

STATEMENT

OF

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11TH SERGEANT MAJOR OF THE UNITED STATES
MARINE CORPS (Retired)
PRESIDENT & CHIEF EXECUTIVE OFFICER

BEFORE THE

JOINT SESSION OF THE

COMMITTEES ON VETERANS AFFAIRS

UNITED STATES HOUSE OF REPRESENTATIVES

AND

UNITED STATES SENATE

ON

NCOA'S VETERANS LEGISLATIVE AGENDA FOR 2003

MARCH 6, 2003

EXECUTIVE SUMMARY

MONTGOMERY GI BILL

- NCOA recommends that a one-time MGIB open-enrollment opportunity be authorized for VEAP-era *non-participants* this year.
- NCOA recommends that further increases to the MGIB rates be authorized to bring the benefit up to match the average cost of an education at a four-year public college or university, adding a benchmarking provision into the law at the end of the authorized increases to ensure that the benefit parallels the increasing education costs.
- NCOA recommends that this Joint Committee work with the Armed Services Committees to transfer the Chapter 1606, Title 10 reserve MGIB program to Title 38 to ensure that future increases in basic benefits can be reflected proportionately in the reserve program.

SURVIVOR BENEFITS

- NCOA recommends that Congress provide funds to permit a DIC widow(er) who remarries after the age of 55 to retain DIC status and benefits.

VETERAN CLAIMS PROCESSING

- NCOA recommends:
 1. Continued Recruitment and Training
 2. Development of automated, self-service, computerized access to benefit and entitlement processes.

HOMELESS VETERAN PROGRAMS

- NCOA recommends:
 1. That the Committees on Veterans Affairs secure line item budget authority to enable the Department of Veterans Affairs to implement the national program strategies of the Comprehensive Homeless Veterans Assistance Act and begin ending chronic homelessness among veterans.
 2. That HCHV management and the homeless veteran grant and per diem program remain at VA Central Office under the Veterans Health Administration.
 3. That VA execute the Transitional Housing Pilot Program (P.L. 105368) securing housing for the continuum of care that will also contribute to the national goal to end chronic homelessness.

VETERANS HEALTH CARE

- NCOA supports the recent temporary suspension of new Category 8 veteran health care enrollees and the implementation of VA+Choice Medicare health care support of veterans who would choose this arrangement to use VA as their health care provider.
- NCOA recommends that this Joint Committee seek a budget that is adequate to provide VA healthcare.

- NCOA reluctantly supports the policy proposals requested by the Department of Veterans Affairs which include an enrollment fee for defined NSC Priority Groups 7 and 8 veterans and increases in co-payments projected for both outpatient primary care and pharmacy co-payments.

ARLINGTON NATIONAL CEMETERY

- NCOA recommends that the Members of the Joint Committee seek the codification of burial entitlement for members of the Uniformed Services, Reserve and Guard components at Arlington National Cemetery.

STATE MEMORIAL AFFAIRS

- NCOA recommends that this Joint Committee take action to increase the existing Plot or Interment Allowance afforded State Veteran Cemeteries to \$500.00.

The Non Commissioned Officers Association of the USA (NCOA) would like to thank Chairman Smith, Chairman Specter, and the distinguished members of both committees for giving us this opportunity to present the Association's legislative goals for issues affecting veterans in 2003.

I am David W. Sommers, 11th Sergeant Major of the United States Marine Corps (Retired), President and Chief Executive Officer of the Non Commissioned Officers Association, and I am joined today by Gene Overstreet, 12th Sergeant Major of the United States Marine Corps (Retired), Vice President and Chief Operating Officer. With us at the table today are staff members from NCOA's National Capital Office: Command Sergeant Major Robert R. Mix, USA (Retired), Executive Director of Government Affairs; Mrs. Kimberlee D. Vockel, Director of Legislative Affairs; Chief Master Sergeant Richard C. Schneider, USAF (Retired), Director of State/Veterans Affairs, and Ms. Cathy M. Cade, National Capital Office Manager.

