

STATEMENT FOR THE RECORD
PARALYZED VETERANS OF AMERICA
FOR THE
HOUSE COMMITTEE ON VETERANS' AFFAIRS
ON PENDING LEGISLATION
JULY 23, 2020

Chairman Takano, Ranking Member Roe, and members of the Committee, Paralyzed Veterans of America (PVA) would like to thank you for this opportunity to provide our views on legislation impacting the Department of Veterans Affairs (VA) that is pending before the Committee. No group of veterans understand the full scope of benefits and care provided by VA better than our members—veterans who have incurred a spinal cord injury or disorder. PVA provides comment on the following bills included in today's hearing.

H.R. 6082, the “*Forgotten Vietnam Veterans Act*”

PVA supports passage of the “Forgotten Vietnam Veterans Act” which seeks to change the start date of the Vietnam era for veterans who served in the Republic of Vietnam from February 28, 1961, to November 1, 1955. More than 3,000 active duty military personnel served with the United States Military Assistance Advisory Group in Vietnam during this period. Currently, these individuals are not considered to have served during the Vietnam war era despite having faced similar, war-like conditions and receiving the Armed Forces Expeditionary Medal. They deserve equal recognition for their service, and access to the benefits that are extended to veterans with wartime service.

H.R. 2791, the *Department of Veterans Affairs Tribal Advisory Committee Act of 2019, would establish the Department of Veterans Affairs Advisory Committee on Tribal and Indian Affairs, and for other purposes.*

PVA supports H.R. 2791, which would establish a VA Advisory Committee on Tribal and Indian Affairs. This new panel would help to foster better communication and understanding between VA and Tribal governments. The result will be improved access to VA health care programs, benefits, and services for Native American veterans.

H.R. 4526, the “*Brian Tally VA Employment Transparency Act*”

The “Brian Tally VA Employment Transparency Act” requires VA to provide, within 30 days of a veteran submitting a claim, a notice of the importance of securing legal counsel; the employment status of any individual involved in the claim; and the statute of limitations in the relevant state if the claim involves a contractor. We support this effort to ensure veterans receive the information they need to make timely decisions about their legal options whenever medical malpractice is suspected or occurs.

H.R. 3582, *To amend title 38, United States Code, to expand the scope of the Advisory Committee on Minority Veterans, and for other purposes.*

This bill expands the scope of the Advisory Committee on Minority Veterans by including lesbian, gay, bisexual, and transgender individuals as minority group members. PVA supports this legislation.

H.R. 96, *To amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish dental care in the same manner as any other medical service, and for other purposes.*

Even though dental benefits are the bridge to health and wellness, VA closely ration these services citing the severe underfunding of its dental departments. Currently, VA dental care is limited to a small number of veterans such as those who are 100 percent disabled or have a service-connected dental condition, former prisoners of war, and homeless veterans. Dental care may also be available if a dental condition is aggravating a service-connected condition or complicates treatment of that condition. PVA supports H.R. 96 which would require VA to furnish dental care in the same manner as any other medical service.

H.R. 4281, *the “Access to Contraception Expansion for Veterans Act” or the “ACE Veterans Act”*

H.R. 4281 directs VA to allow a veteran to receive a full year supply of contraceptive products, including pills, transdermal patches, and vaginal rings. PVA does not have any specific objections to the bill although it is unclear whether dispensing these supplies in 12-month increments has any advantages, or equally important, if veterans would be interested in paying for a year's supply at one time.

H.R. 3010, *the “Honoring All Veterans Act”*

We do not have an official position on this legislation, however, we generally support efforts to ensure that VA's mission statement is inclusive of women veterans and better reflects today's veteran population.

