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## U.S. House of Representatives

COMMITTEE ON VETERANS' AFFAIRS

ONE HUNDRED EIGHTH CONGRESS

335 CANNON HOUSE OFFICE BUILDING

WASHINGTON, DC 20515

<http://veterans.house.gov>

September 12, 2003

Honorable Christopher H. Smith  
Chairman  
Committee on Veterans' Affairs  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

Recent reports have suggested that the Administration is supporting amendments to the Department of Defense Authorization Bill which would drastically and dramatically limit eligibility for service-connected disability compensation benefits from the Department of Veterans Affairs (VA). The proposals reported in the press would permit a disabled veteran to receive compensation only if he or she could **prove** that their disability was related to the performance of military duties. Given the current state of medical science and the circumstances of military service, the burden of proof could be insurmountable for many veterans.

As you know current law recognizes that military servicemembers are on duty and available for service to the Nation 24 hours a day, seven days a week. Current law recognizes the difficulty in establishing causation for disabilities which are incurred or aggravated by military service by providing compensation for disabilities identified while a servicemember is on active duty or for which an association between military service and a disability discovered later in life can be established. In cases where the evidence for and against service connection is equivoque, the "benefit of the doubt" goes to veterans.

The reported proposals would require servicemembers to affirmatively prove that they were performing military duties at the time when the disability arose and that the cause of the disability was performance of duty. While causation is easily established when a servicemember is shot by enemy fire, the nature of current day warfare results in many disabilities for which causation is not easily established.

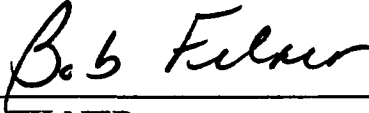
Indeed under the current "special pay" program passed last year, the servicemember claiming a disability involving an encounter with an armored tank must establish that the tank hit him or her rather than him or her hitting the tank in order to receive special pay for the injury.

Our atomic veterans, our Vietnam veterans and our Persian Gulf veterans have all been disabled by disabilities for which exact causation has not been determined. Indeed, medical science recognizes clear causation only in very clear cut cases such as traumatic injuries, poisonings and infectious diseases. Many conditions are a combination of genetic, environmental and often unknown factors. In other cases, such as exposure to herbicides, it takes years of research to establish evidence of a connection between toxic exposures and various diseases.

We strongly urge you as the Chairman of the House Committee on Veterans Affairs to oppose any attempts to bypass our Committee jurisdiction so that legislation to alter the VA service-connected compensation program could be included in the Defense Authorization bill or any other legislation which has not been subjected to hearings by the Committee on Veterans Affairs.

Sincerely,

  
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LANE EVANS  
Ranking Democratic Member

  
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BOB FILNER

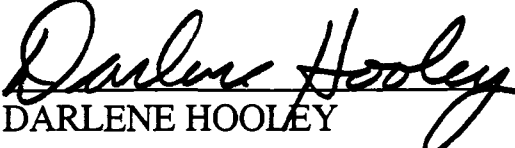
  
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LUIS GUTIERREZ

  
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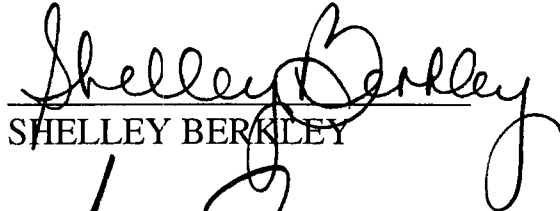
  
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