INTRODUCTION

NCOA proudly represents enlisted servicemembers through every stage of their military life, from the first oath of enlistment to the playing of taps. This broad "cradle to grave" membership base makes the Association unique among its colleagues, and it enables us to bring a well-rounded perspective on veteran and survivor issues to Capitol Hill. The Association is charged with establishing an achievable legislative agenda that benefits our entire membership, and we constantly reshape that agenda to fit the needs of our members. NCOA is approaching the first session of the 108th Congress with large numbers of our active duty members being deployed around the world, reserve members being called to active duty for long periods of time, and family members being left at home to wait bravely for their loved ones to return. As NCOA established its 2003 legislative agenda for veteran issues, the Association considered the various initiatives contained in our resolutions in the context of the increased deployments of our members, deficit spending at home, and an already strained Veterans Affairs budget. NCOA has many resolutions, all of which are priorities; however, the Association has carefully considered the current political environment and decided upon the following veteran issues to aggressively pursue during the First Session of the 108th Congress.

OPEN-ENROLLMENT OPPORTUNITY FOR VEAP-ERA NON PARTICIPANTS

Approximately 116,000 Veterans Educational Assistance Program (VEAP) era career servicemembers are still on active duty and have no post-service educational assistance. They have not been given the same opportunity to enroll in the Montgomery GI Bill (MGIB) as other VEAP-era entrants who actually enrolled in VEAP. Many VEAP-era (1977-30 June 1985) "decliners" were encouraged by Service counselors not to sign up for VEAP because the benefit was inferior, and late VEAP-era enlistees were promised the MGIB.

There have been two opportunities for VEAP *enrollees* to convert to the MGIB; however, there has never been an opportunity for those who did not enroll in VEAP to do so. The first VEAP conversion program was offered only to those enrolled in VEAP with active accounts of at least \$1. This conversion was conducted from October 1996 through October 1997 and yielded approximately 30,000 enrollees. A second VEAP conversion was authorized for those enrolled in VEAP with zero-balance accounts from October 2000 to November 2001. 2,698¹ (2%) of the 108,792 eligible actually enrolled in the MGIB. With such historically modest

¹ Numbers provided by DMDC in 2002.

conversion numbers, it is highly unlikely that an open-enrollment opportunity for this group of career servicemembers would require more than a modest projected increase in the MGIB fund. With the nation at war, these future veterans should be given the same opportunity to enroll (or decline) the MGIB as all other servicemembers.

NCOA RECOMMENDS: That a one-time MGIB open-enrollment opportunity be authorized for VEAP-era *non-participants* this year.

INDEXING THE MONTGOMERY GI BILL

As one of the founding members of the Partnership for Veterans Education, NCOA has had a long-standing goal of benchmarking the MGIB benefits so that they keep pace with the average cost of a four-year public college education. The “Veterans Education and Benefits Expansion Act of 2001” (P.L. 107-103) authorized incremental increases in the MGIB, with the final increase bringing the rate for full time study to \$985 per month as of 1 October 2003. This is a 46% increase over the past three years; however, even with this final substantial increase, MGIB benefits will account for only about 67% of the average cost of a four-year public college or university for academic year 2003-2004. Next year, a veteran can expect to pay on average about \$1470 per month for full-time study at a four-year public college or university, but s/he will only receive \$985 per month in MGIB benefits. With all of the challenges of readjustment facing those separating from the military, it is increasingly difficult for veterans to achieve their educational and training goals with benefits that do not keep pace with the rising cost of education.

NCOA RECOMMENDS: That further increases to the MGIB rates be authorized to bring the benefit up to match the average cost of an education at a four-year public college or university, adding a benchmarking provision into the law at the end of the authorized increases to ensure that the benefit parallels the increasing education costs.

