

LEGISLATIVE HEARING ON
H.R. 1522, H.R. 1982, AND H.R. 2270

HEARING
BEFORE THE
SUBCOMMITTEE ON DISABILITY ASSISTANCE
AND MEMORIAL AFFAIRS
OF THE
COMMITTEE ON VETERANS' AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

MAY 21, 2009

Serial No. 111-23

Printed for the use of the Committee on Veterans' Affairs



U.S. GOVERNMENT PRINTING OFFICE

49-921

WASHINGTON : 2009

For sale by the Superintendent of Documents, U.S. Government Printing Office
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**LEGISLATIVE HEARING ON
H.R. 1522, H.R. 1982, AND H.R. 2270**

THURSDAY, MAY 21, 2009

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
SUBCOMMITTEE ON DISABILITY ASSISTANCE
AND MEMORIAL AFFAIRS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:10 a.m., in Room 334, Cannon House Office Building, Hon. John J. Hall [Chairman of the Subcommittee] presiding.

Present: Representatives Hall, Donnelly, Kirkpatrick, and Lamborn.

OPENING STATEMENT OF CHAIRMAN HALL

Mr. HALL. The Disability Assistance and Memorial Affairs Subcommittee's legislative hearing on H.R. 1522, H.R. 1982, and H.R. 2270 will now come to order.

Would you please join me in rising for the Pledge of Allegiance. There are flags at both ends of the room.

[Pledge of Allegiance.]

Mr. HALL. I apologize for being late. As Congresswoman Lowey knows, we had a bit of news in our districts. This is news to all of us, but it affects our districts, mine in particular, regarding Stewart Airport security issues.

Mr. Lamborn, I am sorry. I will recognize you for a minute.

Mr. LAMBORN. Yeah. Thank you.

I will be back as quickly as I can. An unavoidable thing has come up with me, but I do want to hear as much of the testimony from the two Members and the other distinguished witnesses, so I will be back as quickly as possible. Thank you.

Mr. HALL. Okay. Thank you, Ranking Member Lamborn.

Congresswoman Lowey, I understand you also have to leave soon. Today, we are considering and hearing testimony on three bills, H.R. 1522, H.R. 1982, and H.R. 2270, that were recently referred to this Committee.

The first bill we will discuss is "The United States Cadet Nurse Corps Equity Act" or H.R. 1522 introduced by Representative Nita Lowey. If enacted, it would grant veteran status to the members of the United States Nurse Cadet Corps of World War II, thereby making them eligible for benefits and services administered by the Department of Veterans Affairs.

I commend Congresswoman Lowey for her 13-year commitment to these nurses and I welcome her and Cadet Nurse Elizabeth Yeznach. Is that correct?

Mrs. LOWEY. Elizabeth Yeznach took a slip on the wax floor outside, so we will submit her statement for the record. Anne Kakos from Yonkers, another constituent, will speak in her place.

Mr. HALL. Ann, welcome. I trust that Elizabeth is receiving prompt—

Mrs. LOWEY. Immediately.

Mr. HALL [continuing]. Capable care and I hope that she recovers from her fall. In order to move along, I will save the rest of my statement on the other two bills. Okay. Since Representative Carolyn Kilpatrick also has to leave, we will talk just briefly about that second bill on the agenda.

Let me just elucidate that this bill, H.R. 1982, the “Veterans Entitlement to Service (VETS) Act of 2009,” sponsored by Representative Carolyn Kilpatrick directs VA to acknowledge receipt of medical disability and pension claims and other communications submitted by veterans within 60 days.

As many of you recall, this Subcommittee, jointly with the Subcommittee on Oversight and Investigations, conducted an investigatory hearing on thousands of pieces of mail which were found unprocessed at Regional Offices (ROs) during mail amnesty periods in 2007.

We continue to keep an eye on this serious problem and other claims processing irregularities that have plagued the VA over the last 2 years. I am looking forward to hearing how this bill will improve upon the Veterans Claims Assistance Act or VCAA requirements that are already codified in statute and in the procedural instructions outlined in VA’s regulations.

I thank Congresswoman Kilpatrick for her activism in this area and look forward to her testimony.

I will save my comments on H.R. 2270 until after this panel has spoken in the interest of time.

[The prepared statement of Chairman Hall appears on p. 20.]

Mr. HALL. Your full statement is entered in the record. Our colleague and friend, Congresswoman Nita Lowey, you are now recognized for 5 minutes.

STATEMENTS OF HON. NITA M. LOWEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK; ACCOMPANIED BY ANNE R. (MANDZAK) KAKOS, YONKERS, NY, PRESENTING STATEMENT OF ELIZABETH YEZNACH, GALESFERRY, CT (WORLD WAR II CADET NURSE); AND HON. CAROLYN C. KILPATRICK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

STATEMENT OF HON. NITA M. LOWEY

Mrs. LOWEY. Well, I thank the Chairman. And I am truly honored to be before your Subcommittee.

You have been an extraordinary Chairman. And in the short time that you have taken leadership, you have done so much to improve life for our veterans. And I want you to know that all of us

are aware of your incredible accomplishments and I am very, very appreciative.

And I thank the Committee for holding the first hearing on the "United States Cadet Nurse Corps Equity Act" today. I offered this legislation in 1996 to recognize and honor the service of women who served with distinction in the Cadet Nurse Corps.

Sixty-six years after the end of World War II, recognition parallel to their great sacrifice and commitment has not been given to the cadet nurses. At a time when our country has been called to serve by our new Administration, it is fitting to adequately express our gratitude to those who have served our country during one of the most challenging eras.

With few opportunities to serve in the military, many young women joined the U.S. Cadet Nurse Corps during World War II to fill the domestic nursing shortage in our country. H.R. 1522 will ensure that the many women who served our country the best way they could receive the acknowledgment of veteran status that they deserve.

Other women's groups who served in World War II have rightfully been granted veteran status and benefits. Despite the historic and patriotic contributions, the women of the U.S. Cadet Nurse Corps have been forgotten.

The legacy of the Cadet Nurse Corps is manifold, felt by all Americans, but understood by few. Many cadet nurses were deployed to Army, Navy, public health facilities, and Indian Health Agencies during their senior cadet services.

As a result, World War II military veterans came home to a strong health care system and were provided critical care by cadet nurses. In order to properly recognize their patriotism, the cadets should be designated as veterans.

Three dedicated patriots who served in the Cadet Nurse Corps are here today. My constituent, Anne Kakos, from Yonkers, New York, served as a cadet nurse from 1943 to 1946. Caroline Bradford of Mechanicsville, Maryland, served as a cadet nurse from 1943 to 1946. And both their stories in addition to others have been submitted for the record. And certainly we have Anne Kakos here who is going to say a few words.

And would Caroline Bradford please stand up. Thank you for joining us today.

Let me say this. I am very disappointed that Elizabeth Yeznach, whose statement will be entered in the record, had a fall, as I mentioned, as she walked down the hall right outside. After looking forward to this day, unfortunately the doctors prevailed and she could not testify.

But Anne Kakos, as I mentioned, from Yonkers, New York, will say a few words. And we appreciate your coming here today. Anne Kakos.

[The prepared statement of Congresswoman Lowey appears on p. 21.]

Ms. KAKOS. Thank you.

Mr. HALL. Please push the button on your microphone. There you go. Welcome, Ms. Kakos.

**STATEMENT OF ELIZABETH YEZNACH, GALESFERRY, CT, AS
PRESENTED BY ANNE R. (MANDZAK) KAKOS**

Ms. KAKOS. Good morning. I am reading this statement. And I am privileged to talk on behalf of us and I appreciate that we are here and we are being heard. And as Congresswoman Lowey says, this is the first time we have been heard and it is a wonderful feeling.

I am going to read it, but I am going to insert my name. My name is Elizabeth Yeznach, but Anne Kakos is speaking for her in this hearing.

I am here on behalf of the 180,000 women of all races and ethnicities who served our country during World War II as members of the United States Cadet Nurse Corps. I myself served as a cadet nurse from 1943 to 1946 at St. Francis Hospital in Hartford, Connecticut.

First, I would like to extend a heartfelt thank you to Congresswoman Nita Lowey for consistently introducing the "United States Cadet Nurse Equity Act" through the years. You kept our hopes alive that some day the Cadet Nurse Corps would be recognized as veterans.

This hearing brings us one step closer and I am grateful to the Subcommittee on Disability Assistance and Memorial Affairs for holding this hearing.

I would also like to thank all of the other Congresspersons who cosponsored this legislation year after year, including the Chairman of the Committee on Veterans' Affairs, Bob Filner.

During World War II, our Nation faced a desperate shortage of nurses on the home front and a decline in nursing school enrollment ensued during that time.

Nurses who enrolled in the military left a dearth of nurses in civilian facilities and as the war continued, the shortage of nurses became acute both at home and overseas.

The Federal Government established the United States Cadet Nurse Corps in 1943 to recruit young women, teenagers mostly, to become nurses, 180,000 of whom provided 80 percent of the nursing care in our country during this war.

The United States Cadet Nurse Corps offered an innovative solution to the pressing shortage of nurses during World War II. Without us, our domestic health care system could have collapsed and resulted in a sick and demoralized Nation.

We were deployed to the Army, the Navy, the public health facilities, the Indian Health Agency, the veterans hospitals. We abided by all the rules that were applicable to the military, such as wearing uniforms, and we were required to pledge 36 months of service and until the end of hostilities. Yet, our contributions and commitments during a tense time in our country's history remains virtually unknown.

We, the cadet nurses, worked tirelessly to care for sick civilians and injured troops. We were exposed to infectious diseases and deaths, worked 12-hour shifts 6½ days a week, and cared for as many as 50 patients simultaneously.

During this time, we had a very bad situation, which we call the polio era and very deadly situations and paralysis ensued.

As a cadet nurse and student at that time, I remember the stress of providing—I am speaking for Elizabeth—providing emotional and physical support to multiple patients and other families who faced major trauma and tragic events.

For example, the Hartford Barnum and Bailey Circus fire of 1944. Cadet nurses were charged with providing complex care and attention to the many injured while they endured painful and prolonged treatments.

During my time as a cadet nurse, I gained strong clinical experiences and skills in providing complete care both physically and emotionally in challenging settings. That goes for all of us because we had many challenging situations.

And in my case as Anne Kakos, we had troops coming through our area in trains and many times, they were taken off the trains and brought to our hospitals.

Other women in World War II military services, the Women's Army Corps, the Women Accepted for Voluntary Emergency Services, and the Women Air Force Service Pilots have rightfully been granted veteran status and benefits.

Despite our historical and patriotic contributions, we, the women of the United States Cadet Nurse Corps, are consistently dismissed and forgotten. We are not seeking special recognition, just equal recognition.

Many former cadet nurses have already passed away and, unfortunately, I do not know how many remain. What I do know is that we are passing on at the same rate as those of that generation with all former cadet nurses now in their 80s, octogenarians.

