colleges at \$18,077.50 and sets the education benefit for veterans who attend public colleges to the amount charged for in-state tuition and fees.

MOAA appreciates the intent of S. 262 but instead favors enactment of S. 257 (discussed above). The Post-9/11 GI Bill legislation was based on the premise that a returning veteran would be able to attend any post-secondary public institution of higher learning (IHL) at no cost. A cap was set on private institutions to control overall cost. The enabling legislation, however, also included a 'yellow ribbon' provision that would encourage private colleges to put 'skin in the game' by authorizing them to pay up to half the difference of the cost of tuition above the annual cap with the government paying the other half. S. 262 defeats the original intent of the new GI Bill to pay the full cost of tuition at any public college. MOAA does not support S. 262.

**S. 294, Ruth Moore Act of 2013 (Sen. Tester, D-MT).** S. 294 would revise policy for adjudicating disability claims of veterans with a mental health condition caused or aggravated by military sexual trauma (MST) while serving on active duty. The bill would require the VA to

accept as sufficient proof of service-connection a diagnosis by a mental health professional together with satisfactory lay or other evidence of MST and an opinion by the mental health professional that such condition is related to such trauma, if consistent with the circumstances, conditions, or hardships of the veteran's service, even when there is no official record of such incurrence or aggravation in such service, and for other purposes. MOAA strongly supports S. 294.

**S. 373, the Charlie Morgan Military Spouses Equal Treatment Act of 2013 (Sen. Shaheen, D-NH).** S. 373 would, for purposes of military personnel policies and military and veterans' benefits, consider a person a spouse, if the marriage of the individual is valid in the state in which the marriage was entered into or, in the case of a marriage entered into outside any state, if the marriage is valid in the place in which the marriage was entered into and the marriage could have been entered into in a state. Includes as a state the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and U.S. territories and possessions. MOAA has no position on S. 373.

**S. 430, Veterans Small Business Opportunity and Protection Act of 2013 (Sen. Heller, R-NV).** S. 430 would treat the surviving spouse of a service-disabled veteran who acquires the ownership interest in a small business of the deceased veteran as such veteran, for purposes of eligibility for VA service-disabled small business contracting goals and preferences, for a period of: 10 years after the veteran's death, if such veteran was either 100% disabled or died from a service-connected disability; or 3 years after such death, if the veteran was less than 100% disabled and did not die from a service-connected disability. The legislation would treat small businesses themselves acquired by surviving spouses as a service-disabled veteran owned business. MOAA supports S. 430.

**S. 492 (Sen. Burr, R-NC).** S. 492 would require states to recognize the military experience of veterans when issuing licenses and credentials to veterans, and for other purposes. This is a common sense bill that recognizes and takes advantage of the exceptional training and experience of members of our Armed Forces in a host of military occupational specialties. The Military Services are undergoing a protracted drawdown of military manpower. Over the next few years there will be a substantially greater number of service members leaving active military service. MOAA has been very supportive of initiatives that will enable our returning warriors to acquire civilian credentials or licenses prior to leaving service. S. 492 is a valuable addition to this trend since it requires states to accept comparable training and experience in a civilian skill requiring a license or certification if a state would wish to continue receiving Dept. of Labor outreach and employment support services for veterans returning to the community. MOAA strongly supports S. 492.

**S. 495, the Careers for Veterans Act (Sen. Burr, R-NC).** S. 495 includes S. 492 (above) as a provision. S. 495 also supports the hiring of up to 10,000 veterans into the Federal workforce by requiring the Director of Office of Personnel Management (OPM) to coordinate with federal agencies and departments to fill existing vacancies, utilizing the Veterans Recruitment Appointment (VRA) authority over the next five years. OPM would have to report routinely to Congress to describe the types of jobs veterans were hired for, grade and pay level, and the number of veterans converted to career appointment. In addition, the bill includes several small

business provisions that will assist veterans who are attempting to navigate VA's service disabled veterans owned small business (SDVOSB) verification process, as well as providing for better transfer of small businesses to spouses following the death of a service disabled veteran owner or active duty service member. MOAA strongly supports S. 495.