NATIONAL GUARD AND RESERVE MONTGOMERY GI BILL BENEFITS

Tens of thousands of Guard and Reserve servicemembers have been mobilized over the past year and a half to support the war on terror at home and abroad. When these citizen-soldiers are demobilized they become eligible for veterans benefits; however, reserve MGI benefits, authorized under Chapter 1606 of 10 USC, have not kept pace with Chapter 30 (Title 38) MGIB benefits. Only two benefit increases, other than cost of living increases, have been authorized in the reserve program since its inception in 1985. As of 1 October 2003, the reserve MGIB rates will only be worth 27% of the Chapter 30 rate--\$276 compared to \$985 per month for full-time study. While mobilized Guard and Reserve members fight alongside their active duty counterparts, their benefits are not comparable.

NCOA RECOMMENDS: That this Joint Committee work with the Armed Services Committees to transfer the Chapter 1606, Title 10 reserve MGIB program to Title 38 to ensure that future increases in basic benefits can be reflected proportionately in the reserve program.

RETENTION OF DIC BENEFITS AFTER REMARRIAGE

The 107th Congress authorized Dependency and Indemnity Compensation (DIC) widows and widowers, who remarry after age 55, to retain their health care; however, the law did not address their ability to retain their DIC benefits. In U.S. government agencies, all survivor

benefits are retained if a beneficiary remarries after a certain age. The only exception is the military DIC widow or widower. Many widows and widowers refrain from remarrying because they cannot afford to lose their DIC.

NCOA RECOMMENDS: That Congress provide funds to permit a DIC widow(er) who remarries after the age of 55 to retain DIC status and benefits.

VETERAN CLAIMS PROCESSING

NCOA is well aware that the Veterans Benefits Administration has worked diligently to move the timeliness goal in claims processing to that established by the VA Secretary. Significant effort has been made to secure both the technology for the management of the claims process as well as an educated workforce to process the adjudication of veteran claims. It is interesting that the Chairman of the Benefits Commission was recently unexpectedly appointed to the position as Under Secretary for Benefits to bring VBA to the standard of service envisioned by the Secretary.

The Association recognizes that the recently appointed Under Secretary for Benefits has aggressively stepped into his role and that positive steps have already been implemented to provide expedited quality of claims service that is reducing the claims backlog. NCOA expects this positive change to continue and reserves additional comment.

NCOA RECOMMENDS:

- Continued Recruitment and Training: VBA must prepare now for the exodus of retirement eligible employees who will leave VBA in the next five years. Authority needs to be provided to exceed manpower standards in recognition of the fact that expert training takes time both in the training environment and exercising the acquired knowledge in a controlled work environment. These actions provide the experience and expertise essential to the future leadership in key regional and central office positions.
- Development of automated self-service computerized access to benefit and entitlement processes. Self-service technologies are accessible 7 x 24 and through centralized email capacity can answer a significant number of questions that would otherwise require the personal intervention of a local benefit employee.

FUNDING OF HOMELESS VETERAN PROGRAMS

The 107th Congress provided unprecedented program authorization in its enactment of P.L. 107-95 to address ending chronic veteran homelessness in a decade. This Association recognizes each of the Veteran Committees for their conviction and leadership to make P.L. 107-95, The Comprehensive Homeless Veteran Assistance Act of 2001, a reality. Approval of the appropriations required to implement the law were not included in the department's FY 2003 Veterans Health Administration Budget authority, which as noted is woefully inadequate to provide immediate access to the full range of health care for currently enrolled veterans. It is deemed an impossible task to implement the requirements the Homeless Assistance Act without additional fiscal resources included in the VA budget. The distribution of current fiscal appropriations under VERA would require significant offsets would both hamper the current veterans' health care program while attempting token implementation of new initiatives. It

would appear that lacking adequate financial resources one could easily question when the “clock starts running” to mark the beginning of the decade to end chronic veteran homelessness.

Health Care for Homeless Veteran (HCHV) homeless grant and per diem program has since inception been managed and funded centrally by the Department of Veterans Affairs. There appears to be an effort to relocate the program management to the VISN level and distribute grant funding through VERA.

