
501(C)(3) Veterans Non-Profit

STATEMENT FOR THE RECORD

PARALYZED VETERANS OF AMERICA

FOR THE

HOUSE VETERANS' AFFAIRS COMMITTEE

SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS

ON

PENDING LEGISLATION

OCTOBER 24, 2023

Chairman Luttrell, Ranking Member Pappas, and members of the Subcommittee, Paralyzed Veterans of America (PVA), would like to thank you for the opportunity to submit our views on pending legislation impacting the Department of Veterans Affairs (VA) that is before the Subcommittee. No group of veterans understand the full scope of benefits and care provided by VA better than PVA members—veterans who have incurred a spinal cord injury or disorder (SCI/D). Several of these bills will help to ensure veterans receive much needed aid and support. PVA provides comment on the following bills included in today's hearing.

H.R. 1753, the Jax Act

The Jax Act will ensure that women who served in cultural support teams assigned to the Commander of the United States Special Operations Command from January 1, 2010, through August 31, 2021, are recognized for their combat exposure in service while on active duty. While PVA supports the intent of this legislation, enhancements could be made to improve the bill's scope.

There are nearly two million women veterans in the U.S. According to the VA, nearly 55 percent of them served in the Gulf or Post-9/11 eras. As of December 2022, women made up more than 17 percent of the active-duty force and 21 percent of the National Guard and reserve component.

The repeal of the Direct Ground Combat Exclusion Rule for Female Soldiers by the Department of Defense (DOD) in 2013 authorized women to serve in all combat occupations. This information underscores that the scope of this legislation, which would impact 310 women, is far from adequate.

Women have served in combat and combat support roles since the Revolutionary War, a common statement often expressed by VA, DOD, and even Congress. To ignore that fact does a disservice to women veterans who have served this country through every major conflict we've faced as a nation. The scope of H.R. 1753, as written, only covers women attached to Special Operations Command from 2010 through 2021, even though for the last years of that timeframe women were no longer exempt from combat. Women servicemembers were acting in the role of cultural support teams, female engagement teams, and the well-regarded Lioness Program well before 2010. To only offer recognition and support of such a small group of women does a disservice to women who have filled these roles and may also be facing difficulties when applying for VA benefits.

PVA strongly supports the bill's goal of removing systemic barriers for women who served in combat. We hope to see additional legislation targeted toward other groups of women veterans in similar situations. Service connection is granted for illness or injury incurred during service, regardless of combat deployments. If women veterans are facing challenges in accessing VA benefits and experiencing persistent denials of their claims, VA needs to address this in a meaningful way.

H.R. 3790, the Justice for ALS Veterans Act of 2023

Currently, if a veteran was rated totally disabled for a continuous period of at least eight years immediately preceding death, their eligible survivors can receive an additional \$331.84 per month in Dependency and Indemnity Compensation (DIC). This monetary installment is commonly referred to as the DIC "kicker."

Amyotrophic Lateral Sclerosis (ALS) is an aggressive disease that quickly leaves veterans incapacitated and reliant on family members and caregivers. Many spouses stop working to provide care for their loved one who, once diagnosed, only has an average lifespan of between three to five years. Because so few veterans survive beyond five years, the surviving spouses of veterans with ALS rarely qualify for the additional DIC benefit. Jann Vasiloff, the surviving spouse of PVA member George Vasiloff, was disqualified for this exact reason. Determined not to let this happen to other spouses, Ms. Vasiloff helped PVA craft the Justice for ALS Veterans Act to make the surviving spouses of future veterans with ALS eligible for the DIC kicker, regardless of how long the veteran had the disease.

Members of this Subcommittee were supportive of this legislation when it was reviewed in October of 2021, but some suggested that there may be other service-connected conditions that deserve similar consideration. The VA recognizes ALS as a presumptive service-connected disease, and due to its progressive nature, automatically rates any diagnosed veteran at 100 percent once service connected. Although we are unaware of other service-connected conditions that have a 100 percent mortality rate, like ALS, we are pleased this version of the bill incorporates PVA's recommended language directing the VA to study the matter and provide their findings to Congress. With the addition of this language, Congress should not further delay passage of this critical language.