Passing the legislation is more important now than ever before as 66 years have passed since the inception of the United States Cadet Nurse Corps, introduced as Public Law 74 by President Franklin Delano Roosevelt, was founded and our service remains unrecognized.

We came forward to help our country through a difficult time and we are proud and patriotic to know that as a part of our uniformed service, we contributed to America's victory in World War II. We believe that. Therefore, after all the commitments and contributions, if we are not veterans, can you tell us what are we?

Thank you. And, again, I appreciate you hearing us for the first time. Thank you.

[The prepared statement of Ms. Yeznach appears on p. 22.]

Mr. HALL. Thank you, Ms. Kakos and Congresswoman Lowey.

Mr. Donnelly, I believe, would like to make a brief statement.

Mr. DONNELLY. Thank you, Mr. Chairman.

And I heard your comment to "tell us what we are." You are not only veterans, you are heroes. And our Nation is grateful to you for your service.

My mother-in-law, Virginia Truitt, served in the WAVES and it was one of the things that she was proudest of in her life.

And so the contributions you made and your fellow members are what helped us to win this war and this war that saved our country and the world. So we are in your debt. We are in your gratitude and thank you very much for your service.

Mrs. LOWEY. Thank you again.

Mr. HALL. Thank you, Mr. Donnelly.

I would echo that sentiment and say, first of all, thank you and all of your colleagues. Our prayers are with Elizabeth Yeznach and a speedy recovery from her injury to her wrist.

I think you told me that you have a time problem also so we will send questions, if we have questions about the legislation in writing to you, if that is acceptable.

Mrs. LOWEY. Thank you very much, Chairman Hall, and thank you to the Members of the Committee. We look forward to the bill's passage and we appreciate your comments and your thoughts.

We thank you, Anne Kakos, for coming here today. Thank you.

Ms. KAKOS. You are welcome.

[Applause.]

Mrs. LOWEY. And thank you for doing our job.

Mr. HALL. Congresswoman Kilpatrick, your statement is entered in the record. We now recognize you for 5 minutes on H.R. 1982.

STATEMENT OF HON. CAROLYN C. KILPATRICK

Ms. KILPATRICK. Thank you, Chairman Hall. And to Minority Ranking Member Lamborn, who is absent, to the full Subcommittee, thank you for holding the hearing.

My father is a Navy World War II veteran, so I stand here in support of the nurses who served during that war and that they might become full veterans and receive all the benefits that veterans receive.

I come to you this morning introducing H.R. 1982, the "Veterans Entitlement to Service Act." We call it "The VETS Act of 2009." And what it simply does is says that every veteran that files a complaint, that the Veterans Administration must within 90 days, excuse me, 60 days—90 days was the bill I am going to talk about, your bill that you passed, the "Veterans Benefit Improvement Act of 2008," which is an outstanding bill.

I applaud this Committee, as well as the full Chairman, Chairman Filner, and all the work of the Veterans' Affairs Committee. You are by far one of the most important Committees in this Congress and I appreciate all of you.

This bill says that the Veterans Administration must, within 60 days, acknowledge in writing to the veteran that they have received their claim.

I have been getting a lot of letters from my veterans' community that they sometimes never hear and these are people who come back with post-traumatic stress disorder (PTSD) and other ailments not so severe on claims.

You all in your report, and I am glad you are having this study, that you are having now that "The Veterans Benefit Improvement Act" requires.

In my own city of Detroit, I am told that there were 16,000 claims that you all found in the study that you did and in other places around this country that were shredded, thrown out. So those 16,000 vets will never be notified, number one, and never be—have to reinvent their claims in the first place.

So what H.R. 1982 does is says that the Veterans Administration must, in writing, notify the veteran that they have received their claim. Your bill, the "Veterans Benefit Improvement Act," says 90 days they must make a determination. And I think that is abso-

lutely paramount. We are fighting two wars, not to mention World War I, II, Vietnam, Korea, and all the others.

The claims must be received. You can just imagine the stress that the families—and I want to again thank the Veterans Affairs Committee for also including families in services. I am right now, as we speak, in a Department of Defense (DoD) appropriations hearing on health care for the active and the Reserves, as well as some of the veterans. And though we do spend money, we are not yet sure how much we will be spending when we finish, God help us finish, Iraq and Afghanistan conflicts.

So I am here today asking if this Subcommittee, Chairman Hall, and your Members would take this bill to full Committee, report it out. Make sure that our veterans are taken care of. They commit their lives to our country.

I recently returned from Washington State with Chairman Norm Dicks and saw the young sailors, saw the Marines, the young Army vets who give their lives to us, the active and the Reserves.

So today please pass H.R. 1982. Please send it to full Committee. Please report it out. Our veterans deserve no less. They give for our country. They sacrifice their lives. The very least we can do is provide them an answer in a timely manner, not shredded material or never to hear from again. They serve us. They represent us in some of the most difficult theaters in this world.

And I ask you pass the “Veterans Entitlements to Service Act” notification. Some say it does not go far enough and it does not. We wish we could in 60 days get back to them. Some say the staffing in the Veterans Administration is low. Let us staff it up. A claim, the very least we can provide our vets is an answer that we received it and in 90 days, act upon it to keep the families whole after all the stress they have been under.

Thank you, Chairman Hall. Thank you, Members of the Committee. I look forward to working with you.

[The prepared statement of Congresswoman Kilpatrick appears on p. 25.]

Mr. HALL. Thank you, Ms. Kilpatrick. It is a simple and sensible bill and I applaud you for bringing it forward.

I do not know if there are any questions from my other Members up here. If we have any, we will send it to you.

Ms. KILPATRICK. We are ready and able to assist you.

Mr. HALL. I am sorry. Excuse me. Mrs. Kirkpatrick has a statement.

You are recognized now, please.

OPENING STATEMENT OF HON. ANN KIRKPATRICK

Mrs. KIRKPATRICK. Thank you, Chairman.

Thank you, Representative Kilpatrick. As a Kirkpatrick, I appreciate your work.

And I just wanted to tell you I came back from Afghanistan meeting with our men and women serving there. And they have earned the right. This is not a handout. This is not a giveaway. They have earned the right to have health care, to have their claims received and notification. So I applaud you for your effort.

I do not think we can do enough for them, but I really, you know, really want to—and you made your point so well that, you know,

they have earned it. They served their country very selflessly and their families make such a sacrifice as well.

So we were there on Mother's Day. We wanted to spend Mother's Day with the men and women in the service who could not be with their families on that day. And it was so inspiring to hear from them, their professionalism, their level of dedication, their commitment. And so they have earned the right to be treated well when they come back and are out of the service.

And so thank you again for what you are doing. I appreciate that. Thank you, Chairman.

Ms. KILPATRICK. Thank you. Thank you very much.

Mr. HALL. Thank you, Congresswoman.

I would just say once again that, especially after the mail amnesty, the 16,000 pieces of missing mail, and the incidences of shredding that we have heard of at various ROs, that the burden of notification, at this point, is on VA to let veterans know, yes, we got your communication. It is simple enough.

In the New York RO, we also have heard stories, and seen evidence of backdating of claims. So, your bill would make that more difficult to do obviously. It is kind of like return receipt requested, except we are not making the veteran pay for it.

Ms. KILPATRICK. I agree. Human bodies, lives, families, you know, we owe them that.

Mr. HALL. I, too, was in Iraq and Afghanistan over our last recess and I agree that we should not put these men and women through more of a battle after they get home from the battle.

So, I thank you. If we have any further questions about the language, we will communicate with you in writing. Thank you for your testimony and for your bill. We will excuse you now from the panel.

Next the Committee will consider the "Benefits for Qualified World War II Veterans Act of 2009," H.R. 2270, which would establish a compensation fund for payments to qualified World War II veterans with "such sums as may be necessary."

At a recent May markup, Ranking Member Buyer brought to my attention and the attention of the Committee, that there are perhaps other groups of World War II veterans who should be entitled to the same benefits that H.R. 23 would provide for, the forgotten service of Merchant Mariners of World War II.

And, he followed up on that hearing by introducing H.R. 2270, which we are going to hear testimony about today.

It is my pleasure to welcome here today Mr. Ed Stiles, one of the surviving Flying Tigers, who will explain to us how Ranking Member Buyer's bill will help him and his generation of veterans. So, I would invite Mr. Stiles to join us at the witness table.

There is the center microphone there and one name card for you, Mr. Stiles.

Okay. Yes. Minority Counsel has asked me to submit a statement into the record from the Ranking Member of the full Committee, Steve Buyer. Without objection, it will be done.

[The statement of Congressman Buyer appears on p. 29.]

Mr. HALL. So, Mr. Stiles, thank you for your service and thank you for coming here to testify to us today. Your written testimony

is part of the record, so feel free to deviate or not, whatever you choose. You are now recognized for 5 minutes, sir.

STATEMENT OF MAJOR ED STILES, SR., USAFR (RET.), POLAND, OHIO, ON BEHALF OF AMERICAN VOLUNTEER GROUP (FLYING TIGERS)

Major STILES. Chairman Hall and Ranking Member Lamborn, the Members of the Subcommittee, my name is Ed Stiles, Sr., and I am pleased to have the opportunity to appear before you today on behalf of my comrades both living and deceased of the American Volunteer Group known as the AVG, also known as the Flying Tigers.

I am here today to express the AVG's support for H.R. 2270. I am here today for the "Benefits for Qualified World War II Veterans Act of 2009."

H.R. 2270 would provide \$1,000 a month to qualified Flying Tigers and members of the other 28 World War II civilian groups that were given veteran status under the process set up by the "GI Bill Improvement Act of 1977."

While I am not eligible for this payment, I am here to represent the other Flying Tigers who are eligible.

Between June 27, 1941, and June 27, 1942, I had the distinct pleasure of serving as a Crew Chief for the AVG. We served the Chinese government in attacks against Japan before and after Pearl Harbor.

Our pilots eliminated 297 enemy aircraft of which 229 were done in the air. There were approximately 80 pilots that flew for us, 19 of which were aces. Twenty-two of these brave pilots died in service and there was one Crew Chief.

My charge was the maintenance of the P40 airplane, to service each aircraft so that our pilots had a reliable aircraft with which to locate and destroy Japanese targets, which at that time were decimating the Burma Road, the supply routes, and the Chinese mainland, including all their big cities.

My first contact with the AVG was while I was in the Army Air Corps stationed at Mitchell Field in Long Island, New York. A representative came to our base carrying a signed document from President Roosevelt granting those interested in going to China under the command of Superior Air Tactician, Retired General Claire Chennault, to fight back the aggression of the Japanese Air Corps, with a \$350 monthly salary and an honorable immediate discharge from my position.

The experience I had during my contracted time with the AVG Flying Tigers could never be expressed fully today in my allotted time. The friendships and military bonds that we created have sustained me for the past 68 years.

Please understand that the mission that the AVG members undertook ultimately slowed Japanese aggression in the Pacific theater and also revitalized the morale of the American people.

I felt proud and rewarded, along with my fellow AVG members, the day we received the Bronze Star Medal on December 8, 1996. And, of course, the pilots received the Distinguished Flying Cross.