Interestingly, the Transitional Housing Pilot Program (P.L. 105-368) authorized and funded at \$100 Million enacted Veterans Day 1998 provided the Department of Veterans Affairs the opportunity to guarantee 15 loans for multifamily transitional housing projects for homeless veterans and other homeless people. It appears that the first loan guaranty under this pilot program will occur in 2003. Recent budget discussions with VA reveals that legislative authority may be sought to convert the existing authorization and appropriated funds of this program to the VA homeless grant and per diem program.

NCOA RECOMMENDS:

- That the Committees on Veterans Affairs secure line item budget authority to enable the Department of Veterans Affairs to implement the national program strategies of the Comprehensive Homeless Veterans Assistance Act and begin ending chronic homelessness among veterans.
- That HCHV management and the homeless veteran grant and per diem program remain at VA Central Office under the Veterans Health Administration.
- That VA execute the Transitional Housing Pilot Program (P.L. 105368) securing housing for the continuum of care that will also contribute to the national goal to end chronic homelessness.

SUSPENSION OF CATEGORY 8 ENROLLMENTS IN 2003

VA suspension of any new Category 8 veteran enrollments for VA health care and commitment to honor all currently enrolled veterans in this category was necessary to ensure the effectiveness and quality of VA health care. This VA initiative will dramatically dampen those veterans seeking VA health care for prescriptions and limited clinical services. The reduction will immediately translate to better access to primary care and specialty clinics significantly reducing the backlog in clinic waiting times. The Association notes that the suspension is viewed as a *temporary* measure by the Department as it further announced the coming availability of a VA+Choice-Medicare Plan. That plan would offer Category 8 veterans and other non-service connected veteran the opportunity to use VA on a Medicare reimbursement of service provision.

NCOA Supports the recent temporary suspension of new Category 8 veteran health care enrollees and the implementation of VA+Choice Medicare health care support of veterans who would choose this arrangement to use VA as their health care provider.

FULL FUNDING FOR VA HEALTH CARE

Annually, the Association recognizes that VA Health Care is not funded sufficiently to provide the health care for America's Veterans. This year is no exception as we note that the FY 2003 Budget Request was just recently approved five months into the budget year. The current year's health care demands forced the VA Secretary to suspend any new veteran enrollment into Priority Group 8. Recognized in that action was outpatient clinical service and pharmaceutical demand was projected to exceed the requested budget authority and could possibly bring health care to a stop without emergency funding. Access delays for clinical appointments was unacceptable to the Nation's veterans who were being given appointments up to 200 days from their request and to the VA which seeks to be a quality health care provider.

The FY 2004 VA Budget request for \$63.6 represents an increase of more than \$3 Billion in medical care (with collections included) and includes continued suspension new enrollees into Priority Group 8, a policy request for approval of an NSC user fee and higher co-payments. The request is predicated among other things on a reduction in the projected veteran users of the health care system. The projected budget increase in FY2004 cannot fully support the additional program requirements levied to end chronic veteran homelessness through program initiatives outlined in P.L. 107-95 which your Committees, Mr. Chairmen, articulated.

The Association applauds the VA effort to create VA+Choice Medicare service for those who could become eligible and be enrolled under those criteria as a Category 8 veteran.

NCOA recognizes that the VA Medical Care budget is better than past years but still lacks the necessary fiscal resources to implement on a timely access basis all health care services required by statute. The Association encourages the initiative of the department to make VA+Choice Medicare health services available throughout VA. Concurrently, NCOA proposes the Medicare Subvention Funding remain yet another option to provide for the healthcare of eligible veterans.

NCOA RECOMMENDS: That this Joint Committee seek a budget that is adequate to provide VA healthcare. The issue of whether or not health care funding should be discretionary or mandatory is, in the Association's judgment, secondary to securing adequate budget authority to provide health care service to America's veterans.

