

STATEMENT OF
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FOR THE RECORD

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS

WITH RESPECT TO

Pending Legislation

Washington, D.C.

March 26, 2025

Chairman Luttrell, Ranking Member McGarvey, and members of the subcommittee, on behalf of the men and women of the Veterans of Foreign Wars of the United States (VFW) and its Auxiliary, thank you for the opportunity to provide testimony regarding this pending legislation.

H.R. 530, ACES Act

The VFW supports this legislation that would authorize a study by the National Academies of Sciences, Engineering, and Medicine (NASEM) on the prevalence and mortality rates of certain cancers in U.S. Armed Forces fixed wing aircrew members, and on any association between these cancers and exposures to various materials and environmental conditions in this military occupational field. A related study that NASEM conducted on behalf of the Department of Defense indicated heightened incidences of certain cancers in this population.

However, we make two recommendations. First, we recommend adding deadlines to enhance accountability and to ensure a timely product. Specifically, we favor setting deadlines for the Department of Veterans Affairs (VA) to enter into an agreement with NASEM and to deliver a final report to the House and Senate Committees on Veterans' Affairs. Second, we recommend a subsequent study focused on rotary wing air and ground crews.

H.R. 647, Ensuring Veterans' Final Resting Place Act of 2025

The VFW supports this legislation to authorize VA to provide an urn or commemorative plaque as personal property to the next of kin of a decedent who died/dies on or after January 5, 2021, but who is not interred in either a private cemetery or in a national, state, tribal, or county veterans' cemetery. Current law prohibits additional burial benefits for the veteran decedent after the next of kin chooses the urn or commemorative plaque option. However, qualified family members retain eligibility for burial in a VA national cemetery, which creates a situation in which

the entire family could not be interred together. We agree that future interment of an urn alongside eligible family members is an appropriate option for VA to provide so survivors may choose how to best memorialize their loved ones.

H.R. 1039, Clear Communication for Veterans Claims Act

The VFW supports this legislation to streamline communication and messaging from VA. It would establish a collaboration between VA and a federally funded research and development center (FFRDC), in consultation with Veterans Service Organizations and other stakeholders, to assess disability notification letters to make them clearer, better organized, and more concise for claimants.

One of the primary challenges veterans encounter when reviewing these letters is their intricate language and terminology. Legal jargon and medical terms can be overwhelming, especially for veterans without a background in law or medicine. This complexity often leads to confusion and frustration, hindering veterans from understanding the full scope of their benefits entitlements.

Frequently, accredited representatives spend considerable time explaining letters that make sense to them because of their training and experience, but that can be nearly incomprehensible to a layperson. The VA disability system involves a multitude of regulations, policies, and procedures. Understanding the full spectrum of benefits associated with a disability rating is another hurdle. The notice letter may mention various forms of compensation, health care coverage, and vocational rehabilitation. However, veterans may struggle to understand the significance of the information and its applicability, and in some cases they may mistakenly limit their participation in beneficial programs because they erroneously assume they are not eligible. Consequently, this unfamiliarity may impede their ability to make informed decisions about their health care and overall well-being.

H.R. 1228, Prioritizing Veterans' Survivors Act

The VFW supports this legislation to relocate the Office of Survivors Assistance (OSA) from its current placement in the Veterans Benefits Administration to the Office of the Secretary, where it resided prior to 2021. As the large cohorts of Vietnam and subsequent Gulf War veterans age and die, demand for OSA services will significantly increase. This placement would restore OSA's direct access to the Secretary, ensuring prioritization of survivors' needs, and enabling the Secretary to better assess the effectiveness of the survivor benefits program. Survivors who may be unfamiliar with the military or VA will have to successfully navigate a bureaucratic process to access benefits while simultaneously coping with grief, significant upheaval, and loss of income. In this context, VA must optimally locate and robustly resource OSA for maximum effectiveness and ease of access for survivors.