**S. 514 (Sen. Sherrod Brown, D-OH).** S. 514 would establish additional educational assistance under the Post-9/11 GI Bill for veterans enrolled in an academic program leading to degrees in science, technology, engineering, and math (STEM) or an area leading to employment in a high-demand occupation. MOAA appreciates the intent of the legislation but does not believe it's needed. The new GI Bill (Chapter 33, 38 U.S.C.) pays the full cost of education for veterans enrolled in public colleges or universities. If the Committee agreed to support an added payment for degrees in STEM at private colleges, MOAA would recommend an increase in the government's percentage of yellow ribbon contributions; e.g., from up to 50% of the remaining cost not covered under the private college cap to up to 60% or higher of the difference paid by the private college or university.

**S. 515 (Sen. Sherrod Brown, D-OH).** S. 515 would extend the Yellow Ribbon G.I. Education Enhancement Program under Chapter 33, 38 U.S.C. to cover recipients of Marine Gunnery Sergeant John David Fry Scholarship, and for other purposes.

MOAA supports this bill in principle. However, we believe strongly that the Surviving spouses themselves have been left behind with respect to educational assistance benefits. Survivors of the current conflicts need the opportunity to gain meaningful careers so that they can raise their children to take advantage of the Fry Scholarship program. The Fry Scholarships make the Post-9/11 GI Bill available to the children of the Fallen, but the Survivors themselves are left with a very modest monthly educational allowance of only \$987 per month for full-time study, compared to a tuition free education at any public college or university under the Fry Scholarships. Moreover, Survivors receive no housing allowance while attending college or training and no annual book stipend. Ideally, we would recommend the Committee support S. 515 and the authorization of Post-9/11 benefits to Survivors themselves. If both are infeasible in this resource-constrained environment, MOAA would recommend first opening the Fry Scholarships to Survivors and if funds are also available, enacting S. 515.

**S. 572, Veterans 2d Amendment Protection Act (Sen. Burr, R-NC).** S. 572 would prohibit the VA from denying the right of a veteran deemed mentally incompetent or incapacitated from receiving or carrying firearms without a court order that such a person is a danger to himself / herself or others. MOAA has no position on S. 572.

**S. 629, the Honor America's Guard-Reserve Retirees Act of 2013 (Sen. Pryor, D-AR).** S. 629 would honor as a veteran any retired member of the National Guard or Reserves entitled to retired pay for non-regular (reserve) service in the Armed Forces of the United States. The bill prohibits the award of any benefit by reason of the recognition.

National Guard and Reserve members who complete a full Guard or Reserve career and are receiving or entitled to a military pension, government health care and certain earned veterans'

benefits under Title 38 are not “veterans of the Armed Forces of the United States,” in the absence of a qualifying period of active duty.

This strange situation exists because the definitions in Title 38 limit the term “veteran” only to servicemembers who have performed duty on active duty (Title 10) orders.

National Guard members who served on military duty orders (other than Title 10) at Ground Zero in New York City on Sept. 11, 2001, the Gulf Coast following Hurricane Katrina or Hurricane Sandy, the BP oil spill catastrophe off the Gulf Coast, or conducted security operations on our Southwest border, and subsequently retire from the National Guard or Reserve are not deemed to be veterans under the law unless at some point they had served on Title 10 orders.

Throughout the Cold War and continuing today, Reservists perform operational duty or support operational forces on 29 different sets of orders. Most of these duty order categories reflect Service funding and accounting protocols, but unless the orders purposely are issued under Title 10, they do not count towards recognition of career reservists as veterans of our Armed Forces.

Ironically, these career reservists earn specified veterans’ benefits, but they can’t claim that they are veterans.

For these career volunteers who have served and sacrificed for decades in uniform, it is deeply embarrassing that they are not authorized to stand and be recognized as veterans during Veterans Day and other patriotic celebrations.

The House of Representatives has twice passed similar legislation on this issue.

S. 629 would establish that National Guard and Reserve members who are entitled to a non-regular retirement under Chapter 1223 of 10 USC and who were never called to active federal service during their careers are veterans of the Armed Forces. The legislation expressly prohibits the award of any new or unearned veterans’ benefits and is cost-neutral.