ENROLLMENT FEE NSC PRIORITY GROUPS 7 AND 8

VA included a number of significant policy proposals in its FY 2004 health care budget which impact non-service connected veterans enrolled in Priority Groups 7 and 8. These proposals include:

- Assess and annual enrollment fee of \$250 for NSC Priority 7 veterans (income above \$24,644 single veteran and below HUD geographic means test level) and all Priority 8 veteran enrollees.
- Increase co-payments for outpatient primary care and veterans' share of pharmacy copayments for prescriptions.

The Association recognizes that these proposals will help offset the rising costs of veterans' health care. Further, the resources will enable VA to assure immediate access of service connected and other eligible veterans to quality health services.

NCOA reluctantly supports the policy proposals requested by the Department of Veterans Affairs which include an enrollment fee for defined NSC Priority Groups 7 and 8 veterans and increases in co-payments projected for both outpatient primary care and pharmacy co-payments.

ARLINGTON NATIONAL CEMETERY

NCOA strongly believes that the existing rules for internment at Arlington National Cemetery should be changed to allow burial of retirement eligible reservists, without regard to an age limitation, reservists on active or inactive duty for training, and their eligible dependents family members should all be entitled to burial at ANC. It is reprehensible to bar any reservist the right to be buried based on an arbitrary age requirement or deny when the death results during an authorized active or inactive training period. Members of the Reserve Components need to be fully recognized as a vital element of the Armed Forces and their training periods prepares them for war and other hostilities where they are placed in harm's way.

NCOA RECOMMENDS: That the Members of the Joint Committee seek the codification of burial entitlement for members of the Uniformed Services, Reserve and Guard components at Arlington National Cemetery. Specifically:

- The burial entitlement of a retirement eligible member of a Reserve Component who at the time of death was under 60 years of age and who, but for age would have been eligible at the time of death for retired pay under 1223 of Title 10 may be buried at ANC on the same basis as the remains of members of the Armed Forces entitled to retired pay under that chapter. The remains of the dependents of a member whose remains are eligible for burial at ANC on the same basis as dependents of members of the Armed Forces entitled to retired pay under such chapter 1223.
- The remains of member of a Reserve component or National Guard of the Armed Forces who dies in the line of duty while on active duty for training or inactive duty training may be buried at ANC on the same basis as the remains of a member of the Armed Forces who dies while on active duty. The remains of the dependents of a member on the same basis as dependents of members of active duty.

STATE MEMORIAL AFFAIRS

State Veteran Cemeteries complement the National Cemetery Administration affording veterans and their eligible survivors a final resting place close to where they had lived. VA is now authorized to provide up to 100 percent of the development cost of an approved state veteran cemetery project and can also provide for operating equipment for new state cemeteries.

The administration, operation and maintenance of a VA-supported state cemetery is solely the responsibility of the state. The Secretary of Veterans Affairs is authorized to pay a plot or interment allowance (not to exceed \$300) to a state for expenses incurred by the state in the burial of eligible veterans in a cemetery owned and operated by the state if the burial is performed at no cost to the veteran's next-of-kin.

Maintenance of State Veteran Cemeteries including personnel, facilities, grounds care, watering, and equipment replacement are continuing obligations to ensure the State Veterans Cemetery are maintained appropriately as shrines honoring all who stood in harm's way as members of the Uniformed Services of the United States. The \$300 plot or interment allowance

is a one time payment and provides little fiscal resource for the perpetual maintenance of the cemetery to ensure it as an honored final resting place for those interred.

NCOA recommends that the Joint Committee take action to increase the existing Plot or Interment Allowance afforded State Veteran Cemeteries to \$500.00.

CONCLUSION

The Non Commissioned Officers Association appreciates the opportunity to provide this Joint Committee with the Association's 2003 Veteran Legislative Goals. Your work is extremely important to improving the lives of the men and women who have served their country in the armed services, but most of all, the efforts you make to improve the veteran system will send the message to today's veterans, as well as tomorrow's, that dutifully answering the call to protect all American citizens by serving in the armed services is appreciated and valued. Our nation must reward freedom's protectors with significant, substantive benefits.