We served our country with honor and gallantry and many of our members did not receive the World War II GI Bill. However, I did not come here to seek sympathy, but to seek equity.

It is not my place to say that members of the AVG are more or less deserving as members of the Merchant Marine, but I believe that if Congress is going to provide service pensions for the Merchant Marines that they should provide this pension to the living members of all 28 groups, including my comrades in the AVG.

Mr. Chairman, H.R. 2270 provides this equity and has my full support.

This concludes my statement and I appreciate being given this opportunity to answer any questions you or others of the Subcommittee may have.

Thank you.

[The prepared statement of Major Stiles appears on p. 27.]

Mr. HALL. Thank you very much for your service and your testimony, Mr. Stiles.

Since you joined the military and were offered the opportunity to take advantage of the benefits that come with military service, do you feel that other Flying Tigers who did not join the United States Armed Forces should have the same access to benefits?

Major STILES. I am not sure I understand what your question is asking, but I believe that all those that served in any capacity in civilian status and were also—keep in mind the Flying Tigers were civilians at the time they were fighting in China, not in the military Air Corps at that time.

Mr. HALL. I understand, sir. You were in the Army Air Corps yourself before you were given an immediate honorable discharge in order to go fight in China against the Japanese, is that correct?

Major STILES. Yes. I was in the 8th Pursuit Group on the East Coast at Mitchell Field, Long Island, 36 Pursuit Squadron. We had P36s with radial engines which was the fighter at that time. The airplanes that we received were turned down by the British and did not have the equipment that should have been installed when they came out of the factory.

And we in Rangoon, Burma, had to—we had the services of a Curtiss Wright employee and we had to put in the armament, the communication equipment that we had to procure besides the airplane. This is not well known, but this is what happened. And this is the way the airplanes, the "P40," was not equipped when we received them from the boats in Rangoon, Burma.

Mr. HALL. Thank you, Mr. Stiles.

Do you know how many members of the Flying Tigers served in our United States Armed Forces before they became part of the AVG?

Major STILES. Every one of the persons that I met in the Flying Tigers were at one time in the military service of our country. They were not people that were brought in off of the street or some other place, or country. They were in the U.S. military at the time. We had been called a bunch of renegades and maybe a few other names, but we were all personnel of the military in 1941.

Mr. HALL. And in all seriousness, I am just curious because I am a fan and a history buff, too. I was wondering did you paint the

jaws and teeth on the nose of the plane yourself or is that a movie recreation of the P40s you flew?

Major STILES. If you are referring to the movies, in that there was a movie that was called the "Flying Tigers," it came out when the world heard about the Flying Tigers, that was "strictly Hollywood." We had none of that.

Mr. HALL. I know you are good at a lot of things if you can install armor and electronics. And I am glad you did not have—

Major STILES. John Wayne was quite a fellow, but he was not with the Flying Tigers.

Mr. HALL. Yeah. Okay. Thank you.

I just actually have a question for Minority Counsel. If there is a number, officially a population number of Flying Tigers. Are you or is Mr. Buyer, to your knowledge, aware of members of the Flying Tigers who were not in the armed forces first before they became members of the AVG or a cost estimate for H.R. 2270?

Mr. LAWRENCE. I am told there is at least one member of the Flying Tigers that did not have a military affiliation that was granted veteran status. And as far as the cost estimate, we are still working on that, sir.

Mr. HALL. Okay. Thank you.

Have you or has Mr. Buyer, to your knowledge, been contacted by anyone who is eligible for these benefits who is not also eligible for VA benefits currently?

Mr. LAWRENCE. No.

Mr. HALL. Okay. Mr. Donnelly?

Mr. DONNELLY. Thank you very much.

Mr. Stiles, thank you for your service. And the rumor we heard was that John Wayne was with the California Division of the Flying Tigers. Is that true?

Major STILES. No.

Mr. DONNELLY. You were a member of the Army Air Corps—

Major STILES. Yes.

Mr. DONNELLY [continuing]. When you were at—

Major STILES. Yes, sir.

Mr. DONNELLY [continuing]. Mitchell Field, right? And then the letter came from President Roosevelt stating if you would like to do this, you are more than welcome to do so?

Major STILES. Yes. Correct.

Mr. DONNELLY. Go ahead. I am sorry.

Major STILES. And this was handled by a company called CAMCO, the Central Aircraft Manufacturing Co., that had a place on the Burma/China border called Lijiang. They had a repair facility for Chinese aircraft, whatever they had, which was not much. And it consisted of maybe a Russian bomber here and there, which did not do any bombing, but that is what they were working with. China had no Air Force, none at all.

Mr. DONNELLY. And, in effect, the letter from the President, if that was me, I would feel that that was like the seal of approval to take this action and to head to China when the President is telling you, hey, if you want to do this, go right ahead.

Major STILES. If my understanding is correct, and I believe it is, China, before Chennault took it over—in fact, he had tried some kind of this, you know, catch as catch can, you know, of pilots

around the world that wanted to fight and get into the action in the China theater. And none of them turned out very well.

Mr. DONNELLY. And your presence in China really helped the American war effort by slowing down the Japanese and by causing them endless difficulties; did it not?

Major STILES. From the press report, and, of course, I was in China at the time, and we were always 1 day later than what it was over here for the international date line, and we heard about Pearl Harbor when we were there. And we were mortified.

Here we thought we were going to deal and fight the Japanese that were bombing the Burma Road and some of their big cities like Kunming and Chunging or maybe Shanghai. And that was not so.

[The following was subsequently received from Major Stiles:]

I lost my train of thought there.

Mr. DONNELLY. That is quite all right.

Major STILES. But we—

Mr. DONNELLY. The things you were doing—

Major STILES. To sum it up, to sum up our service in China, as far as the American volunteers were concerned, and we were volunteers, every one of us, and everyone that I know was from the military except one fellow, who was a German mechanic that was brought over there, and he was responsible for putting together a Japanese Zero that was captured until we found out what kind of a fighter they had. I cannot even remember his name now.

[The following was subsequently received from Major Stiles:]

The fellow was a German refugee named Gerhart Neumann.

Mr. DONNELLY. Did you—

Major STILES. Chennault insisted and did get citizenship for this individual. Now, of course, he was not in the military. He was one of those dislocated Germans that Hitler was trying annihilate. And he ended up over there.

Mr. DONNELLY. Sir, do you have any family here with you today or any relatives? I saw the gentleman with the beard in the back. I did not know if you were with him.

But I would encourage any of your family—I do not know if you have heard about the Living History Program, but we would love to have your story tucked away safely in the Library of Congress for generations to come so they can know what heroes and wonderful patriots we had serving our country back then.

Major STILES. Well, thank you very much. I am honored to be able to talk to you today and tell you my experiences for whatever they are worth.

We did the best we could with whatever we had at a time when our military was getting the worst that was happening, bombing, dying, Chinese. It was inhumane what was going on in China. And you had to be there to really get the feeling of it, not the press. Press did the best they could, but they did not really tell you the story and that is always the case.

Mr. DONNELLY. It is my honor to have a chance to be here with you today, sir. Thank you.

Mr. HALL. Thank you, Mr. Donnelly.

Mr. Stiles, before we let you go on the rest of your day, I, too, want to thank you and ask, is there an association of the Flying Tigers at the AVG? You said you had friendships that have lasted through the years since that time. Is there an association, a club, a group, organized group of your colleagues?

Major STILES. Well, as you may or may not know, talking to Mr. Clark, we all did the best with what we had and tried to keep the war effort for what it was worth in China. And in my own personal opinion, if they would not have dropped the atomic bomb when they did, we would have been over there again fighting and winning.

But I could tell you many stories about what really did happen when it comes to find out that your armament people had their own type of ammunition for 30 caliber machine guns and 50 caliber machine guns and they were different kinds. And this stuff was brought up through the Burma Road.

And China came so close, so close to being knocked out of the war completely. And if it was not for the Flying Tigers, I do not know what would have happened if China was completely knocked out of the war.

Mr. HALL. Well, obviously if they had been, then Japan would have been able to concentrate more of its military power against us and that was a close enough call anyway as things turned out.

So obviously your service was critical to the war effort. And we thank you for your bravery. I understand that you were not only a Crew Chief but also a pilot, is that—

Major STILES. If any of the Subcommittee has any questions that they would like me to answer, I am available. Thank you.

Mr. HALL. Okay. Well, we will submit them in writing to you, sir, if we do. Thank you again so much for testifying.

[Applause.]

Mr. HALL. Now we would like to call our third panel, Bradley G. Mayes, the Director of Compensation and Pension Service, from the Veterans Benefits Administration, U.S. Department of Veterans Affairs; accompanied by Mr. Richard Hipolit, the Assistant General Counsel for the U.S. Department of Veterans Affairs.

And, I will just also mention that we also have submissions for the record from the American Federation of Government Employees (AFGE) and the Disabled American Veterans (DAV).

[The statements of AFGE, and DAV appear on p. 29 and p. 30.]

Mr. HALL. Mr. Mayes, Mr. Hipolit, it is always good to see you again. Welcome back. Your full statement is entered in the record. You are now recognized for 5 minutes.

STATEMENT OF BRADLEY G. MAYES, DIRECTOR, COMPENSATION AND PENSION SERVICE, VETERANS BENEFITS ADMINISTRATION, U.S. DEPARTMENT OF VETERANS AFFAIRS; ACCOMPANIED BY RICHARD HIPOLIT, ASSISTANT GENERAL COUNSEL, OFFICE OF GENERAL COUNSEL, U.S. DEPARTMENT OF VETERANS AFFAIRS

Mr. MAYES. Thank you, Mr. Chairman, Mr. Donnelly.

First of all, I would like to thank you for inviting me here today to really be a part of history and to listen to Mr. Stiles and the cadet nurse that talked about her experience. I feel privileged to be here.

I am here today to provide the views of the Department of Veterans Affairs on H.R. 1522, the "United States Cadet Nurse Corps Equity Act," and H.R. 1982, the "Veterans Entitlement to Service (VETS) Act of 2009."

I will not be able to address H.R. 2270, the "Benefits for Qualified World War II Veterans Act of 2009," because VA received it in insufficient time to coordinate the administration's position and develop cost estimates. But with your permission, we will provide that information in writing for the record.

Also, we could not in the time given develop a cost estimate for H.R. 1522, so we will also provide that in writing for the record with your permission.

[The Administration Views for H.R. 2270 and cost estimate for H.R. 1522 were provided in a followup letter from Secretary Eric K. Shinseki, dated August 5, 2009, which appears on p. 32.]

H.R. 1522, the "United States Cadet Nurse Corps Equity Act," would deem participation in the United States Cadet Nurse Corps during World War II to have been active duty in the Armed Forces for purposes of VA benefits' laws.

Congress, in 1977, set up an administrative mechanism for the consideration of requests by various civilian groups to qualify for benefits historically provided to veterans of the Armed Forces proper. Congress created this process to discourage the use of the legislative process to make such determinations. This bill would effectively override that deliberative process.