A retired New York Army National Guard Master Sergeant recently responded to an article on this issue in Military Update, a syndicated column on military issues by Tom Philpott. The Master Sergeant wrote: “I served 35 years as a Guardsman and am told I am not a veteran. I did two weeks at Ground Zero and many tours in Germany doing logistics for the war in Iraq. Yet I am still not a veteran.” On his behalf and on behalf of tens of thousands of other Guard and Reserve service members, MOAA strongly supports S. 629 to establish that career Reservists eligible for or in receipt of military retired pay (at age 60), government health care and certain earned veterans benefits, but who never served under active duty orders are “veterans of the Armed Forces of the United States.”

**S. 674, the Veterans Accountability Act of 2013 (Sen. Heller, R-NV).** S. 674 would require Federal agencies to respond within 30 days to the VA for information necessary to adjudicate a veteran’s benefits claim. Agencies would have to either submit the requested information to the VA, or an explanation for not being able to furnish such information, as well as an estimate of when the information will be furnished. The VA would be required to keep records on all such

requests and the time it takes to receive responses and to report twice a year to the Committees on Veterans Affairs a summary of the records. MOAA supports S. 674.

S. 690, the Filipino Veterans Fairness Act of 2013 (Sen. Schatz, D-HI). S. 690 would deem certain service performed before July 1, 1946, in the organized military forces of the Philippines and the Philippine Scouts as active military service for purposes of eligibility for veterans' benefits through the Department of Veterans Affairs (VA). MOAA is supportive of S. 690. We recommend the Committee work closely with the Armed Services Committee to ensure the procedures for validating the service of individuals addressed in the bill are consistent and reliable.

**S. 695, the Veterans Paralympic Act of 2013 (Sen. Boozman, R-AR).** S. 695 would extend, until FY2018, the yearly \$2 million appropriations authorization for the Secretary of Veterans Affairs (VA) to pay a monthly assistance allowance to disabled veterans training or competing for the Paralympic Team; and \$8 million appropriations authorization, with amounts appropriated remaining available without fiscal year limitation, for grants to U.S. Paralympics, Inc. MOAA supports S. 695.

**S. 705, the War Memorial Protection Act of 2013 (Sen. Burr, R-NC).** S. 705 would permit the use of religious symbols recognizing the religious background of members of the Armed Forces as part of: a military memorial that is established or acquired by the federal government; or a military memorial not established by the government, but for which the American Battle Monuments Commission cooperated in establishing. MOAA has no position on S. 705.

**S. 735, the Survivor Benefits Improvement Act of 2013 (Sen. Sanders, I-VT).** S. 735 would enhance benefits for surviving spouses and children of fallen servicemembers and veterans. The bill expands the time frame for the receipt of additional monthly allowance Dependency and Indemnity Compensation (DIC) payments for survivors with children ages 2 to 5 years; permits compensation, care and support for children who suffer from Spina Bifida as a result of their parent's exposure to certain herbicides during the Vietnam war;

allows surviving spouses to remarry at a younger age, consistent with all other Federal programs, and still maintain their DIC and other benefits; and creates a pilot program on grief counseling for widows and widowers whose spouses died on active duty in the Armed Services. The pilot program would include child care services.

MOAA has long supported upgrading survivors' compensation and benefits. In particular, the Association has testified for years in support of DIC equity for older widow(er)s who wish to remarry. Legislation was enacted in 2003 to allow eligible military survivors to retain DIC upon remarriage after age 57. At the time, Congressional staff advised that age-57 was selected only because there were insufficient funds to authorize age-55 retention of DIC upon remarriage. MOAA strongly supports S. 735 to authorize age-55 for retention of DIC upon remarriage and for the other purposes set out in the legislation.

Section 4 of the bill states the Secretary "may" pay Spina Bifida benefits to children of Thailand service veterans, vice the provision for Vietnam Veterans "shall". If enacted this may mean that

VA could promulgate regulations similar to Agent Orange benefits for veterans themselves: only recognizing Agent Orange exposure in Thailand for those who served long periods of perimeter duty as MPs or dog handlers.

