

February 23, 2026

The Honorable Michael Bost
Chair, House Committee on Veterans Affairs

The Honorable Jerry Moran
Chair, Senate Committee on Veterans Affairs

The Honorable Mark Takano
Ranking Member, House Committee on
Veterans Affairs

The Honorable Richard Blumenthal
Ranking Member, Senate Committee on
Veterans Affairs

**Re: Statement for the Record in Opposition to Recent Department of Veterans
Affairs Interim Final Rule, Docket No. VA-2026-VBA-0067**

Dear Chairs Bost and Moran, Representative Takano and Senator Blumenthal:

On behalf of the undersigned veteran and military service and advocacy organizations, we ask you accept this as a group Statement for the Record for your upcoming February 24, 2026 Joint House and Senate VSO (Veteran Service Organization) Hearing, for us to specifically recommend this series of Joint Hearings specifically investigate the issue of disability rating and compensation reform, and to express our strong and specific concerns regarding the Department's recently issued Interim Final Rule (IFR) addressing changes to the disability evaluation and compensation framework. While we appreciate the Department's stated interest in reform, we must respectfully oppose this rulemaking as issued and urge its immediate rescission, and request your committees express such opposition as well.

First and foremost, the undersigned organizations are not reflexively opposed to reform of the VA disability rating and compensation systems. On the contrary, we recognize that periodic reassessment is necessary to ensure that the system reflects contemporary medical knowledge, functional impacts, and the lived experiences of veterans. Indeed, our organizations will be convening a comprehensive disability compensation reform conference in mid-March with the explicit goal of developing substantive recommendations for both the Department and Congress, and to which we will invite your participation and that of interested Members of Congress. That effort will examine not only the disability evaluation and rating process, but also the adequacy of current compensation levels and the integration of benefits necessary to support veterans' recovery, stability, and long-term well-being.

However, the IFR as published appears to be motivated not by a careful effort to align VA disability programs with the conditions veterans currently experience, but rather by an objective of generating cost savings irrespective of the real-world impact on disabled veterans or the medical and vocational realities underlying their claims. Regulatory reform must be evidence-driven, veteran-centric, and transparent. This action, issued without prior engagement with stakeholders, falls far short of that standard.

Failure to Meet *Administrative Procedures Act* Regulatory Issuance Requirements

The *Administrative Procedure Act* (APA) establishes a clear preference for notice-and-comment rulemaking over an Interim Final Rule. An Interim Final Rule may bypass the preferred advance notice process only when an agency demonstrates "good cause" that such procedures are

impracticable, unnecessary, or contrary to the public interest (5 U.S.C. § 553(b)(B)). Courts have consistently interpreted this exception narrowly and require agencies to show genuine urgency or harm that would result from following ordinary rulemaking procedures.

The justification articulated by the VA in the IFR does not meet this threshold. The Rule does not address an emergency, a statutory deadline that could not be met through ordinary procedures, or a circumstance requiring immediate regulatory action to prevent imminent harm. Instead, the issues addressed involve long-term policy judgments about disability evaluation and compensation – precisely the type of matters for which robust notice-and-comment participation is required. The absence of prior consultation, stakeholder input, or public discussion underscores that the IFR mechanism was used inappropriately. We therefore further request your committees exercise their oversight authorities to investigate the motivation for this IFR, and whether or not the Department properly followed regulatory procedures in issuing it.

Concerns Regarding the Announced “Pause in Enforcement”

We are further concerned by the Department’s announcement that enforcement of the IFR would be “paused.” While this may have been intended to reassure stakeholders like us, such a pause is insufficient and, as a matter of administrative law, potentially irrelevant to the legal status of the Rule. Specifically, the same authority which may allow the Secretary to pause enforcement of a rule purportedly issued with lawful effect (an authority which we doubt exists) could be used to reinstate enforcement at any time. This leaves disabled veterans uncertain about the security of their benefits and undermines confidence in the stability of the adjudication system.

Moreover, once an IFR is promulgated, the Executive Branch is generally obligated to faithfully execute it. The APA and the “Take Care” clause of the U.S. Constitution (Article II, Section 3) requiring faithful execution of the law, does not contemplate selective enforcement of duly issued regulations during a comment period; indeed, the IFR process is specifically designed to allow an agency to enforce the proposed Rule immediately because of the authorized specific exigent circumstances. A posture of selective non-enforcement not only threatens the underlying Rule to claims of arbitrary and capricious execution but also risks exposing the Department to legal challenges seeking to compel full implementation (including full enforcement), potentially creating precisely the instability the pause was meant to avoid.

The Path Forward

At this stage, the only responsible course is for the Department to rescind the Interim Final Rule in its entirety. If the Department still wishes to pursue these proposed changes in their current form, it should do so through a new Notice of Proposed Rulemaking (NPRM) that:

1. Engages veterans, clinicians, adjudicators, economists, and service organizations in meaningful dialogue of what reforms the Department believes are necessary, and why;
2. Provides a transparent explanation of the policy objectives and evidentiary basis for reform;
3. Allows sufficient time for public comment and data submission; and

4. Ensures that any final reforms are demonstrably tied to improving outcomes for veterans, not merely reducing expenditures.

Again, we believe it is time for your committees to exercise their oversight authorities to assist the VA in returning to a regulatorily compliant process for such reforms, whether by IFR or NPRM. Our organizations are ready to participate constructively in such a process both with the Department and Congress and will share the findings of our upcoming reform conference with both Congress and the Department. We believe collaborative, deliberative reform can strengthen the system while preserving the trust veterans place in it.

Regardless, while we pursue prompt meetings with the Secretary, the leadership of the Veterans Benefits Administration, the VA's General Counsel, the VA's Office of Regulatory Affairs, and the Office of Management and Budget's Office of Information and Regulatory Affairs, we also recommend your Committees host a series of roundtables on veterans disability rating and compensation reform to bring this process into a more collaborative, comprehensive transparent and regulatorily compliant process which continues to place the needs of disabled veterans at the center of these processes and goals.

Thank you for your attention to this matter and for your continued service to the nation's veterans.

Very Respectively,

National Defense Committee
Military-Veterans Advocacy, Inc.
Naval Enlisted Reserve Association
Marine Corps League
Vietnam Veterans of America
Association of the U.S. Navy
Veteran Warriors
Operation First Response
Wounded Paw Project
WiseHealth/VeteranCaregiver.org
American G.I. Forum
Non Commissioned Officers Association
Heroes Athletic Association
Healing Household 6
Shield of Sisters
AMVETS
Military Order of the Purple Heart
Gold Star Spouses of America
Iraq and Afghanistan Veterans of America
TREA: The Enlisted Association
Sea Service Family, Foundation

Jewish War Veterans of the USA
American Logistics Association
Enlisted Association of the National
Guard of the United States
America's Warrior Partnership
Korean War Veterans Association
Stronghold Freedom Foundation
American Defenders of Corregidor and
Bataan Memorial Society
Armed Forces Retirees Association
America' Retirees Association
Commissioned Officers Association of the
U.S. Public Health Service
Fleet Reserve Association
Tragedy Assistance Program for Survivors
Army Aviation Association of America
Grunt Style Foundation
National Association of County Veteran
Service Officers
Burn Pits 360
Chief Warrant Officers Association of the
U.S. Coast Guard