H.R. 1286, Simplifying Forms for Veterans Claims Act

Veterans deserve straightforward, clear communications from VA that they can independently understand. The VFW supports this legislation to revise the forms VA sends to claimants to make them more intelligible and better organized. An FFRDC collaborating with Veterans Service

Organizations and other stakeholders should facilitate a comprehensive assessment from diverse viewpoints and yield more concise, easy to understand forms. However, in order to realize the potential benefits, Congress must provide adequate resources for assessment and implementation of the recommendations prior to the two-year deadline specified in this legislation.

H.R. 1344, Dennis and Lois Krisfalusy Act

The VFW supports this legislation to authorize VA to place a headstone or marker in specific types of cemeteries for any eligible spouse or dependent child who dies prior to September 30, 2032. Per current United States Code (U.S.C.), spouses and dependent children who died before November 11, 1998, are ineligible for this benefit. This legislation would remove this date restriction that currently prohibits memorializing eligible family members alongside veterans or active duty beneficiaries. The VFW recommends removing the September 30, 2032, end date and making the law permanent.

The bill's namesakes, veteran Dennis Krisfalusy and his spouse, Lois, died in a Mexico earthquake in 1985, with no recoverable remains. In 2023, VA provided a memorial marker for Dennis, but current statute prohibits VA from inscribing Lois' name on the marker because she died prior to November 11, 1998.

H.R. 1741, Veterans Appeals Transparency Act of 2025

The VFW supports this legislation to provide veterans greater clarity and transparency regarding cases residing at the Board of Veterans' Appeals (BVA). However, veterans must realize the BVA adjudication process is not linear, and manage their expectations accordingly. Special situations as highlighted in the proposed Title 38 U.S.C. Section 7107(f) may accelerate cases or reposition them in the docket queue entirely, sometimes dramatically ahead of cases that have been in queue much longer. Additionally, the weekly docket date publication would not apply to those exceptional cases. With those caveats in mind, this proposal could still provide appellants useful information. However, the VFW urges Congress to robustly resource this proposal to facilitate its success.

H.R. 2137, Review Every Veterans Claim Act of 2025

The VFW supports this legislation that would amend Title 38 U.S.C. Section 5103A(d) to limit the authority of the Secretary to deny a veteran's disability claim solely on the basis of missing a compensation and pension examination. VA has made the disability claims filing process significantly easier for veterans, except for this practice of denying a claim. Veterans miss appointments for many reasons and would benefit from a less harsh process. This legislation is a positive development and should facilitate continued improvements.

The VFW has assisted countless veterans who had to reapply for benefits because they missed examination appointments. Restarting a disability claim solely for this reason is burdensome and unnecessary. In such a case, we recommend returning the claim file to the work queue with a specific flag denoting "missed medical examination." This method would enable the veteran to

resume processing the claim at the point of the missed appointment instead of starting over from the beginning.

H.R. 2138, Veterans' Compensation Cost-of-Living Adjustment Act of 2025

Every year Congress introduces legislation to make cost-of-living adjustments to the rates of compensation for veterans with service-connected disabilities, the rates of Dependency and Indemnity Compensation for survivors, and the amount of the clothing allowance.

The VFW supports this legislation that codifies the correlation between veterans' and survivors' compensation rates and Social Security benefits increases, reassuring beneficiaries that their compensation is sufficient to counterbalance inflation. We are grateful for the bipartisan and bicameral commitment each year to ensure compensation for the cost-of-living. However, we recommend broadening the language, if possible, to allow an automatic renewal and obviating the need for annual legislation.

H.R. XXX, Improving VA Training for Military Sexual Trauma Claims Act

The VFW supports this proposal that would mandate sensitivity training for VA employees and contracted medical providers who process claims related to military sexual trauma (MST), expand VA's duty to assist claimants in obtaining records, and provide congressional reports on implementing these actions.

Some MST survivors are hesitant to report their incidents for a variety of reasons, one of which is a fear of retraumatization during the claims process. A claims processor asking probing questions or a claimant having to repeatedly recount assault details could be a trigger. To help prevent these situations, the VFW fully supports mandating this sensitivity training to teach claims processors how to elicit vital information for claims adjudication without retraumatizing.