Title IV of Public Law 95-202, that authorized the Secretary of Defense to review applications to confer veteran status upon groups who rendered assistance to the Armed Forces in capacities which at the time were considered civilian employment or contractual service.

In reviewing such applications, the Secretary of Defense considers the factors set out in the law, which include the extent to which a group's members were subject to military justice, discipline and control, the extent to which members were permitted to resign, their susceptibility to assignment for duty in a combat zone, and the extent to which they had reasonable expectations that participation would be considered active military service.

At least twice the Secretary of Defense has accepted the unanimous recommendations of a Review Board that participation in the Cadet Nurse Corps alone is not sufficient to establish veteran status.

VA accepts those recommendations and believes that the review process that was established by Public Law 95-202 works well and should not be circumvented.

H.R. 1982, the "Veterans Entitlement to Service Act of 2009," would require VA to acknowledge the receipt of any claim for medical services, disability compensation, or pension within 60 days of receiving the claim. It would also require VA to acknowledge the receipt of any other communication relating to such services, compensation, or pension within 60 days of receiving the communication.

While VA recognizes the importance of providing timely communications with claimants, the provisions of this bill are problematic and VA cannot support the bill as written.

First, we believe the bill would impede our efforts to streamline and speed up claim processing by adding an additional and unnecessary administrative burden which would not materially advance the merits of the claim.

As a general rule, VA contacts individuals who submit claims or other communications well within 60 days of receiving their claims. In addition, as a matter of claims procedure, VA communicates with the claimant several times during the processing of the claim.

Requiring a special acknowledgment of receipt would add no value to the current process. In fact, it would significantly burden VA when the Department is trying to reduce a claim backlog and it would further delay claim adjudication by adding another step to a complex process.

The vagueness of the bill language is also a major concern for VA. The term other communication could easily be construed to include the submission of evidence in connection with a claim, e-mails, and telephone calls.

The administrative requirement to acknowledge the receipt of every such communication would detract from VA's core mission of processing veterans' claims. We cannot accurately estimate those administrative costs with enactment of H.R. 1982 because of the vagueness in the language.

Mr. Chairman, this concludes my testimony, and I would be pleased to answer any questions you or other Members of the Subcommittee may have.

Thank you.

[The prepared statement of Mr. Mayes appears on p. 27.]

Mr. HALL. Thank you, Mr. Mayes.

H.R. 1982 attempts to deal with a problem that we are familiar with and have spoken about before here since the problems with misdating, shredding and misplacing files came to light last fall.

What recent steps has VA taken to ensure that documents are not being lost or destroyed?

Mr. MAYES. Well, we have put in place a number of steps which we have testified on in previous hearings. We have designated management officials in our Regional Office who are responsible for reviewing the shred material before it is shredded so documents that are either redundant or are not relevant to any individual's claim and can properly be shredded, those have to be reviewed by officials within the Veteran Service Center or the Regional Office before they are destroyed.

We also implemented really rather extraordinary procedures for veterans who assert that VA lost a document related to their claim within an 18-month period prior to us stopping all shredding in Regional Offices. And we did this following the Inspector General (IG) identifying, I believe, it was 30 some documents that should not have been in the shred bins.

And we stood down. We ourselves went through everything, every piece of paper in every Regional Office, and we found slightly more than 400 documents that were mishandled.

So what we said was if a veteran asserts that a piece of evidence was submitted within that year and a half prior to us stopping that shredding and standing down, then we would take their assertion on its face and go ahead and attempt to find the document. If we

could not find it, accept a similar document from the claimant and adjudicate the claim based on that document. And we would use the date that the veteran asserted they submitted it as the date of claim.

So that was extraordinary. We did that as well. So we took this very seriously.

I want to put out we get some 2.6 million pieces of mail a year in our Regional Offices. Well, almost 900,000 claims were decided last year alone requiring a rating decision and the collection of evidence. So we do get a lot of evidence and we are taking every step that we can to make sure we do not misplace or mishandle any documents.

Mr. HALL. I understand that. Thank you for taking those steps and for describing them to us and, for granting the veteran the benefit of the doubt in those cases when documents were missing or shredded during that time period.

If a claimant has not received a VCAA notice, then what is VA's process for handling those claims as protocol for responding to the veteran?

Mr. MAYES. Well, if a veteran submits a claim, then we have a requirement to send out a notice acknowledging the claim. And we have a requirement, and it is a statutory requirement, to notify the claimant what evidence that we will get and what evidence they are responsible for getting. That is our duty to notify. It is in 38 U.S.C. § 5103.

So if a veteran submitted a claim and they did not get a VCAA notice, then that means something did not work as it should have because that is a legal requirement. We take it very seriously. We send them out on all these claims.

If the veteran notifies us that they sent a claim in and they have not heard from the VA, then we are going to do an exhaustive search of our records to try and find that claim or that communication. And if we do not find it, we will ask them to resubmit it and then we will send out the notice.

Mr. HALL. Just a simple, but maybe a practical thought. A number of delivery services besides the U.S. Post Office offer a confirmation of delivery.

Many of our veterans are living close to the edge. In fact, many of them are over the edge and homeless, as we discussed with the Secretary yesterday, among other occasions. You are keenly aware of this, I am sure, especially in this economic time.

Would it be feasible for us, with funding through the VA, to reimburse veterans so that they could send their claim in certified return receipt requested or send it FedEx, so that they automatically get the confirmation of delivery. It would not be paperwork for you, or the employees at VA to add to their already prodigious load of work. What do you think about that commercial approach?

Mr. MAYES. I would be reluctant to comment too much on that because I am not sure how that would work because I believe that would be a requirement that would be on the U.S. Postal Service.

A lot of the evidence that comes into our Regional Office comes into P.O. Boxes that are uniquely set up for our Veteran Service Center, because we try and segregate out that evidence that is associated with claims so that we can more efficiently handle it.

And, frankly, I just do not know what the implications of implementing something like that would be. It is something I would have to study further.

Dick, do you have anything to add on that?

Mr. HIPOLIT. Yes. That is an idea that we have not really considered at VA. I think it is one worth taking a look at, but we do not have a position on it at this time because it is a new idea. We have not—

Mr. HALL. It just occurred to me that many people do this with their tax returns, or other important documents, that not just veterans, but any person or business that is sending sensitive or important documents or checks wants to be able to prove that they were received. There are services out there available and provided by a number of companies that could be used.

I wanted to ask you also, in the paperless system that we are moving toward, both DAV and AFGE in their statements submitted for the record, agree that a paperless system would enhance VA's ability to process claims. I am sure you would agree with that basic premise. I also understand you have contracted with an integrator to make this happen.

What has been accomplished since the contract was awarded and what are the next steps in your strategic plan?

Mr. MAYES. Well, the contract with the integrator is to help us take a look at what we have currently today and then look at what applications are in development and help us identify which applications we really need to prioritize to achieve this vision that we have, which is truly a paperless claims processing system.

I believe that they are, if they do not have, they are close to an overarching plan that will help us understand those priorities.

One of the other things that is occurring right now as we speak is we have a contract with a company that is helping us work on our VONAPP application. It is the VA online application.

So today veterans can submit an application electronically, but it is not as, I guess—we would like to improve the interface, the front-end piece, make it a little bit more easy to use and leverage some rules-based technology so that people are really walked through almost a structured interview process.

And so we have a company that is helping us redesign that front-end piece and then there are two other things that need to happen with that VONAPP application.

We need to collect the data and the data that is collected through the electronic application interaction needs to then be utilized by our claims processing system. So that is kind of what the EDS or the integration contractor would help us do was align that with our long-term vision, is that integration of the electronic application with the claims processing system, and then also the imaging system because while we are processing a claim in one system, we have also got an imaging system that allows documents to be viewed by a VA claims agent, for example, that might be answering the phone.

I would envision in the future the claimant or their accredited representative being able to go in there and look at those documents as well. So it is those integration pieces that are so critical for our future success.

Mr. HALL. This is all interesting and challenging for you and also for us in our oversight role because VA is such a moving target. You are upgrading your systems and moving forward with these things, which is good.

But I am just curious. Last week, Judge Kasold from the U.S. Court of Appeals for Veterans Claims was here and he testified that the claims that they are seeing on appeal are in digital files. I asked him if he knew at what point they got digitized and he did not know.

So do you know?

Mr. MAYES. I believe the claims that are being handled at the Court, the Court of Appeals for Veterans Claims, are being digitized at the General Counsel level. And I will turn that over to Dick, if you want to add to that.

Mr. HIPOLIT. Yes. I think that is correct that they do not get digitized until they have been through the VA process. They are not coming up through the system that way. It is when the case goes to court, then they go into that format.

Mr. MAYES. Unless, unless it was a Benefits Delivery of Discharge claim. And those claims start at the very beginning of the process. We image all of the paper documents.

I acknowledged that we start out with paper documents from the claimant and from the Service Department, but we image those and then those claims for the remainder of their life will be paperless in that any paper we get we will digitize.

And if that goes to the Board of Veterans Appeals, for example, the Board, I am aware of at least one case where the Board has actually adjudicated an appeal in the paperless environment.

So it is relatively new that we would have an all paperless claim that is working its way through the system first to the point where the agency of original jurisdiction makes a decision which would be in a Regional Office, then it gets to the Board and then it goes on to the court.

So I think you will see more of these cases that are all digitized making their way to the court.

Mr. HALL. Have you discussed with the integrator as part of the plan, electronic notification to the veteran as a claim is moved to another level or as a decision is made or the fact that it is received?

Mr. MAYES. Yes. We have discussed that with the integrator to the extent that we have described what we would like the claims process, the electronic claims process to look like in the future.

Mr. HALL. I was in Balad a couple weeks ago at the trauma center, at the hospital there, and they bring in wounded from the helicopters right in the door to the ER and immediately start entering information into UltraLite, which can be uploaded into the full-blown Ultra program.

They have MedWeb in use so that they can have doctors anywhere in the world look at an MRI or a CAT scan or X-ray or a test result of some sort.

Somewhere between there and the CAVC level where digitized files exist this world that I am sure your integrator is working on and you, and your IT people are working on trying to—

Mr. MAYES. Connect those, yes.

Mr. HALL [continuing]. Bring those ends together because it must be infuriating to you or frustrating to you as it is to veterans and to us on the Committee to see that there exists a medical record that is electronic in the field and in DoD's world and then on the other end at the appellate level, there exists an electronic record, but in between there is a paper record. We are all looking forward to these records meeting.

It is kind of like the railroad being built from both ends of the country and then driving that last spike that joins the east and west.

I want to ask you regarding, if we could just go back for a moment to VCAA notices, at an earlier hearing this month, we discussed poorly written VCAA notices. I realize that training is an ongoing thing. You have got new personnel being hired.

But, what else are you doing or can you do at the moment to improve the quality of VCAA notices to veterans?