H.R. 7163, *the “VA FOIA Reform Act of 2020”*

PVA supports any effort like H.R 7163 to require VA to respond quickly to requests for information made to VA pursuant to section 552 of title 5, United States Code. We also support making as much information publicly available as possible, as noted in subsection(b). However, it is important for VA to respond to long-pending requests, and if anything, this measure should be strengthened. Veterans and the organizations that advocate on their behalf must have timely access to information about critical matters such as VA's provision of health care and management of claims.

H.R. 7111, *the “Navy SEAL Chief Petty Officer William “Bill” Mulder (Ret.) Veteran Economic Recovery Act of 2020”*

This bill directs VA to carry out a retraining assistance program for unemployed veterans. Prior to COVID-19, the Department of Labor reported that veteran

unemployment was the lowest it had been in almost two decades.¹ That number has since almost tripled due to the pandemic and a recent study found that 42 percent of jobs lost to COVID will not be returning.² Another study found fourteen percent of veterans were working in the top five industries most impacted by COVID.³ As we initiate efforts to help get veterans back to work, it is essential we focus our valuable resources and time on getting them into jobs that are in demand. H.R. 7111 is essential legislation to strengthen existing retraining job opportunities and establish new resources to get veterans employed and back on their feet. PVA strongly supports this legislation and urges Congress to approve it as quickly as possible. Since the problem it looks to address is directly related to COVID and the need to do something now is great, we strongly recommend this legislation be incorporated into pandemic relief legislation now being discussed in Congress.

H.R. 2435, the “Accelerating Veterans Recovery Outdoors Act”

The “Accelerating Veterans Recovery Outdoors Act” directs VA to establish an interagency task force on the use of public lands to provide medical treatment and therapy to veterans through outdoor recreation. In addition to PVA’s nationally recognized sports programs, we are also associated with the national governing bodies of many disabled sports organizations. Access to the outdoors can have a tangible and meaningful impact on our veterans’ mental health and physical wellbeing. For wheeled mobility device users, outdoor recreation improves perceived competence, increases positive moods, and decreases negative mood states such as tension, anger, and depression.⁴ Since outdoor recreational programs are associated with mental and physical health improvement, and barriers to participation in sporting and recreational activities increase significantly after spinal cord injury, it is essential that individuals with disabilities affecting participation in these events have access to both formal and informal outdoor recreation opportunities.⁵ Therefore, PVA strongly supports H.R. 2435. It is our hope that this task force keeps the needs of veterans with spinal cord injuries and disorders at the forefront as they complete their work.

H.R. 7287, to clarify the licensure requirements for contractor medical professionals to perform medical disability examinations for the Department of Veterans Affairs.

¹<https://www.dol.gov/agencies/vets/newsletter#:~:text=Additionally%2C%20the%20veteran%20unemployment%20rate,View%20the%20full%20report>.

² <https://www.dol.gov/agencies/vets/latest-numbers>; <https://www.brookings.edu/bpea-articles/covid-19-is-also-a-reallocation-shock/>

³ <https://bobwoodrufffoundation.org/wp-content/uploads/2020/04/Veterans-and-COVID19-Exec-Summary-1.pdf>

⁴ Lundberg, N., Bennett, J., & Smith, S. (2011). Outcomes of Adaptive Sports and Recreation Participation among Veterans Returning from Combat with Acquired Disability. *Therapeutic Recreation Journal*, XLV(2), 105-120.

⁵ Tasiemski, T., Bergström, E., Savic, G., & Gardner, B. (2000). Sports, recreation and employment following spinal cord injury—a pilot study. *Spinal Cord*, 38(3), 173-184. doi:10.1038/sj.sc.3100981; Menzies, A., Mazan, C., Borisoff, J. F., Mattie, J. L., & Mortenson, W. B. (2020). Outdoor recreation among wheeled mobility users: Perceived barriers and facilitators. *Disability and Rehabilitation: Assistive Technology*, 1-7. doi:10.1080/17483107.2019.1710772

PVA supports this bill which would allow any physician, physician assistant, nurse practitioner, audiologist, or psychologist to conduct disability examinations in any location in any state, the District of Columbia, or a commonwealth, territory, or possession of the United States. By increasing the number of medical personnel who can conduct disability exams, we can help ensure that our veterans get the exams they need closer to home, which will allow for faster claims decisions.