Additionally, the bill only extends benefits to children of male veterans who served in Thailand during the Vietnam War, but does not reference Title 38 sections 1811-1816, which provide benefits for children of female veterans who served in Vietnam. MOAA recommends the bill be amended to modify Sections 1811-1816 to include service in Thailand during the Vietnam War as qualifying service, to pay benefits for children born with birth defects after their mother's service in Thailand during the Vietnam War as well as their father's service.

**S. 748, the Veterans Pension Protection Act of 2013 (Sen. Ron Wyden, D-OR).** S. 748 would implement a recommendation of the Government Accountability Office (GAO) concerning the veterans' pension program. The GAO shed light on a growing industry aimed at convincing veterans to manipulate assets in order to apply for tax-free, needs-based pensions, which can pay more than \$20,000 a year. GAO identified more than 200 organizations across the country that market financial and estate planning services to help potential pension claimants with excess assets qualify for pension benefits. The legislation establishes a three-year "look-back" period that requires veterans to substantiate the disposition of assets. The intent is to protect the pension program for veterans who really need it. MOAA supports S. 748.

**S. 778 (Sen. Burr, R-NC)** would authorize the Secretary of Veterans Affairs to issue cards to veterans that identify them as veterans, and for other purposes. This legislation would permit the VA to develop and issue an ID card to potentially 20+ million American veterans with honorable service. The cost of administering and maintaining such a system over time could be significant. The card would not be linked to enrollment in the VA health system or to establish entitlement to any benefit. A number of states have enacted bills that permit the identification of veterans on state driver's licenses. MOAA does not believe a VA-issued veterans ID card is needed, nor worth the expense.

**S. 819, the Veterans Mental Health Treatment Act of 2013 (Sen. Burr, R-NC).** S. 819 would 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. Veterans would enroll in VA health care, participate in and comply with the treatment regimen for their diagnosed condition(s) for one year and agree to forego application for a service connected disability during treatment. Veterans who already had applied for disability may elect to suspend the adjudication of their case during the one-year treatment program. Veterans with a rated disability for PTSD, depression, anxiety disorder, or a related substance use disorder would agree to not submit a claim for an increase in disability compensation until the earlier of the end of the one year period or the conclusion of the treatment regimen and rehabilitation plan. Participating veterans would receive an initial and periodic stipends during the one year treatment plan not to exceed a total of \$11,000.

Veterans discharged from active duty on or after January 28, 2003 are eligible to enroll in the VA health care system for five years with "no questions asked" concerning service-related conditions. During the enrollment period, they are assigned to Priority Group 6 pending the

adjudication of any service-related claim they may submit. Enrolled OIF-OEF-OND veterans may seek care for any health-related condition.

It's not clear if the intent of S. 819 is to provide a new treatment regimen for the conditions specified in the legislation beyond what the VA currently provides. It's also not clear whether the idea is to create accelerated VA disability payments by another means – the proposed stipend – as a method to take new or pending claims for the specified conditions “off the books” for one year, thereby reducing the backlog.

MOAA refrains from a position on the legislation until more is known about the intent of the bill and potential longer term consequences.

**S. 863, the Veterans Back to School Act of 2013 (Sen. Blumenthal, D-CT).** S. 863 would remove the 10-year time limitation to use remaining Montgomery GI Bill (MGIB) (Chapter 30, 38 U.S.C.) entitlement of veterans eligible for the benefit, and for other purposes. MOAA appreciates the intent of the legislation. However, we believe it poses coordination and administrative problems with the Veterans Retraining Assistance Program (VRAP) under the VOW to Hire Heroes Act. VRAP enables older veterans to re-gain MGIB eligibility for one-year to pursue training for a license or certification in a career field in demand. Moreover, as noted above in our comment on S. 515, MOAA strongly recommends that priority should be given to awarding Fry Scholarships to the spouses of our fallen warriors if funds are made available to improve educational assistance programs.

**S. 868, Filipino Veterans Promise Act (Sen. Heller, R-NV).** S. 868 directs the Secretary of Defense (DOD) to establish a process for determining whether individuals who served in the organized military forces of the Government of the Commonwealth of the Philippines or in the Philippine Scouts while in the service of the U.S. Armed Forces during World War II and who are not included in the Missouri List are eligible for certain benefits relating to their service. MOAA supports S. 868. We recommend the Committee in coordination with the Armed Services Committee require a report on the process established by DoD to determine the service of individuals addressed in the bill.