Mr. MAYES. Well, there are a couple of things. One thing that we have done is we have modified the letter and we have put some of the legal requirements into an attachment to try and simplify the actual letter.

But I would like to take the opportunity, Mr. Chairman, to acknowledge your work because I believe it was section 201 of the "Veterans Benefits Improvement Act of 2008," directed the Secretary to promulgate new regulations on VA's notice requirements for original claims, reopened claims, and claims for increase.

And so we with the Office of General Counsel's help are working to promulgate new regulations that would simplify the letter, not take away rights that afford protections, but to simplify the letter because we feel strongly that maybe some of the legal elements of the current notice serve more to confuse than they really do to inform veterans.

So to that end, we would like to modify our regulations so that we can simplify the letter. And we are working on that as we speak.

Mr. HALL. Thank you, sir. Speaking for the non-lawyers among us, I thank you for that.

I would ask you if you are going to, I think you said, submit your observations or your testimony in writing about Ranking Member Buyer's bill, if you could include in that what workload expansion you expect would be caused by having nurse cadets, Flying Tigers, and the other two dozen or more groups—I do not know if you have any more information than we do about the numbers of people who are still alive in those categories, but hopefully that can be part of your written submission.

Mr. MAYES. We will do that, Mr. Chairman, to the extent that we can uncover those numbers.

[The Administration Views for H.R. 2270 and cost estimate for H.R. 1522 were provided in a followup letter from Secretary Eric K. Shinseki, dated August 5, 2009, which appears on p. 32.]

Mr. HALL. Well, thank you very much. I appreciate your coming to testify again and the ongoing work you are doing for our veterans.

This hearing is now adjourned.

Mr. MAYES. Thank you, Mr. Chairman.

[Whereupon, at 11:20 a.m., the Subcommittee was adjourned.]

A P P E N D I X

Prepared Statement of Hon. John J. Hall, Chairman, Subcommittee on Disability Assistance and Memorial Affairs

Good Morning Ladies and Gentleman:

The purpose of today's hearing will be to explore the policy implications of three bills, H.R. 1522, H.R. 1982 and H.R. 2270, that were recently referred to the House Committee on Veterans' Affairs' Disability Assistance and Memorial Affairs Subcommittee.

The first bill we will discuss is the United States Cadet Nurse Corps Equity Act, H.R. 1522, introduced by Representative Nita Lowey. If enacted, it would grant veteran status to the members of United States Nurse Cadet Corps of WWII, making them eligible for benefits and services administered by the Department of Veterans Affairs. I commend Congresswoman Lowey for her 13-year commitment to these nurses and I welcome her and cadet nurse Elizabeth Yeznach whose service to the sick and wounded of World War II makes her a patriot we should all be proud to know.

The second bill on today's agenda, the Veterans Entitlement to Service or VETS Act of 2009, H.R. 1982, is sponsored by Representative Carolyn Kilpatrick. This bill directs VA to acknowledge receipt of medical, disability and pension claims and other communications submitted by veterans within 60 days. As many of you may recall, this Subcommittee jointly with the Subcommittee on Oversight and Investigations conducted an investigatory hearing on the thousands of pieces of mail found unprocessed at Regional Offices during mail amnesty periods in 2007. We continue to exercise vigorous oversight of this serious problem and other claims processing irregularities that have plagued VA over the past 2 years. I am interested to hear how this bill will improve upon the Veterans Claims Assistance Act requirements already codified in statute and in the procedural instructions outlined in VA's regulations. I thank Congresswoman Kilpatrick for her activism in this area and look forward to her testimony.

Finally, I am looking forward to hearing more about the Benefits for Qualified World War II Veterans Act of 2009, H.R. 2270, which would establish a compensation fund for payments to qualified World War II veterans with "such sums as may be necessary." At a recent May mark-up, Ranking Member Buyer brought to my attention and to the attention of the full Committee that there are other groups of WWII veterans who deserve the same benefits that H.R. 23 would provide for the forgotten service of the Merchant Mariners of WWII. And, despite his previous apprehensions over fiscal stewardship, he has followed Chairman Filner's lead as a veterans' advocate and introduced H.R. 2270. It is my pleasure to welcome here today Mr. Ed Stiles, one of the surviving Flying Tigers who will explain to us how Ranking Member Buyer's bill will help him and his generation of veterans.

I thank the other witnesses for joining us today and look forward to any further insight they may provide.

Prepared Statement of Hon. Doug Lamborn, Ranking Republican Member, Subcommittee on Disability Assistance and Memorial Affairs

Thank you, Chairman Hall, for yielding, and thank you for the opportunity to discuss the bills before us this morning.

I will start with H.R. 2270, the Benefits for Qualified World War II Veterans Act of 2009, a bill introduced by Ranking Member Buyer to provide a monthly payment to all World War II groups that were provided veteran status under the GI Bill Improvement Act of 1977.

The impetus for this bill is H.R. 23, which was recently passed by the full Committee, to provide the monthly payment to WWII Merchant Mariners, but did not include the aforementioned veterans groups.

Like Mr. Buyer, I was opposed to H.R. 23 because it provides a non service-connected pension regardless of income, something we do not do for other veterans except Medal of Honor recipients.

But because it was approved, I believe that all groups with veteran status under the GI Bill Improvement Act of 1977 should be entitled to the same benefits.

One such group consists of members of the American Volunteer Group known as the "Flying Tigers."

This was a group of pilots and ground crew who helped defend Burma and China before and after the attack on Pearl Harbor.

The Flying Tigers are credited with destroying an impressive 297 enemy aircraft and had one of the best kill ratios of any air group in the Pacific theater.

There were approximately 80 pilots that flew for the Flying Tigers, of which 21 died in service.

An amazing 19 of them had five or more air to air victories, which makes them aces.

Of the over 300 original members of the Flying Tigers, only 18 of them are still with us today.

And we are honored to have with us this morning, Mr. Ed Stiles Senior, who served with this courageous group of aviators.

Thank you for being here Mr. Stiles, we look forward to your testimony.

Another bill we are discussing today, H.R. 1522, also pertains to a group of individuals who served our country during WWII.

This noble group, the United States Cadet Nurse Corps was established by Congress in 1943 to train nurses for both governmental and civilian agencies.

While there is no doubt the Cadet Nurse Corps filled an essential war-time need, I do not believe Congress should bypass the process it established, via the GI Bill Improvement Act of 1977, to have the Secretary of Defense determine—based on criteria established by Congress—if the qualified service of a particular group constitutes active military service.

Congress did so, so that objective and consistent consideration was applied to any group seeking status as a veteran, and I don't believe we should abandon that process.

Despite these concerns, I look forward to hearing the testimony of Elizabeth Yeznach who served with this dedicated group of patriots.

We are privileged to have you with us today, Ms. Yeznach, and I thank you for being here.

Finally, we will discuss H.R. 1982 which would require VA to acknowledge the receipt of any claim or other communication within 60 days.

Although this is a well-intended measure, I am concerned that requiring VA to acknowledge every item of correspondence would result in an enormous volume of paperwork that would detract from claims development and adjudication.

While this unintended consequence should be avoided, the need for greater accountability by VA is a point well taken, and I believe it is the intent of this bill.

I would also point out that what H.R. 1982 strives to accomplish will be much more feasible when the VA utilizes a modern IT system and information exchange is conducted electronically.

Mr. Chairman, we made a lot of progress in the last Congress toward modernizing and improving the VA claims processing system, and it is my hope that the reforms we put in place will help provide the assurances this bill intends to offer.

Thank you, and I yield back.

**Prepared Statement of Hon. Nita M. Lowey,
a Representative in Congress from the State of New York**

I thank the Committee for holding the first hearing on the United States Nurse Corps Equity Act today. I authored this legislation in 1996 to recognize and honor the service of women who served with distinction in the Cadet Nurse Corps.

Sixty-six years after the end of World War II recognition parallel to their great sacrifice and commitment has not been given to Cadet Nurses. At a time when our country has been called to serve by our new Administration, it is fitting to adequately express our gratitude to those who have served our country during one of our most challenging eras.

With limited positions in the military for women, many young women joined the U.S. Cadet Nurse Corps during World War II to fill the domestic nursing shortage in our country. H.R. 1522 will ensure that the many women who served our country the best way they could, receive the acknowledgement of veteran status that they deserve.

Other women's groups who served in WWII military services have rightfully been granted veteran status and benefits. Despite their historic and patriotic contributions, the women of the U.S. Cadet Nurses Corps have been forgotten.

The legacy of the Cadet Nurse Corps is manifold, felt by all Americans but understood by few. Many Cadet Nurses were deployed to Army, Navy, Public Health facilities, and Indian health agencies during their senior cadet service. As a result, World War II military veterans came home to a strong health care system and were provided critical care by Cadet Nurses. In order to properly recognize their patriotism, the Cadets should be designated as veterans.

Three dedicated patriots who served in the Cadet Nurse Corps are here today. My constituent, Anne Kakos from Yonkers, New York served as a cadet nurse from 1943–1946. Caroline Bradford of Mechanicsville, Maryland served as a Cadet Nurse from 1943–1946 and both their stories have been submitted for the record. I would like them to stand up and be recognized. I am also honored to introduce Elizabeth Yeznach, from Galesferry, Connecticut, who served as a Cadet Nurse in Hartford, Connecticut from 1943–1946 and will be testifying on this important legislation today.

And now, I am pleased to introduce Elizabeth Yeznach who will share her experience as a Cadet Nurse and the importance of this legislation.

**Prepared Statement of Elizabeth Yeznach, Galesferry, CT,
as Presented by Anne R. (Mandzak) Kakos, Yonkers, NY**

My name is Elizabeth Yeznach. I am here on behalf of the 180,000 women of all races and ethnicities who served our country during WWII as members of the United States Cadet Nurse Corps [USCNC]. I, myself, served as a Cadet Nurse from 1943 to 1946 at St. Francis Hospital in Hartford, Connecticut.

First, I would like to extend a heartfelt thank you to Congresswoman Nita Lowey, for consistently introducing the United States Cadet Nurse Equity Act through the years. You kept our hopes alive that someday the Cadet Nurse Corps would be recognized as veterans. This hearing brings us one step closer and I am grateful to the Subcommittee on Disability Assistance and Memorial Affairs for holding this hearing. I would also like to thank all the other Congresspersons who cosponsored this legislation year after year including Chairman of the Committee on Veterans Affairs Bob Filner.

During World War II, our Nation faced a desperate shortage of nurses on the home front and a decline in nursing school enrollment. Nurses who enrolled in the military left a dearth of nurses in civilian facilities and as the war continued, the shortage of nurses became acute both at home and overseas. The Federal government established the U.S. Cadet Nurse Corps in 1943 to recruit young women to become nurses, 180,000 of whom provided 80% of the nursing care in our country during the war.

The United States Cadet Nurse Corps offered an innovative solution to the pressing shortage of nurses during World War II. Without us, our domestic health care system could have collapsed and resulted in a sick and demoralized nation. We were deployed to Army, Navy, Public Health Facilities, and Indian health agencies. We abided by all the rules that were applicable to military such as wearing uniforms and were required to pledge 36 months of service. Yet, our contributions and commitment during a tense time in our country's history remains virtually unknown.