H.R. 3228, “VA Mission Telehealth Clarification Act”

The VA MISSION Act of 2018 made considerable reforms to the way in which veterans receive care, including expanding VA’s ability to provide care to veterans across state lines using telehealth. However, the law prevents VA health care trainees from effectively training on and using telehealth equipment. The “VA Mission Telehealth Clarification Act” aims to address this issue and expand the number of VA health professionals who can participate in telehealth under the law. It would authorize those under clinical supervision of VA healthcare providers to participate in and conduct telehealth appointments. It would also allow VA health care employees who meet VA qualifications as specified under 38 U.S.C. 7402(b), but whose professions may not require state licensure, to participate in telehealth. PVA supports the passage of H.R. 3228 which enhances VA’s training and increases the number of providers available to care for veterans virtually.

H.R. 6141, the “Protecting Moms Who Served Act”

This bill makes important improvements to assist women veterans during and following pregnancy. Specifically, this legislation authorizes funds for VA to improve maternity care coordination for women veterans throughout pregnancy and the one-year postpartum period. It also requires VA to submit a plan to improve maternity care coordination to fulfill the responsibilities and requirements in the Veterans Health Administration Handbook 1330.03 (or successor handbook). Additionally, it requires the Government Accountability Office to report on maternal mortality and severe maternal morbidity among women veterans, with a focus on racial and ethnic disparities in maternal health outcomes. PVA supports this important legislation.

Discussion Draft, the “Veterans Benefits Fairness and Transparency Act of 2020”

The Disability Benefit Questionnaire (DBQ) was introduced to help reduce the backlog of claims and enable health care providers to document an accurate assessment of a veteran’s disability to support veterans’ compensation and pension claims. Since then, VA has created multiple DBQs and uses them for determining a veteran’s level of disability for rating decisions and other purposes. Citing fraud, modernization efforts, and the challenges of the Paperwork Reduction Act of 1985, VA pulled the public facing DBQs in April 2020 with little to no discussion with veteran service organizations on the issue.

By removing DBQs from public access, VA is preventing a veteran’s private sector physician from providing required medical evidence to support a veteran’s claim, while at the same time, promoting care in the private sector under the VA MISSION Act. This will result in unnecessary compensation and pension exams, creating additional

burdens for veterans and work for VA in arranging these exams and processing them. Thus, we support this legislation which would require VA to reinstate the public facing DBQs and create a central location for access; create a clearly defined window of acceptance for previous versions of the DBQ; waive the DBQs from any interagency approval processes, and require annual reports from the VA Office of Inspector General on use of the forms.

PVA would once again like to thank the Committee for the opportunity to submit our views on some of the legislation being considered today. We look forward to working with you on this legislation and would be happy to take any questions you have for the record.

Information Required by Rule XI 2(g) of the House of Representatives

Pursuant to Rule XI 2(g) of the House of Representatives, the following information is provided regarding federal grants and contracts.

Fiscal Year 2020

Department of Veterans Affairs, Office of National Veterans Sports Programs & Special Events — Grant to support rehabilitation sports activities — \$253,337.

Fiscal Year 2019

Department of Veterans Affairs, Office of National Veterans Sports Programs & Special Events — Grant to support rehabilitation sports activities — \$193,247.

Fiscal Year 2018

Department of Veterans Affairs, Office of National Veterans Sports Programs & Special Events — Grant to support rehabilitation sports activities — \$181,000.

Disclosure of Foreign Payments

Paralyzed Veterans of America is largely supported by donations from the general public. However, in some very rare cases we receive direct donations from foreign nationals. In addition, we receive funding from corporations and foundations which in some cases are U.S. subsidiaries of non-U.S. companies.