**S. 889, the Servicemembers' Choice in Transition Act of 2013 (Sen. Boozman, R-AR).** S. 889 would improve the Transition Assistance Program (TAP) of the Dept. of Defense. The bill would require DoD to provide instruction in educational assistance benefits for service members planning to use such benefits and testing to assess readiness for post-secondary education, and for other purposes. MOAA supports S. 889.

**S. 893, Veterans' Compensation Cost-of-Living Adjustment Act of 2013 (Sen. Sanders, I-VT).** This bill would adjust veterans' compensation, pension, survivors' Dependency and Indemnity compensation and related benefits by the same percentage as the annual adjustment of Social Security benefits. The adjusted rates would become effective on 1 December 2013 and reflected in payouts on 1 January 2014. MOAA strongly supports the Veterans Compensation Cost of Living Adjustment Act of 2013.



**S. 894 (Sen. Sanders, I - VT).** S. 894 would extend an authority expiring on 30 June 2013 for work study allowances for veterans who are pursuing education, rehabilitation or training under VA benefit programs. The legislation would extend the VA's Work-Study Program for three additional years; and, allow participants to assist servicemembers, veterans, and their families by allowing them to work in congressional offices across the country. MOAA supports extending the VA work-study allowances for veterans and permitting them to work in congressional offices.

**S. 922, the Veterans Equipped for Success Act of 2013 (Sen. Sanders, I-VT).** S. 922 is a comprehensive bill to carry out a pilot program that would provide wage subsidies to employers who employ certain veterans and members of the Armed Forces; and, to require the VA to carry out a pilot program on providing career transition services to young veterans, and for other purposes. MOAA supports S. 922.

**S. 927, the Veterans Outreach Act of 2013 (Sen. Sanders, I-VT).** S. 927 would establish a demonstration project to assess the feasibility and advisability of using state and local government agencies and nonprofit groups to increase awareness of benefits and services available to veterans, and to improve coordination of outreach activities relating to such benefits and services, and for other purposes. MOAA supports S. 927.

**S. 928, the Claims Processing Improvement Act (Sen. Sanders, I-VT).** S. 928 would address the processing of claims for VA compensation programs and for other purposes. The legislation: requires VA to publicly report information on both VA's projected monthly goals and actual production in order for Congress and stakeholders to know whether or not the Department is meeting its targets in eliminating the claims backlog; establishes a task force to initiate training to support the hiring of veterans in claims processing and adjudication positions, develop tactics for retention of employees, and create and implement a Government-wide plan to support hiring and retention of claims processors and adjudicators; forms a working group to improve VA employee work credit and work management systems; streamlines the process and standardizes the requirements for records requests made by the Secretary during the development of a disability compensation claim; upgrades procedures governing the Board of Veterans Appeals; evaluates the disability medical examinations furnished by VA physicians and private physicians; and for other purposes.

MOAA believes S. 928 can increase efficiencies and potentially reduce delays in processing claims. We offer the following comment on specific sections for consideration.

Section 201: modification of period to file notice of disagreement. The concept of adjusting the time period is understandable, but the challenge is that reducing the period from 1 year to 6 months disadvantages those who do not have ready access to the electronic claims file. It makes it more difficult for service officers not based at a regional office or with remote access to appeal certain items. It may lead to more "blanket" appeals as a result. MOAA would suggest a provision that extended the time limit to file if a FOIA request were made for a copy of the veterans claim file: perhaps 60 days after the FOIA request is completed, either by copying the file or allowing electronic access.

Section 302: extended period for scheduling of medical exams for veterans receiving temporary disability ratings for severe mental disorder. We question whether it is a good idea to not follow up on veterans with severe mental disorders for a period of nearly 18 months, rather than the current 6 months. We recommend appropriate review on the health care risk to veterans with severe mental illness from the proposed change.