We, the Cadet Nurses, worked tirelessly to care for sick civilians and injured troops. We were exposed to infectious diseases and death; worked 12-hour shifts, 6½ days a week; and cared for as many as 50 patients simultaneously.

As a Cadet Nurse and student at that time, I remember the stress of providing emotional and physical support to multiple patients and their families who faced major trauma in tragic events. For example, the Hartford Barnum and Bailey Circus Fire of 1944, cadet nurses were charged with providing complex care and attention to the many injured while they endured painful and prolonged treatments. During my time as a Cadet Nurse, I gained strong clinical experience and skills in providing complete care—both physical and emotional—in challenging settings.

Other women in WWII military services—the Women's Army Corps [WACS], the Women Accepted for Volunteer Emergency Service [WAVES], and the Women Air Force Service Pilots [WASP]—have rightfully been granted veteran status and benefits. Despite our historic and patriotic contributions, we, the women of the U.S. Cadet Nurses Corps are consistently dismissed and forgotten. We are not seeking special recognition, just *equal* recognition!

Many former Cadet Nurses have already passed away and unfortunately, I don't know how many remain. What I do know is that we are passing on at the same rate as those of that generation, with many former Cadet Nurses now more than 80 years old.

Passing this legislation is more important now than ever before as 66 years have passed since the inception of the U.S. Cadet Nurse Corps was founded and our service remains unrecognized.

We came forward to help our country through a difficult time and are proud to know that as part of a uniformed service, we contributed to America's victory in World War II. Therefore, after all this commitment and contribution, if we are not veterans, can you tell us what we are?

Thank you.

Statement from Cadet Nurse Corps Members

EXHIBIT 1

Mechanicsville, MD
May 18, 2009

What ever happened to the Cadet Nurses? We were there—a part of the Greatest Generation. We enlisted by the thousands. We served our country in civilian hospitals, Army Hospitals, Navy Hospitals, Indian Reservations, Public Health facilities, and Visiting Nurse Societies—often working 10 to 12 hour shifts. We lived in crowded dormitories. We endured curfews and many “military-like” rules. We wore uniforms. We could not marry “for the duration.” On weekdays, we had to be in our rooms at 7:00 p.m.—study from 7:30 to 9:30—and lights out at 10:00 p.m. A “House Mother” checked on us between 7:00 and 7:30 and locked the door so no one could enter without her knowledge. After 10:00 p.m. she walked the halls to be sure all lights were out. On weekends, we had one midnight pass and one 10:00 p.m. pass. Once a month we could have an overnight pass with parental permission. We loved it! We were proud! Proud to be Cadet Nurses!

The United States Cadet Nurse Corps was a uniformed service created by Congress during World War II to supply nurses for the military, Federal Government, and essential civilian hospitals. It was administered by the U.S. Public Health Service. We were sworn in during a ceremony conducted simultaneously throughout the country in July, 1943. We were issued uniforms and were given I.D. cards with a serial number. We were under Commissioned Officers of the USPHS, Surgeon General Thomas Parran, and Director of Nursing Education, Lucille Petry. At the close of the war, President Harry S. Truman issued an Executive Order declaring that service in the “Commissioned Corps of the Public Health Service” was to be considered as military service during World War II—thus giving them veterans status. For unknown reasons Cadet Nurses were not given discharge papers. We were ignored by our government.

We were again ignored by esteemed author Tom Brokaw. Not one sentence in his book, “The Greatest Generation,” recognized our service. Many members of the Disabled American Veterans remember us. We dressed their wounds. We exercised their arms and legs while they were in body casts. We medicated them. We listened to them. We laughed with them.

Cadet Nurses wore clinical work uniforms with the Cadet Nurse insignia and wore dress uniforms off duty. The buttons and insignia on the dress uniforms were the same as those of the USPHS Commissioned Officers uniforms. The insignia and dress uniforms were not to be worn by any unauthorized person under the same Federal penalties provided by the Act June 3, 1916, for the unlawful wearing of uniforms of the U.S. Army, Navy, or Marine Corps (Public Law 248, March 4, 1944).

During my time in the Cadet Nurse Corps (July 1943–September 1945), I worked 3 months at Saint Elizabeth's Hospital, a Federal hospital, 3 months at Children's Hospital in Philadelphia, and 6 months at Newton D. Baker General Army Hospital. The rest of the time I worked at Garfield Memorial Hospital in Washington, D.C. This was certainly essential service. It had a defining influence on the rest of my life.

I ask that you support H.R. 1522.

Respectively submitted,

Caroline Bradburn Bradford, RN
Cadet Nurse

EXHIBIT 2

Yonkers, New York
 May 21, 2009

As an enlisted member of the World War II United States Cadet Nurse Corps, I am submitting a history of my service on the home front as a "trainee nurse" for the military during this declared war that needed nurses.

My trainee period was from September 13, 1943 to September 12, 1946. The last 6 months were spent in a Civilian Hospital as per my pledge to serve our Nation until the end of Hostilities. I served in the Emergency Room and the Physical Therapy Units. As a "trainee," I performed Nursing duties under the supervision of a registered nurse on the day shift.

There was one registered nurse for the whole Hospital to supervise the night and evening shifts.

Care included bedside nursing and well as the bedside units. Sometimes, as many as thirty patients were in one unit. Cadet nurses were alone on the units. Working in the Delivery Room, Maternity and Nursery Units were included. These were wives of the Military away serving this Nation at War. As a "trainee nurse," exposure to disease and even injury was a challenge. This was the "Polio Era." Many cadet nurses were given assignments for the last 6 months in the Military, Veterans, and Indian Reservations.

This Legislation is important to me and to my Cadet Nurse Corps colleagues because we would be granted official recognition as "benefited United States Veterans" serving this great Nation of ours during the Greatest World War II of the Twentieth Century.

Respectfully submitted,

Anne R. (Mandzak) Kakos

EXHIBIT 3

I am writing to you in regard to U.S. Cadet Nurse Corps bill H.R. 1522. In a military service I was inducted into the U.S. Cadet Nurse Corps where I served for two and one half years. This Corps was established by Congress to help relieve the serious shortage of nurses. I worked very hard during this time serving my country as a Cadet Nurse. This hard work and devotion has been very beneficial to me in later years of nursing. I am asking that your Committee give full support in obtaining veteran's status for me and my colleagues as former members of the U.S. Cadet Nurse Corps.

Thank you.

Helen Barber

Quincy, MA

To Whom It May Concern:

Although I cannot be there at the hearing on May 21, 2009, please enter my name and address as a supporter of H.R. 1522. It's about time this uniformed regiment of young women receive the recognition owed to them for over 60 years. American capability of caring for our wounded men overseas was possible because the U.S. Cadets were caring for the citizens on the home front. When our warriors returned, our Nation's health care system was intact and the veterans continued to have access to the best nursing care available.

All United States Nurses in one of the Uniformed Services of our country serve as non-combatants. Whether they serve overseas or on the home front, **they are Veterans!**

Thank you,

Shirley Anne Caswell Harrow, RN

Oneonta, New York
 May 17, 2009

Just another octogenarian giving her message to our legislators about her “stint” in the United States Cadet Nurse Corps Service as an enlisted and uniformed “Trainee” for the Military and the home front as per the “pledge” to serve one’s Nation until the end of all hostilities of World War II. I am a World War II United States Cadet Nurse Corps member, enlisted and served from February 1944 to February 1947 at the Lenox Hill Hospital in New York City. Toward the last months of my “trainee” period, I was sent across the United States, by train, to Tacoma Indian Hospital. Patients were suffering from “tuberculosis.” Patients were from the Indian reservation. Congresswoman Nita M. Lowey’s Bill H.R. 1522 is before you today (May 21, 2009). Please review this and let us be “officially recognized as these United States Veterans” with a deliverance of the “discharge papers from the Department of Defense.” It is close to 66 years that Public Law 74 was signed into law by President Franklin D. Roosevelt granting the teenage women the right to enlist and serve this great Nation of ours. I am proud to be an American with rights to choose to enlist and to serve this great Nation.

Thank you for reviewing our bill, H.R. 1522.

Respectfully submitted by e-mail,

Nancy Wilson Danielson

**Prepared Statement of Hon. Carolyn C. Kilpatrick,
 a Representative in Congress from the State of Michigan**

Subcommittee Chairman John J. Hall, Ranking Minority Member Doug Lamborn, and esteemed Members of the Veterans Subcommittee on Disability and Memorial Affairs, giving Honor and Glory to God, I thank you for this unique opportunity and the distinct honor of allowing me to testify and to have a hearing on my legislation, H.R. 1982, the “Veterans Entitlement to Service (VETS) Act of 2009.” I know that the Subcommittee has many pieces of legislation to consider, and this hearing clearly illustrates Full Committee Chairman Bob Filner and Ranking Minority Member Steve Buyer, as well as the Subcommittee’s earnest commitment to issues that affect our veterans.

Over the last year, the 13th Congressional District of Michigan, which consists of Detroit and seven cities, has received numerous calls and letters of complaints from veterans expressing frustration over getting no response from the Department of Veterans Affairs (VA) after their diligent filing of various claims. These claims were often filed for four to 6 months without a response from the Department of Veterans Affairs. As the Subcommittee knows, there have also been many media reports, which I have attached to my testimony, about thousands of unreported claims.

For example, in an article of the October 16, 2008 edition of the *Army Times*, it was reported that thousands of pieces of unprocessed mail had been found in shredder bins or squirreled away in the desk drawers of office staff. An audit determined that there were 16,000 pieces of unprocessed mail in Detroit and over 717 documents showed up in New York during amnesty periods when workers would not be penalized.

Imagine the hours, the days and even months—along with the frustration consumed by the veteran, the spouse or another family member in the effort to track down the right person in the right place in the VA—through an 800 number—to determine if the claim had been even received.

As we all know, this situation didn’t just suddenly happen overnight. What is most troubling is the fact that it still persists and exists. Our colleague and Chairman of the Veterans Oversight Subcommittee and cosponsor of my legislation, Congressman Harry Mitchell, has long had concerns about this matter and with the help of the Members of this Committee illuminate the challenges faced by our veterans by bringing this problem to the forefront.

The *Veterans Entitlement to Service Act* is simple. It would require the VA to respond within 60 days to the veteran with an acknowledgement that the veteran’s claim had been received. Nothing more, but our veterans deserve nothing less. The legislation requires no promise of payment or determination of benefits. It is simply a way to let the veteran and his or her family know that the claim has been received. This notification, this acknowledgement of the claim, will prevent stress and build trust in the very first stages of the process. It will provide the veteran with

a sense of security instead of a feeling of dread, wondering if the claim was received, much less shredded or squirreled away.

