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U.S. House of Representatives

COMMITTEE ON VETERANS' AFFAIRS

ONE HUNDRED EIGHTH CONGRESS
335 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
<http://veterans.house.gov>

September 25, 2003

JAMES H. HOLLEY
STAFF DIRECTOR

Honorable Duncan Hunter
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Hunter:

It has come to our attention that a proposal may be offered to restrict the receipt of service-connected compensation benefits from the Department of Veterans Affairs (VA) to those veterans who can prove that their disability was incurred while performing official military duties. We strongly urge you to reject such a drastic change in current law. With our Nation's young men and women now serving in harm's way in Iraq, Afghanistan and around the world, it is unthinkable that Congress would consider legislation to restrict the receipt of VA benefits to those servicemembers, their families and the millions of veterans currently receiving benefits.

According to Secretary of Veterans Affairs Anthony J. Principi, changing the definition of service-connection would result in the loss of not only monthly service-connected compensation benefits, but vocational rehabilitation services, priority for VA health care, benefits for surviving spouses and children, specially adapted automobiles and housing, civil service preference, service disabled life insurance, burial benefits and the clothing allowance now provided to severely disabled veterans. In addition, servicemembers who are injured by negligent medical care would be unable to sue the government under the *Feres* doctrine and would be unable to obtain any recompense for their injuries.

The adjudication of claims by the Department of Veterans Affairs (VA), an already complicated procedure, would be further complicated by a "performance of duty" standard reportedly under consideration in the Department of Defense Authorization bill. Such complications are already evident under the "special pay"

provisions of Public Law 107-314. Under those provisions, a veteran who is disabled as the result of an encounter with an armored vehicle may be required to prove that the vehicle struck the servicemember in order to qualify for special pay. If the servicemember struck the vehicle, no special pay may be provided. Adjudicating such fine distinctions could tie up VA claims for years.

Unlike their civilian counterparts, military servicemembers on active duty are subject to the command and control of military officials 24 hours a day, seven days a week. Whether they are manning an armored tank in the Iraqi desert or maintaining physical fitness while running along the Potomac, servicemembers may suffer a disability. If the “performance of duty” standard were applied, veterans would face steep obstacles in pursuing a claim for VA benefits.

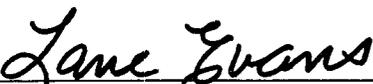
- Military retirees may suffer from disabilities such as arthritis which is common in nonveterans, but which may also be associated with trauma. One of the most common disabilities claimed by veterans is a knee injury. If a performance of duty standard were imposed, a veteran discharged from military service with arthritis of the knee who had completed multiple parachute jumps might not qualify for benefits unless he or she could establish that the knee injury was due to the parachute jumps or other performance of duty.
- In a 1989 report, the General Accounting Office (GAO) identified diabetes as a disability that was “not caused or aggravated by military service.” Since then, the Institute of Medicine found that scientific evidence supports an association between exposure to Agent Orange and similar herbicides and diabetes. Modern warfare may expose servicemembers to a variety of toxic substances which, as veterans exposed to Agent Orange know, may take decades to associate with disabilities. Even veterans who are disabled at discharge from military service would be ineligible for benefits unless the cause of their disability had been established at that time.
- There is scientific evidence that indicates that persons with post-traumatic stress disorder (PTSD) are at increased risk for cardiovascular disease and death. It is doubtful that secondary service-connection would be permitted under the proposal.

- Under a performance of duty standard, servicemembers who die in an automobile accident while on travel to home from a duty station such as Iraq would not have their deaths service-connected, leaving surviving spouses and children ineligible for dependency and indemnity compensation (DIC) benefits.

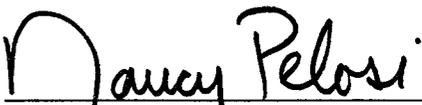
These examples illustrate the magnitude of the changes to VA's service-connected disability compensation program being discussed in the context of the Department of Defense Authorization bill. Such far-reaching changes should not be considered without full hearings by the House Committee on Veterans Affairs after appropriate studies and scientific input.

We urge you to oppose any effort to change the nature of the VA service-connected compensation program as part of the Department of Defense Authorization bill.

Sincerely,



LANE EVANS
Ranking Democratic Member



NANCY PELOSI
Democratic Leader



DAVE OBEY



BOB FILNER



LUIS GUTIERREZ



CORRINE BROWN



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ALAN MOLLOHAN



RAUL GRIJALVA



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JIM MCDERMOTT



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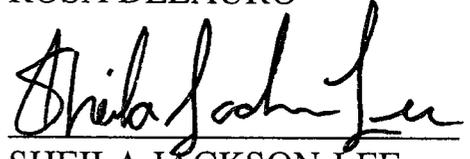
LINDA SÁNCHEZ



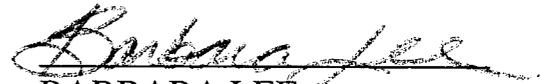
JIM MATHESON



ROSA DELAURO



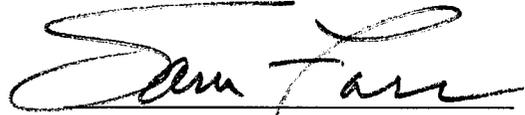
SHEILA JACKSON-LEE



BARBARA LEE



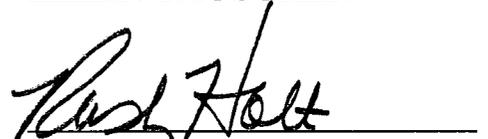
CHRIS VAN HOLLEN



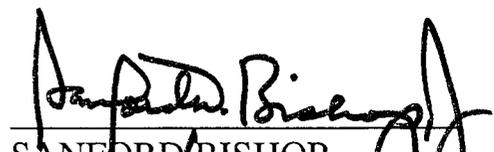
SAM FARR



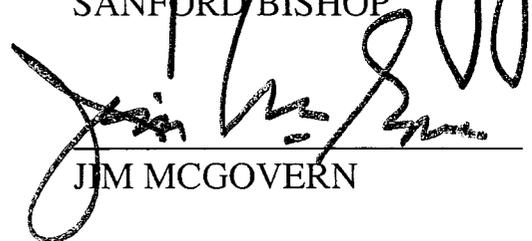
ELLEN TAUSCHER



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