MOAA supports S. 928. We continue to recommend that the long-term solution to the backlog must include a renewed commitment and timelines to create an integrated Electronic Medical Record (iEHR) between DoD and VA. The “long pole in the tent” in completing claims for disability in a timely manner is accessing complete medical records from the Armed Forces to the Dept. of Veterans Affairs.

**S. 930 (Sen. Bennet, D-CO)** would require the Secretary of Veterans Affairs to recoup any overpayments of educational assistance under the Post-9/11 Educational Assistance program (Chapter 33, 38 USC), from the last months of entitlement, and for other purposes. Veterans who complete the educational program for which overpayments were made would not be subject to the deduction; nor would veterans with overpayments who fail to pursue their studies for two semesters. The law-change would expire nine years after the date of enactment. MOAA believes S. 930 is a reasonable approach to resolving overpayments under Chapter 33 provided that adequate mechanisms are in place to protect student veterans whose indebtedness was the fault of the VA, the academic or training institution or both.

**S. 932, Putting Veterans Funding First Act of 2013 (Sen. Begich, D-AK).** S. 932 would extend the authority for advance appropriations over two years in the VA to all of the discretionary accounts of the Department. Presently, the authority is limited to certain medical accounts. MOAA strongly supports S. 932.

**S. 935, Quicker Veterans Benefits Delivery Act of 2013 (Sen. Franken, D-MN).** S. 935 would prohibit the VA from requesting additional medical examinations of veterans who have submitted sufficient medical evidence provided by non-Department medical professionals and improve the efficiency of processing certain claims for disability compensation, and for other purposes.

MOAA can support Sections 1 (Title), 2 and 4 of the bill. Section 2 would require the VA to accept competent outside medical evidence for the purposes of adjudicating a claim. Section 4 would authorize the VA to make payments before the first day of the calendar month for which such payments are issued.

Section 3 would need revision before MOAA could support the entire bill. Section 3 lowers the temporary stabilization rates from 100% or 50% to 50% or 30%. A temporary stabilization rating is given for servicemembers discharged or retired whose ratings are subject to change as they are usually hospitalized or have severe disabilities. 50% is the threshold for Priority Group 1 VA health care. It's not clear why a 30% rating would be created other than to save money (at least \$415/month/veteran). The language also appears to conflict with 38 CFR 4.129, which provides for a minimum 50% rating for servicemembers discharged or retired due to a mental health condition.

Because this is a law-change rather than a regulation, VA may take the position that 38 CFR 4.129 is invalid.

In addition, the bill sets forth new language on temporary minimum disability ratings. VA could assign a 0% or 10% rating and declare that the veteran's claim is now no longer part of the backlog. This seems disingenuous at best, and MOAA would oppose the provision as a back door way to lower the claims backlog.

A 100% or 50% pre-stabilization disability award as in current law can continue to be assigned, and cases where that rating is assigned will not be considered to be part of the backlog.

MOAA recommends ADDING a category of 30% pre-stabilization rating for those that do not otherwise qualify for a 100% or 50% rating. MOAA does not support REMOVING the 100% temporary stabilization rate. At least a 30% rating would qualify a veteran for Priority Group 2 health care, dependent benefits, disabled veterans preference, and vocational rehabilitation.

**S. 938, Franchise Education for Veterans Act of 2013 (Sen. Moran, R-KS).** S. 938 would authorize educational assistance program benefits up to \$15,000 over a 12 month period for training in owning / operating a franchise. MOAA appreciates the intent of this legislation. Our concern, however, is that S. 938 would establish unique rules and program amounts for franchise training only. Other worthy non-academic training, certification, licensing and on-the-job training programs would remain under the current rules. All training programs for which veterans may obtain GI Bill benefits should be governed by similar criteria in our view. A similar bill introduced in the House in the last session had no co-sponsors and was not taken up in Committee. MOAA would recommend supporters of franchise training for veterans consider working with an academic or training partner to develop a curriculum for franchise training under Title 38 for approval by a State Approving Agency.

