

**STATEMENT FOR THE RECORD
PARALYZED VETERANS OF AMERICA
FOR THE
HOUSE COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON
DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
ON PENDING LEGISLATION
OCTOBER 20, 2021**

Chairwoman Luria, Ranking Member Nehls, 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. 2568, the United States Cadet Nurse Corps Service Recognition Act of 2021

PVA supports this bill which seeks to confer veteran status on individuals who served in the United States Cadet Nurse Corps during World War II and provide them with an honorable discharge from military service where it is merited. It also provides Cadet Nurses with burial benefits from the VA but no additional benefits or services from the department. This action is like the types of recognition accorded to other civilian and military groups that served during WWII.

H.R. 2724, the VA Peer Support Enhancement for MST Survivors Act

PVA supports H.R. 2724, the VA Peer Support Enhancement for MST Survivors Act, which would provide survivors of Military Sexual Trauma (MST) with a peer support specialist while they navigate the claims process. Having someone available who shares similar experiences to aid MST survivors would help ensure these veterans have access to necessary support and assistance.

H.R. 2800, the WINGMAN Act

PVA supports the goal of ensuring veterans receive timely information regarding the status of their VA claims. H.R. 2800 would allow veterans submitting a claim for benefits to permit a covered congressional employee in the office of the member of Congress representing the district where the veteran resides to have access to all the records of the veteran in the databases of the Veterans Benefits Administration (VBA).

We appreciate that this bill ensures that congressional employees granted access to records undergo the same training and certification program that VA currently uses to certify veterans service organization representatives and attorneys representing claimants. Claims files, however, contain the most private information about veteran and, often times, information of other individuals consulted during the claims development. PVA is concerned about maintaining strict protection of such private information. We are also concerned about the effect this legislation would have on veterans' relationships with any official powers of attorney. Other logistical issues may also arise in the form of the added administrative burden on VA of managing the certification process and tracking users. Certainly, we do not want to see resources that should be applied to adjudicating claims shifted to facilitating congressional involvement in veterans' claims.

H.R. 2827, the Captain James C. Edge Gold Star Spouse Equity Act

Under current law, "Gold Star" spouses lose their Survivor Benefit Plan (SBP) benefits if they remarry before turning 55 and their VA Dependency and Indemnity Compensation (DIC) benefits should they remarry before turning 57. PVA strongly believes families who lose their loved one in the line of duty or from a service-related injury or illness deserve the economic stability that SBP and DIC provide in return for the sacrifices they have made. We support H.R. 2827, which would eliminate the remarriage penalty.

H.R. 3402, the Caring for Survivors Act of 2021

In recognition of the severity of many disabilities and their effect on veterans and their families, if a veteran is 100 percent disabled, to include individual unemployability, for 10 consecutive years before the veteran's death, surviving spouses and minor children are eligible for DIC benefits. However, if a veteran dies due to a non-service-connected condition before they reached 10 consecutive years of being totally disabled, their dependents are not eligible to receive the DIC benefit. This happens even though many of these survivors put their careers on hold to act as primary caregivers for the veteran, and now with the loss of their veteran, could potentially be left destitute.

The current 10-year requirement is arbitrary and the DIC program would better serve more survivors if legislation like the Caring for Survivors Act of 2021 were passed to offer a partial benefit beginning five years after a veteran is rated totally disabled and reaching full entitlement at 10 years. This would mean if a veteran is rated as totally disabled for five years and dies of a non-service-connected condition, a survivor would be eligible for 50 percent of the total DIC benefit increasing until the 10-year threshold and the maximum DIC amount is awarded.

H.R. 3793, the Supporting Families of the Fallen Act

The rising costs of living have eroded the value of Servicemembers' Group Life Insurance (SGLI) and Veterans' Group Life Insurance (VGLI) whose rates have stagnated at \$400,000 for 16 years now. PVA supports the Supporting Families of the Fallen Act which would raise SGLI/VGLI's automatic maximum coverage from \$400,000 to \$500,000 to reflect inflation levels, giving military and veteran families across the country peace of mind.

H.R. 4191, the Gold Star Spouses Non-Monetary Benefits Act

Following the loss of their service members, Gold Star spouses often face difficulties ranging from the change to single incomes to access to health care benefits. The Department of Defense and VA provide various benefits to assist with these hardships but some of them are forfeited if a surviving spouse remarries before age 57 and, in other cases, before age 55. PVA supports the Gold Star Spouses Non-Monetary Benefits Act which would restore their eligibility for non-monetary survivor benefits like access to commissaries, base exchange retail facilities, pre-transitional TRICARE services for the traditional three-year period, and eligibility for VA guaranteed home loans, if the survivor is unable to qualify based on his or her own service.