This proposal would expand VA's duty to assist MST-related claimants. The VFW recommends that VA offer this enhanced service with all claims related to mental health. Though their records may not contain traditional evidentiary support such as a medical examination directly attributable to a trauma, an investigation report, or a police report, they may include "markers" that could substantiate a claim or provide cause for further medical examination or opinion. For example, personnel records could include abrupt or nonstandard transfer requests or performance evaluations that indicate an inexplicable drop in performance. VA automatically obtaining these records for claims related to MST and mental health would standardize and therefore streamline procedures for these typically complicated and nuanced claims.

H.R. XXX, Veterans Claims Education Act of 2025

The VFW supports this proposal that would educate and inform veterans about VA disability claims filing options, promote the use of accredited representatives, and provide an avenue to report unaccredited representatives and their unlawful fees. Leaving military service is a daunting process filled with many tasks to complete during the transition back to civilian life. Filing a VA disability claim is one of those substantial tasks that the veteran can complete

him/herself or by using the services of an accredited representative. Accredited representatives employed by a Veterans Service Organization must offer this service at no cost. Other accredited representatives who may be attorneys or claims agents may charge a fee as determined by VA. Accredited representatives have VA oversight, must conform their fee schedules to VA guidelines, and may legally represent veterans before VA.

Unfortunately, entities comprised of unaccredited representatives have sprung up promising quicker claims adjudication with higher disability ratings than accredited representatives. Using aggressive marketing and complicated, unregulated contracts, these unaccredited representatives advertise themselves as a better choice than accredited representatives. Because they are unaccredited, these individuals may not legally represent veterans' claims before VA. The veterans actually compile and file their own claims while the unaccredited representatives offer advice as "coaches" or "consultants." Consequently, VA cannot hold them liable for fraudulent or erroneous claims. In those cases, VA would hold the veterans responsible. VA does not have oversight of the unaccredited representatives, does not regulate their fee schedules, and cannot require scrupulous business practices.

H.R. XXX, Survivor Benefits Delivery Improvement Act of 2025

The VFW supports this proposal to improve access to survivors' benefits by establishing a data-informed education and outreach program. Focused outreach using demographic data to confirm survivors most in need is a smart and efficient practice that would enable VA to best use its limited resources to accurately disseminate critical information, particularly immediately needed burial benefits.

The VFW agrees with Section 3 and the proactive, personal, and multi-media *Survivor Solid Start Act of 2025* in which VA would maintain a quarterly outreach to each eligible dependent until that person files a claim for a benefit. A particularly attractive feature is VA assisting survivors with accessing accredited representatives to file claims. This action would aid survivors coping with the loss of a loved one to fulfill basic needs as soon as possible, and hopefully debunk common misconceptions about VA benefits. For example, as indicated in previous VFW testimony, VFW Service Officers report that some survivors do not realize their deceased loved one's VA benefits are not transferrable, resulting in a loss of income when the survivors start receiving lower Dependency and Indemnity Compensation amounts.

The VFW appreciates the explicit mention of call center manning levels to facilitate this outreach and education plan. Accordingly, we urge Congress to robustly resource VA to facilitate it fully implementing all the provisions in the legislation.

H.R. XXX, Board of Veterans' Appeals Attorney Retention and Backlog Reduction Act

The VFW supports this proposal that would promote attorney retention at the Board of Veterans' Appeals by eliminating the current GS-14 cap on BVA non-supervisory attorneys and allow promotion to GS-15, which is an approximate \$10,000 salary increase. Currently, other VA departments such as the Office of General Counsel allow GS-15 non-supervisory attorneys, luring some attorneys away from the lower paying positions at BVA.

Attorney attrition also adversely affects the appeals decision backlog at BVA, so this proposal could help reduce the backlog by retaining experienced attorneys. Of note, it does not mandate new hiring or attorney promotion, but gives BVA the flexibility to increase pay within its existing appropriations like other VA entities.

Information Required by Rule XI2(g)(4) of the House of Representatives

Pursuant to Rule XI2(g)(4) of the House of Representatives, the VFW has not received any federal grants in Fiscal Year 2025, nor has it received any federal grants in the two previous Fiscal Years.

The VFW has not received payments or contracts from any foreign governments in the current year or preceding two calendar years.