



CAREGIVERS AND SURVIVORS

SUMMARY

The Department of Veterans Affairs (VA) offers the Caregiver Support Program (CSP), which includes the Program of General Caregiver Support Services (PGCSS) and the Program of Comprehensive Assistance for Family Caregivers (PCAFC). These programs are effective at reducing stress on the Veterans Health Administration (VHA) system by allowing veterans who would otherwise be served by inpatient facilities to be cared for at home.

Many caregivers transition to survivors when their loved one dies. Department of Veterans Affairs survivor's Dependency and Indemnity Compensation (DIC) has been paid in some form to military survivors since the Revolutionary War. At the time, only officers received the benefit. This discrepancy between officer and enlisted was eliminated in 1917 by the *War Risk Insurance Act*.

ISSUE #1 – Compensation Disparity

A survivor's monthly Dependency and Indemnity Compensation (DIC) payment is currently 43% of the basic rate for a 100% disabled veteran. This contrasts with the standard government death payment of 55% of retirement pay. Meaning - Military Survivor DIC recipients currently lag behind other federal program payments by nearly 28 percent. Department of Justice DIC payments are on average 2x military DIC. Congressional DIC payments equal the full compensation of the deceased member, averaging 9x higher than military DIC. Survivor benefit payment rates are less for military than it is for civilian federal employees. Military survivors deserve better.

ISSUE #2 – Remarriage Penalty and Forfeiture of Safety Network

Gold Star Spouses lose all earned benefits when remarrying, including pensions and DIC. This creates a reverse incentive to love again and forces a decision between financial and emotional stability. Spouses cannot even remarry through their church without government involvement because the VA will seek out and remove benefits from spouses who are "holding themselves out to be married" without a marriage license.

ISSUE #3 – Strict Caregiver Program Eligibility Requirement

The caregiver program is effective in reducing long-term care demand at VA facilities, but eligibility requirements and rural access remain a concern. The new requirements for eligibility are incredibly strict, kicking 90% of caregivers off the program. A disabled veteran who can feed themselves even once a week is considered "able" under the current requirements and ineligible for either program.

ISSUE #4 – Lack of Transitional Support

When a caregiver is denied or removed from a CSP program (due to their veteran getting better, dying, or a change in eligibility requirements), they are fully removed from the program without support. This process is

often abrupt and, if the caregiver left employment to care for the veteran, leaves a gap in income. In addition, veterans who require services but are denied due to the strict requirements are left with no recourse other than appeal.

CURRENT LEGISLATION

- ***H.R. 1083/ S. 414 - Caring for Survivors Act of 2023***
 - Streamlines DIC by replacing the set monthly payment to 55 percent of a 100% disability rate. 55% is the standard rate for government employees, and military DIC is currently 28% less than this standard.
- ***H.R. 3651 / S.1266 - Love Lives On Act of 2023***
 - This bill allows survivors to retain benefits upon remarriage at any age and removes the "Holding oneself out to marriage" terminology in 38 USC 103, allowing surviving spouses to remarry without VA oversight.
- ***H.R.3581 – Caregiver Outreach and Program Enhancement (COPE) Act***
 - Expands mental health support for caregivers participating in the PCAFC program
 - Requires notification to participating caregivers about mental health support in Veterans Integrated Service Network (VISN)
 - Requires plan for how needs of rural veterans, American Indian or Alaska native veterans, elderly veterans, women veterans, and other underserved veterans will be addressed.

SUPPORTING RESOLUTIONS

- No. 18: Comprehensive Supports for Caregiver Support Program
- No. 24: Caregiver Program
- No. 36: Prevent Gold Star Spouses Loss of Benefits.
- No. 48: Dependency and Indemnity Compensation for Surviving Spouses.

WHAT CONGRESS CAN DO

Congress should acknowledge the sacrifices made by Gold Star families by endorsing the parity of benefits with other federal programs (HR 1083/S 414) and permitting Gold Star spouses to remarry (HR 3651/S 1266). Enhance accessibility to the Caregiver Support Program by lowering Activities of Daily Living requirements and disability rating eligibility, and advocating for the passage of Caregiver bills backed by The American Legion. Additionally, ensure comprehensive access to mental health support for caregivers, recognizing the vital role they play in the well-being of our veterans.