While this bill will address some of the challenges facing our veterans in Detroit, Michigan or New York, it is a bill that will truly address the needs of all veterans, wherever he or she resides. When I see quotes in the paper from a representative of the Gold Star Wives of America—the non-profit organization made up of military widows/widowers whose spouse died while on active duty or from service-connected disabilities—stating that there are problems with survivors trying to receive VA benefits, it underscores the importance of this bill.

This Congress—this Committee—has been the driving force to provide the necessary resources to enable the VA to electronically store and transmit medical records. Last year, Congress passed the bill that eventually became Public Law 100-389, the “Veterans’ Benefits Improvement Act of 2008.” After the revelations of the last 2 years, this law is bold and long overdue. First and foremost, the bill mandates a study of the feasibility and advisability of providing expeditious treatment of compensation or pension claims to ensure that such claims are adjudicated not later than 90 days after the date on which such claim is submitted.

Further, presently under the same law, there is a study underway to determine the amount of time it takes to process claims. However, how does one make an accurate assessment of that performance or timeline when an estimated 18,000 claims, according to published reports, have not been included?

The appointment of retired U.S. Army General Eric Shinseki as Secretary of Veterans Affairs by President Barack Obama is another way of ensuring the resources this Committee approves are used correctly. General Shinseki’s reorganization of the Office of the Secretary is committed to improving accountability and service to veterans. As a West Point graduate, highly decorated combat veteran, and four star general, General Shinseki, along with President Obama, have brought a transformational vision that will focus on new technologies and new commitments to today’s veterans. The Department of Veterans Affairs will spend \$200 million of Stimulus Recovery Act Funds to hire and train up to 1,500 claims processors and pursue needed information technology systems initiatives that will improve service delivery to our veterans. The VETS Act can add to that technology the ability to forward a letter to the veteran as soon as the claim is received and posted. We already have this acknowledgement for our Social Security recipients; it is time that we do the same for our veterans who were either drafted, or volunteered, to sacrifice a comfortable life for themselves and their families in defense of the Constitution of the United States.

In closing, the sole purpose of this bill is—at the very minimum—a simple acknowledgement of the receipt of a claim. The bill does NOT take a position on the qualifications of any claim in any manner. I am a liberal, and I am a proud Progressive. Regardless of your position on any issue in any war, liberals and conservatives recognize that we should—we must—take care of those individuals, and their families, who consist of less than 2 percent of our population, who protect 98 percent of us each and every day, all over the globe. My legislation is not just an acknowledgement of the receipt of a claim; it is a matter of simple respect and dignity to our veterans.

I know that while the Recovery Act will hire and train up to 1,500 VA claims processors, there is a hiring freeze at the Department of Veterans Affairs. It is my hope and desire that this audit and assessment is quickly concluded so that the business of the people can continue. I understand that my bill will add another step to Veterans’ claims and may become another burden on an already understaffed agency. Hopefully, the hiring of additional claims processors will help alleviate this challenge. Finally, I am sure that there are some Members of Congress, organizations, and groups who will assert that my bill does not go far enough, and that it should be expanded to include the notification of any movement of the claim along the process. As the VA moves more and more into digitally recording and electronically providing various records, this task should be facilitated soon.

Yet, we are not at the date when records can be electronically transferred. My legislation is a short-term solution until electronic filing is a reality for all of our veterans.

Some might say that there is a tremendous potential cost in sending up to 300,000 postcards or letters that would certify whether or not a claim is received. I counter that those individual veterans, men and women, know that the potential price of being drafted or volunteering to fight for our country could be their very lives. What is, however, the cost of informing our veterans that his or her claim has been received? I would imagine if I am a veteran and I am wondering if my country or my military is going to keep its end of the bargain? Priceless.

I am an Appropriator, and have been an elected legislator for more than three decades. While I know the needs of the 13th Congressional District of Michigan, I make no assumption on the wisdom and guidance of the Members of this Committee. I offer this legislation to be amended by the august and esteemed Members who make it their duty to care for our veterans and their families. I thank the Committee for this hearing and consideration of my bill, H.R. 1982, the VETS Act of 2009, and I look toward its speedy consideration and adoption into law.

I thank the Chair and the Ranking Minority Member for their time.

**Prepared Statement of Major Ed Stiles, Sr., USAFR (Ret.) Poland, OH,
on behalf of American Volunteer Group (Flying Tigers)**

Chairman Hall, Ranking Member Lamborn, and Members of the Subcommittee: My name is Ed Stiles, Sr., and I am pleased to have the opportunity to appear before you today on behalf of my comrades, both living and deceased, of American Volunteer Group (AVG), also known as the Flying Tigers. I am here today to express the AVG's support for H.R. 2270, the "Benefits for Qualified World War II Veterans Act of 2009."

H.R. 2270 would provide a \$1,000 a month payment to qualified flying tigers and members of the other 28 World War II civilian groups that were given veterans status under the process set up by the GI Bill Improvement Act of 1977. While I am not eligible for this payment I am here to represent the other flying tigers who are eligible.

Between June 27, 1941, and June 27, 1942, I had the distinct pleasure of serving as a crew chief for the AVG. We served the Chinese government in attacks against Japan before and after Pearl Harbor. Our pilots eliminated 297 enemy aircraft of which 229 were done in the air. There were approximately 80 pilots that flew for us, 19 of which were aces. Twenty-two of these brave pilots died in service.

In my role as a Crew Chief, I was in charge with the maintenance of the P40's. To service each aircraft so that our pilot's had a reliable aircraft with which to locate and destroy Japanese targets, which at that time were decimating the Burma Road, and supply routes to the China Mainland.

My first contact with the AVG was while I was in the Army Air Corp stationed at Mitchell Field in Long Island, New York. A representative came to our base carrying a signed document from President Roosevelt granting those interested in going to China, under the command of the superior air tactician, retired General Claire Chennault, to fight back the aggression of the Japanese Air Corp, with a \$350.00 monthly salary and an honorable immediate discharge from my present position.

The experience that I had during my contracted time with the AVG Flying Tigers could never be expressed fully today in my allotted time. The friendships and military bonds that were created have sustained me for the past 68 years. Please understand that the mission that the AVG members undertook ultimately slowed the Japanese aggression in the Pacific Theater and also revitalized the morale of the American people.

I felt proud and rewarded along with my fellow AVG members the day we received the Bronze Star Medal on December 8, 1996.

We served our country with honor and gallantry and many of our members did not receive the World War II GI Bill. However I did not come here today to seek sympathy but to seek equity.

It is not my place to say that members of the AVG are more or less deserving of as members of the Merchant Marine but, I believe that if Congress is going to provide service pensions for the Merchant Mariners that they should provide this pension to the living members of all of the 28 groups including my comrades in the AVG.

Mr. Chairman, H.R. 2270 provides this equity and has my full support. This concludes my statement and I appreciate being given the opportunity to testify today and I am available to answer any questions you or the other Members of the Subcommittee may have. Thank you.

**Prepared Statement of Bradley G. Mayes,
Director, Compensation and Pension Service,
Veterans Benefits Administration, U.S. Department of Veterans Affairs**

Mr. Chairman and Members of the Subcommittee, I am pleased to be here today to provide the views of the Department of Veterans Affairs (VA) on H.R. 1522, the

“United States Cadet Nurse Corps Equity Act,” and H.R. 1982, the “Veterans Entitlement to Service (VETS) Act of 2009.” I cannot address today H.R. 2270, the “Benefits for Qualified World War II Veterans Act of 2009,” because VA received it in insufficient time to coordinate the administration’s position and develop cost estimates, but, with your permission, we will provide that information in writing for the record. Also, we could not in the time given develop a cost estimate for H.R. 1522, so we will also provide that in writing for the record.

H.R. 1522

H.R. 1522, the “United States Cadet Nurse Corps Equity Act,” would deem participation in the United States Cadet Nurse Corps during World War II to have been active duty in the Armed Forces for purposes of VA benefits laws. It would prohibit the payment of benefits resulting from its enactment for any period before the date of enactment.

Congress in 1977 set up an administrative mechanism for the consideration of requests by various civilian groups to qualify for benefits historically provided to veterans of the Armed Forces proper. Congress created this process to discourage the use of the legislative process to make such determinations. This bill would override that deliberative process.

Title IV of Public Law 95–202 authorizes the Secretary of Defense to review applications to confer Veteran status upon groups who rendered assistance to the Armed Forces in capacities which at the time were considered civilian employment or contractual service. In reviewing such applications, the Secretary of Defense considers the factors set out in title IV of Public Law 95–202, which include the extent to which a group’s members were subject to military justice, discipline, and control; the extent to which members were permitted to resign; their susceptibility to assignment for duty in a combat zone; and the extent to which they had reasonable expectations that participation would be considered active military service.

VA does not question that the Cadet Nurse Corps provided valuable contributions in the nursing field. However, participation in the Corps alone does not meet the criteria specific to active military service and subsequent Veteran status. At least twice the Secretary of Defense has accepted the unanimous recommendations of a review board that participation in the Cadet Nurse Corps alone is not appropriate for this status. The review board found that Congress established the Cadet Nurse Corps primarily to increase the supply of nurses for civilian hospitals in wartime. Participants were neither employees of the Federal Government nor legally obligated to future government service. They received Federal scholarships while attending nursing schools that received Federal grants-in-aid, and they were allowed to resign at any time. Some were allowed to train in military and other Federal hospitals during the last 6 months of the curriculum but still were not obligated to Federal service. However, certain members of the Cadet Nurse Corps performed additional service by choosing to enlist upon graduation. Those nurses who served honorably in this capacity are already considered Veterans for VA-benefit purposes.

VA believes that the review process established by Public Law 95–202 works well and should not be circumvented. Moreover, this process led to appropriate analysis and determinations by the Department of Defense. VA did not have sufficient time to prepare benefit cost estimates for this provision.

H.R. 1982

H.R. 1982, the “Veterans Entitlement to Service (VETS) Act of 2009,” would require VA to acknowledge the receipt of any claim for medical services, disability compensation, or pension within 60 days of receiving the claim. It would also require VA to acknowledge the receipt of any other communication relating to such services, compensation, or pension within 60 days of receiving the communication.

While VA recognizes the importance of providing timely communications with claimants, the provisions of this bill are problematic, and VA cannot support this bill as written. First, we believe the bill would be detrimental to VA efforts to streamline and speed up claim processing by adding additional paperwork and administrative workload which would not materially advance the merits of a claim. As a general rule, VA contacts individuals who submit claims or other communications well within 60 days of receiving their claims or communications. In addition, as a matter of claims procedure, VA communicates with the claimant several times during the processing of a claim. Requiring a special acknowledgment of receipt would add no value to the current process. In fact, it would significantly burden VA when the Department is trying to reduce a claim backlog and would further delay claim adjudication by adding another step to an already complex process.

The vagueness of the bill language is also a major concern for VA. The term "other communication" could easily be construed to include the submission of evidence in connection with a claim, e-mails, and telephone calls. The administrative requirement to acknowledge the receipt of every such communication would be a tremendous workload that would detract from VA's core mission of processing claims.