Chairman Smith, Chairman Specter, the Non Commissioned Officers Association asks that you be watchful of those issues that do not fall under your committee's jurisdiction but clearly affect veterans. As advocates for veterans' issues, NCOA asks that you take an aggressive leadership role on such issues as concurrent receipt and protection of the American flag.

Since the senseless attacks on our country on September 11th, the American people are beginning to once again recognize and appreciate the sacrifices made by the men and women serving in the armed services. As our country faces the evils of terrorism and prepares for a war in Iraq, NCOA asks that this Joint Committee make significant strides towards improving the lives of our Veterans.

NCOA's motto is "Strength in Unity," and the Association truly believes that the unified efforts of the House and Senate Veterans Affairs Committees in concert with the goals outlined here today will strengthen our Veteran system.

DISCLOSURE OF FEDERAL GRANTS AND CONTRACTS

The Non Commissioned Officers Association of the USA (NCOA) does not currently receive, nor has the Association ever received, any federal money for grants or contracts. All of the Association's activities and services are accomplished completely free of any federal funding.

Non Commissioned Officers Association of the United States of America

David W. Sommers President/CEO

Sergeant Major Sommers, the 11th Sergeant Major of the Marine Corps, accepted the NCOA top position at the NCOA Annual Convention in July 1999. He assumed his duties as President/CEO on September 1, 1999.

Sommers joined NCOA in 1991, after serving his country for 32 years. While with NCOA, he has served in various capacities, including Chief Operating Officer and Vice President of Operations. He has been a member of the International Board of Directors since 1996 and is a member of NCOA's Knights of the Square Table, Order of the Sword.

Sommers was born in St. Louis, Missouri on February 18, 1943 and attended Bishop DuBourg High School.

He enlisted in the Marine Corps on March 25, 1960. He underwent recruit training at the Marine Corps Recruiting Depot, San Diego, CA, then attended Infantry Training at Camp Pendleton, CA.

During his stellar Marine Corps career, the Sergeant Major has served in numerous stateside locations, has had two tours in Vietnam and was the noncommissioned officer in charge of the Marine Detachment at the American Embassy in Caracas, Venezuela.

While in the Marine Corps, Sergeant Major Sommers served as an Automatic Rifleman, Fire Team Leader, Squad Leader, Platoon Guide, Hand-to-Hand Combat & Water Survival Instructor, Platoon Commander, Drill Instructor, Company Gunnery Sergeant, Senior Drill Instructor, Drill Master, Chief Instructor of the Marine Security Guard School at Henderson Hall, Arlington, VA, a First Sergeant and the Sergeant Major of the 2D Recruit Training Battalion, Marine Corps Recruiting Depot, San Diego, CA.

In June 1982 he was assigned to Camp Lejeune, NC, as the Sergeant Major of 1st Battalion, 10th Marines, 2D Marine Division. Ordered back to Quantico, VA, in December 1983, he served as the Sergeant Major of the Basic School. He then reported to the Marine Corps Air Ground Combat Center and 7th Marine Amphibious Brigade, Twenty-nine Palms, CA, in July 1985 for duty as the Combat Center/7th Marine Amphibious Brigade Sergeant Major.

Sergeant Major Sommers was assigned as the first enlisted Director of the Staff Noncommissioned Officer Academy, Quantico in June 1987. He was selected as the 11th Sergeant Major of the Marine Corps on June 18, 1987 and assumed the post on June 26, 1987.

Sergeant Major Sommers' personal decorations and awards include: the Distinguished Service Medal, Legion of Merit, Purple Heart, Meritorious Service Medal and a gold star in lieu of a second award, Navy Commendation Medal with Combat "V" and two gold stars in lieu of second and third awards, Navy Achievement Medal with a gold star in lieu of a second award, and the Combat Action Ribbon.

He is married to the former Yvette Valentine of Chicago, IL, who is a Marine veteran. They have one son, Kenneth, who also served in the U.S. Marine Corps.