H.R. 4016, the Veteran Fraud Reimbursement Act

In a July 21, 2021, report,¹ the VA Office of the Inspector General (OIG) highlighted the significant wait times defrauded veterans in the VA fiduciary program face due to the universal negligence determination requirement. Some veterans even died before seeing their reimbursements. The purpose of the VA Fiduciary Program is to protect beneficiaries who are unable to manage their VA benefits because of injury, disease, advanced age, or if they are under age 18. Studies show veterans are particularly vulnerable to scams, including those perpetrated by someone entrusted with their care.

Too often, we hear about VA-appointed fiduciaries failing to honor the trust given them and illegally misusing veterans' funds for their own personal gain. Unfortunately, not all veterans who have VA-appointed fiduciaries are treated equally under federal law. If a fiduciary misuses a veteran's benefits, the VA will remove the fiduciary, but it can only re-issue stolen benefits to the veteran if the fiduciary manages benefits for ten or more veterans. According to VA, however, 80 percent of beneficiaries have a one-on-one relationship with their fiduciary. The "10 or more" requirement leaves thousands of veterans unable to recoup benefits lost through no fault of their own. PVA supports H.R. 4016, which makes it easier for veterans with disabilities to be made financially whole by the Veterans Benefits Administration (VBA) in the event they are defrauded of their benefits.

H.R. 4190, the Restoring Benefits to Defrauded Veterans Act

Under current law, if a defrauded veteran passes away before their case with the VA is resolved, the veteran's family cannot seek reimbursement for the defrauded funds. PVA supports this bill, which directs VA to reissue misused benefits to the veteran's estate, successor, or next inheritor. The Subcommittee should, however, consider adjusting the text of the bill so it prevents any

¹ [VBA's Fiduciary Program Needs to Improve the Timeliness of Determinations and Reimbursements of Misused Funds \(va.gov\)](https://www.va.gov/opa/pressrel/pr2021-0010.htm)

family members involved in the fraudulent activity from benefiting from funds restored to the veteran's estate.

H.R. 5559, the Protecting Veterans Claim Options Act

PVA supports the Protecting Veterans Claims Options Act, which clarifies that veterans have one year to submit a supplemental claim. Also, if new and relevant evidence is included, all evidence of record would be considered. Occasionally, we see problems with the way VA interprets legislation that is directive in nature and we trust that the Subcommittee will work with VA to ensure that the bill's requirements are sufficiently clear to ensure that the Department will properly implement Congress's intent.

H.R. 5870, the Veteran Appeals Transparency Act of 2023

PVA supports efforts like this bill to increase transparency of the Board of Veterans' Appeals and the appeals process. Some of the information required in the legislation is already published. Thus, we encourage the Subcommittee to work with the Board to limit duplicative work that could also prove to be confusing for veterans.

H.R. 5890, the Review Every Veterans Claim Act of 2023

PVA strongly supports this legislation, which seeks to limit the VA's authority to deny a veteran's claim solely based on the veteran's failure to appear for a medical examination associated with the claim. Thousands of veterans' claims for service connection, claims for increase, and for other benefits like Total Disability Individual Unemployability and Aid and Attendance have been denied solely on the basis of missing an examination. There are many legitimate reasons why a veteran may not be able to attend a scheduled exam. We are also aware of numerous instances where VA contractors erroneously record the veteran as a "no show." Passage of this legislation will ensure that a missed exam isn't the only basis for denying a veteran's claim.

Discussion Draft, the Veteran Appeals Decision Clarity Act

PVA was honored to play a role in creating the new appeals system, along with some of the perfecting changes to the Appeals Modernization Act passed by Congress in recent years. We strongly support this legislation, which is consistent with prior U.S. Government Accountability Office recommendations. It restates what information the Board should provide veterans regarding the denial of an appeal, which is critical to ensuring that they are able to further pursue their claims, as needed.

PVA would once again like to thank the Subcommittee for the opportunity to submit our views on some of the bills being considered today. We look forward to working with you on this legislation and would be happy to take any questions 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 2023

Department of Veterans Affairs, Office of National Veterans Sports Programs & Special Events — Grant to support rehabilitation sports activities — \$479,000.

Fiscal Year 2022

Department of Veterans Affairs, Office of National Veterans Sports Programs & Special Events — Grant to support rehabilitation sports activities — \$ 437,745.

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.