We cannot accurately estimate the administrative costs enactment of H.R. 1982 would entail because of its vague language.

Mr. Chairman, this concludes my testimony. I would be pleased to answer any questions you or the other Members of the Subcommittee may have.

Statement of American Federation of Government Employees, AFL-CIO

Chairman Hall and Members of the Subcommittee:

Thank you for the opportunity to present the views of the American Federation of Government Employees (AFGE) on H.R. 1982, the "Veterans Entitlement to Service (VETS) Act of 2009."

AFGE does not support this legislation because it will adversely impact veterans by adding an unnecessary reporting requirement to the claims process that will cause further delays, which in turn, will significantly increase the current backlog. The proposed notice requirement will require a response to *every* piece of correspondence or evidence received by VBA, requiring the issuance of millions of additional notices every year.

In addition, it will require Rating Veteran Service Representatives to review each received correspondence to ensure that the notice requirement has been met prior to rendering a decision.

The Veterans Benefits Administration (VBA) is already required to provide a very effective notice to veterans in the form of a detailed list of the evidence included in a Rating Decision (RD) or other adjudicative document. Upon receipt of an RD or other adjudicative document, the veteran is able to determine whether all of the evidence submitted in support of his or her claim has been received and considered, and how best to proceed based upon the evidence listed and the claims decisions made up to that point.

Absent an increase in staff to comply with this new requirement, this requirement would dramatically increase the amount of time that veterans wait to receive a decision on their claims. If, on the other hand, Congress improved the current work credit system, as required by Section 103 of the Disability Claims Modernization Act enacted, and gave employees adequate credit for providing the new notices, this bill would have a much smaller impact on the claims process. However, we question whether the additional work hours needed to comply with this requirement are warranted in view of the other notice requirements already in law and the many other competing needs for additional VBA employees.

Finally, if and when VBA institutes a paperless claims process, the need for this notice requirement will become moot, assuming that veterans will be able to access the contents of their claims files electronically and determine if all evidence and correspondence was received.

Again, thank you for the opportunity to present AFGE's view on this matter.

Statement of Hon. Steve Buyer, a Representative in Congress from the State of Indiana

Thank you, Mr. Chairman.

H.R. 23, as amended, which was recently passed by the House, would provide a \$1,000 monthly payment to WWII Merchant Mariners, but the bill did not include many other similar WWII veterans groups.

As a result, I introduced H.R. 2270, the "Benefits for Qualified World War II Veterans Act of 2009," to provide a monthly payment for all World War II groups that were provided veteran status under the GI Bill Improvement Act of 1977.

I opposed H.R. 23, as amended, because it provides an unprecedented non service-connected pension to WWII Merchant Mariners regardless of income, which is something we do not do for any other veterans except Medal of Honor recipients.

But because it was approved, I believe that the other 28 groups with veteran status under the GI Bill Improvement Act of 1977 should be entitled to the same benefits.

One group of veterans that would benefit from my amendment is the American Volunteer Group known as the Flying Tigers. This was a group of American pilots and ground crew who worked for the Chinese government in defense of Rangoon and parts of China before and after the attack on Pearl Harbor.

The Flying Tigers are credited for destroying an impressive 297 enemy aircraft and had one of the best kill ratios of any air group in the Pacific theater. There were approximately 80 pilots that flew for the Flying Tigers, of which 21 died in service. An amazing 19 of them were credited with five or more air to air victories which makes them aces. Of the over 300 original members of the flying tigers only 18 of them are still with us today.

In his praise of the Flying Tigers President Roosevelt stated, "The outstanding gallantry and conspicuous daring that the American Volunteer Group combined with their unbelievable efficiency is a source of tremendous pride throughout the whole of America. The fact that they have labored under the shortages and difficulties is keenly appreciated. . . ."

Another group I would like to highlight is the Women Air Force Service Pilots (WASPS). WASPS were female pilots who flew every type of mission that any Army Air Force male pilot flew during World War II, except combat. They freed up male pilots by flying planes from factories to airfields and overall flew 60 million miles in every type aircraft in the Army Air Force arsenal—from the fastest fighters to the heaviest bombers.

Mr. Chairman, I submit to you that if we are going to help the Merchant Mariners then we must also help groups like the Flying Tigers and the WASPS and the members of the other groups.

To not do so would be unfair, and I encourage Members of both parties to do what is right and support H.R. 2270. I yield back.

**Statement of John L. Wilson,
Associate National Legislative Director, Disabled American Veterans**

Mr. Chairman and Members of the Subcommittee:

On behalf of the 1.2 million members of the Disabled American Veterans (DAV), I am honored to present this testimony to address various bills before the Subcommittee today. In accordance with our congressional charter, the DAV's mission is to "advance the interests, and work for the betterment, of all wounded, injured, and disabled American veterans." We are therefore pleased to support various measures insofar as they fall within that scope.

H.R. 1982

The Veterans Entitlement to Service (VETS) Act of 2009, introduced by Representative Kilpatrick on April 21, 2009, directs the Secretary of Veterans Affairs (Secretary) to acknowledge the receipt of any claim for medical services, disability compensation, or pension under the laws administered by the Secretary for Veterans Affairs, or other communication relating to such services, compensation, or pension, submitted to the Secretary by a veteran within 60 days of receiving the claim or other communication.

Although this legislation is well-intentioned, it is DAV's view that the VA already has practices and policies in place to communicate with veterans, their dependents and survivors. The VA sends letters to veterans, their dependents and survivors in response to compensation claims. Letters may be sent in reply to veterans, their dependents and survivors inquiries with VA Contact Centers. Letters are sent to veterans for each Notification of Disagreement that is received. Letters of transmittal are sent with each Statement of the Case and Supplemental Statement of the Case when new evidence is submitted.

In fiscal year 2008, the VA received in excess of 9 million pieces of correspondence for all claims and other communications. It is our perspective that this bill, if enacted into law, would place an undue and unattainable goal on the VA and will greatly delay claims decisions. The DAV would rather continue the focus, in concert with the Department of Veterans Affairs (VA) and the Veterans' Affairs Committees of the House and Senate, on ways to streamline the claims process.

H.R. 1522

The United States Cadet Nurse Corps Equity Act, introduced by Representative Lowey on March 16, 2009, seeks to provide that service of the members of the organization known as the United States Cadet Nurse Corps during World War II con-

stituted active military service for purposes of laws administered by the Secretary of Veterans Affairs.

The DAV has no resolution on this bill. It also falls outside the scope of our organization's mission. However, we have no objection to its favorable consideration.

H.R. 2270

Benefits for Qualified World War II Veterans Act of 2009, was introduced by Congressman Buyer on May 6, 2009. It seeks to establish a compensation fund to make payments to qualified World War II veterans on the basis of certain qualifying service.

The DAV has no resolution on this bill. It also falls outside the scope of our organization's mission. However, we have no objection to its favorable consideration.

MATERIAL SUBMITTED FOR THE RECORD

U.S. Department of Veterans Affairs
 Secretary of Veterans Affairs
 Washington, D.C.
 August 5, 2009

The Honorable Bob Filner
 Chairman
 Committee on Veterans' Affairs
 U.S. House of Representatives
 Washington, DC 20515

Dear Mr. Chairman:

I write to provide the views of the Department of Veterans Affairs (VA) on H.R. 2270, the "Benefits for Qualified World War II Veterans Act of 2009," and to provide a cost estimate for H.R. 1522, the "United States Cadet Nurse Corps Equity Act." Although the agenda for a May 21, 2009, legislative hearing before the Disability Assistance and Memorial Affairs Subcommittee of the House Committee on Veterans' Affairs included these bills, VA was unable to provide this information in time for that hearing.

H.R. 2270

H.R. 2270 would establish in the U.S. Treasury the "Qualified World War II Veterans Equity Compensation Fund" to fund payments by VA to certain eligible individuals who are recognized pursuant to section 401 of the GI Bill Improvement Act of 1977 as having served on active duty.¹ VA would pay \$1,000 per month to each such individual who applies for these payments within 1 year from the date of enactment of this bill and has not received benefits under the Servicemen's Readjustment Act of 1944. The bill would authorize appropriations for the fund with no predetermined year of expiration. In addition, it would require VA to include in its budget submissions to Congress each year detailed reports about the administration of the compensation fund and, not more than 180 days after enactment, to prescribe regulations to carry out its provisions.

VA does not support this bill. First, to the extent that H.R. 2270 is intended to offer belated compensation to individuals whose civilian or contractual service is now considered active duty, these individuals and their survivors are already eligible for Veterans' benefits based on such service. Pursuant to the authority granted by section 401 of the GI Bill Improvement Act of 1977, Public Law 95-202, the Secretary of Defense has determined that the service of 33 such groups constituted active military service. As a result, these individuals are eligible for the same benefits and services, including health care and old age pensions, as other Veterans of active service. This bill appears to contemplate concurrent eligibility with benefits that members of these groups may already be receiving from VA, a special privilege unavailable to other Veterans.

Second, although there can be no doubt that the service groups that were conferred Veteran status pursuant to section 401 of the GI Bill Improvement Act of 1977 were exposed to many of the same rigors and risks of service as those confronted by members of the Armed Forces during wartime, the universal nature and amount of the benefit that H.R. 2270 would provide for eligible individuals are difficult to reconcile with the benefits VA currently pays to other Veterans. H.R. 2270 would create what is essentially a service pension for particular classes of individuals. Furthermore, this bill would authorize the payment of a benefit to the members of these groups, based simply on qualifying service, greater than a Veteran currently receives for a service-connected disability rated as 60 percent disabling.

During the May 21, 2009, hearing, the Subcommittee on Disability and Memorial Affairs requested VA to include in its supplemental written testimony the number of Veterans remaining from each of the service groups that would be eligible for this benefit. However, this information is not available to VA. Currently, 33 groups, identified in 38 C.F.R. § 3.7(x), have been recognized pursuant to section 401 of the GI Bill Improvement Act of 1977 as having performed active military service. VA confirms Veteran status for individuals from these groups if they apply for VA benefits, but VA does not maintain statistics on the various organizations in which they served.

¹The bill, at line 8 of page 3, erroneously refers to "section 1401" of the GI Bill Improvement Act of 1977.

VA estimates that enactment of H.R. 2270 would result in a total additional benefit cost of approximately \$185.5 million in the first fiscal year and \$780.6 million over 10 years. It would result in additional administrative costs of \$490,000 for the first year and \$2.6 million over 10 years.

H.R. 1522

H.R. 1522, the "United States Cadet Nurse Corps Equity Act," would deem participation in the United States Cadet Nurse Corps during World War II to have been active duty in the Armed Forces for VA benefit purposes, but would prohibit the payment of benefits resulting from its enactment for any period before the date of enactment. VA estimates that enactment of H.R. 1522 would result in a total additional benefit cost of approximately \$14.5 million in the first fiscal year and \$79.9 million over 10 years. It would result in additional administrative costs of \$1.9 million for the first year and \$12.3 million over 10 years.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

Eric K. Shinseki