H.R. 4601, the Commitment to Veteran Support and Outreach Act

As a general rule, PVA supports legislation that improves outreach to veterans regarding the VA benefits to which they are entitled. This particular bill seeks to allow VA to award grants to states for outreach activities, efforts to assist veterans in the development and submittal of VA claims, or to hire additional county or tribal veteran service officers. Traditionally, county and state veterans outreach is very inconsistent so many programs could be strengthened through this new grant program but some states do not utilize them at all. We appreciate efforts to address shortages of accredited service officers, but believe the language in this bill should be clarified to ensure all states are eligible to participate, and specify that the goal of this program is to increase the number of trained and certified people to assist veterans seeking VA benefits and services.

H.R. 4633, to improve the repayment by the Secretary of Veterans Affairs of benefits misused by a fiduciary

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. 4633 which will ensure VA repays the misused benefits of all veterans with fiduciaries.

H.R. 4772, the Mark O'Brien VA Clothing Allowance Improvement Act

VA's clothing allowance is designed to replenish clothing worn or destroyed by the continued use of prosthetic or orthopedic devices or because of necessary skin medications. This affects many PVA members and veterans we represent, and these payments are important to help offset the cost of replacing clothing damaged by the prolonged use of wheelchairs, braces, and crutches.

PVA feels the program's present administration places an unnecessary burden on the veteran, as well as VA who must process each of these claims. Veterans should not be forced to go through this process when their eligibility is affirmed, and their service-connected condition is permanent. If the process were automatic, veterans would not be under any pressure to get their application in by August 1 each year. Also, under current rules, applications require the personal signature of the veteran so the application must be brought to their local VA or mailed in. This created a major problem last year when the COVID pandemic was raging, forcing VA to relax its own rules to ensure veterans were not unfairly denied their benefits.

Likewise, VA's burden should not go unrecognized because the employees must process each claim every year and it goes between the Veterans Health Administration (VHA) and VBA because each department has a role in processing the claim. Forcing veterans to go through the annual exercise of applying for this benefit creates a tremendous administrative burden on VA employees and the time they use to perform this task might be better spent on other programs.

PVA strongly supports the Mark O'Brien VA Clothing Allowance Improvement Act which would make the application process automatically renew each year. It makes common sense changes to a program that exists to benefit veterans and reduces the administrative burden for VA which should produce some cost savings for the department.

Discussion draft, to direct the Secretary of Veterans Affairs to repay the estates of deceased beneficiaries for certain benefits paid by the Secretary and misused by fiduciaries of such beneficiaries

PVA supports efforts to ensure veterans are made whole in the event of misuse of their earned benefits by their fiduciaries. Thus, we support requiring VA to repay the estates of deceased beneficiaries so long as the fiduciary who misused the funds is not a beneficiary of the estate.

Discussion draft, to improve the manner in which the Board of Veterans' Appeals conducts hearings regarding claims involving military sexual trauma and to direct the Secretary of Veterans Affairs to improve the language and practices of the Department of Veterans Affairs with respect to such claims

In recent years, VA has made many advances in the understanding and treatment of MST as well as how these cases should be handled within VHA and VBA. It stands to reason that the Board of Veterans' Appeals should also modify its practices and procedures. Thus, PVA supports this draft bill.

Discussion draft, to extend increased dependency and indemnity compensation paid to surviving spouses of veterans who die from amyotrophic lateral sclerosis, regardless of how long the veterans had such disease prior to death

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 \$288.27 per month in 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 two 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.

VA already 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. The current policy fails to recognize the significant sacrifices these veterans and their families have made for this country. PVA strongly endorses this legislation, and urges Congress to pass it as quickly as possible.

Discussion draft, to improve coordination between the Veterans Health Administration and the Veterans Benefits Administration with respect to claims for compensation arising from military sexual trauma, and for other purposes

PVA supports this draft legislation which aims to support survivors of MST by providing information on the VA resources intended to assist with the treatment of their disabilities related to MST and mental health care. However, this coordination between VHA and VBA should be two-way to be effective, and literature and other resources on available benefits and services, Vet Centers, the claims process, and more should be made available at all points of entry into the VA system.

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 the Subcommittee 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 2022

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

Fiscal Year 2021

Department of Veterans Affairs, Office of National Veterans Sports Programs & Special Events — Grant to support rehabilitation sports activities — \$455,700.

Fiscal Year 2020

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

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.