**S. 939 (Sen. Blumenthal, D-CT)** would treat certain veteran misfiled documents as motions for reconsideration of decisions by the Board of Veterans' Appeals, and for other purposes. Filing a motion for reconsideration with respect to a Board of Veterans Appeals decision makes the decision non-final and as a result, freezes or tolls the appeal deadline to appeal to the Court. Therefore, this measure provides a safeguard, where if the veteran misfiles documents with the Veterans Benefits Administration or Board of Veterans Appeals instead of the Court, it will be considered a motion for reconsideration and will freeze or toll the deadline to appeal. This gives the veteran more time to find legal counsel. MOAA supports S. 939.

**S. 944, Veterans' Educational Transition Act of 2013 (Sen. Sanders, I-VT).** S. 944 is similar to S. 257 (above) with additional requirements. S. 944 would direct the VA to disapprove courses of education under the Montgomery GI Bill (Chapter 30, 38 USC) or Post-9/11 GI Bill (Chapter 33, 38 USC if a public institution of higher education did not charge tuition and fees for veterans at the same rate that is charged for in-state residents, regardless of the veteran's state of residence. The bill would limit the authority to veterans with at least 180 days active duty who were enrolled in school within two years of release or separation from active duty. MOAA supports S. 944.

**S. 1039, Spouses of Heroes Education Act (Sen. Merkley, D-OR).** The Spouses of Heroes Education Act would authorize the Marine Gunnery Sergeant John David Fry scholarship for spouses of members of the Armed Forces who died in the line of duty after September 10, 2001.

The Gunnery Sergeant John D. Fry Scholarship program (P.L. 111-32) established Post-9/11 GI Bill benefit entitlement for the children of Fallen members of our Armed Forces who died in the line of duty after September 10, 2001.

Unfortunately, surviving spouses are ineligible for “Fry Scholarships.” At the time the legislation was under consideration, no one stopped to think that the surviving spouses themselves would need a robust benefit in order to attain the skills and education to provide for their children and prepare them for college.

Survivors and Dependents Educational Assistance (DEA) program (Chapter 35, 38 USC) simply does not afford surviving spouses a realistic opportunity to raise young children, go to school concurrently without shouldering financial debt, while dealing with enormous challenges as Survivors.

DEA translates to “college is unaffordable.” Under DEA, a Survivor receives only \$987 per month (for full-time study), NO cost-of-living (housing) allowance, and no book stipend.

Today, the total potential DEA benefit is \$44,415 (over 45 months as authorized). However, the Fry Scholarships pay the full cost of enrollment at any public college or university, a housing allowance based on a Sergeant’s (E-5) “with dependents” housing rate for the zip code of the college, and up to \$1000 annually for books.

For example, the tuition and fees at the University of Vermont in Burlington are \$15,688 (2013-2014) for in-state resident students. That would be fully paid under the Fry, plus \$1818 per month for housing and up to \$1000 for books, a total benefit of approximately \$33,050 per year. DEA would reimburse only \$8883 per year under this example.

The Fry Scholarship pays the full cost of \$5368 to attend the University of Las Vegas and a monthly housing allowance of \$1188 plus up to \$1000 for books, a total benefit of approximately \$17,060 per year compared to \$8883 per year under DEA.

Without access to the Fry Scholarship, Surviving Spouses of the Afghanistan and Iraq conflicts would have difficulty paying for the cost of an education. The nation can and should do better for those whose spouses made the ultimate sacrifice for our country.

MOAA strongly supports the Spouses of Heroes Education Act, S. 1039.

**S. 1042, the Veterans Legal Support Act of 2013 (Sen. Shaheen, D-NH).** S. 1042 would permit the Secretary of Veterans Affairs to provide support to university law school programs that are designed to provide legal assistance to veterans, and for other purposes. MOAA is supportive of this bill’s objective; however, the use of VA Medical Services account financial support is inappropriate. MOAA recommends another means to provide financial assistance under S. 1042.

**S. 1058, Creating a Reliable Environment for Veterans' Dependents Act (Sen. Heller, R-NV).** S. 1058 would authorize per diem payments for homeless veterans to furnish care to their dependents, and for other purposes. MOAA supports S. 1058.

The Military Officers Association of America is grateful to the leadership and members of the Committee on Veterans Affairs for your commitment to our nation's veterans and their survivors