

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
MARCH 29, 2022

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 that will impact the Department of Veterans Affairs (VA) as well as PVA members. PVA members are veterans who live with spinal cord injuries or disorders (SCI/D) and rely on the full suite of benefits offered through the VA. We are honored to express our thoughts on some of the bills before the Subcommittee today.

H.R. 5916, the Wounded Warrior Access Act

Currently veterans must travel to a VA medical center or mail in a form to request a copy of their "C file" which delays their ability to apply for and receive VA benefits. PVA supports efforts like the Wounded Warrior Access Act, which would make it easier for veterans to obtain the needed information through a special portal established by the VA.

H.R. 6165, the Department of Veterans Affairs Post-Traumatic Stress Disorder Processing Claims Improvement Act of 2021

In December 2020, the VA Office of Inspector General (OIG) found that VA claims processors inaccurately processed about 18,300 of 118,000 PTSD claims completed in fiscal year 2019.¹ These errors resulted in the VA underpaying some veterans and overpaying others, adding up to more than \$90 million in improper payments. PVA supports this legislation which requires the Veterans Benefits Administration (VBA) to update its national training program for claims processors who review PTSD benefit claims and establish a formal process that identifies future training needs based on annual error trends.

H.R. 6131, the Veterans Disability Claims Notification Improvement Act of 2021

PVA supports this effort to improve the claims process by authorizing VA to send electronic notice to benefits claimants. However, we strongly recommend that the language in this bill be strengthened to ensure their designated representative is included in all correspondence dispatched by the department.

¹ [Posttraumatic Stress Disorder Claims Processing Training and Guidance Need Improvement | Oversight.gov](https://www.oversight.gov/Posttraumatic-Stress-Disorder-Claims-Processing-Training-and-Guidance-Need-Improvement)

H.R. 6064, To direct the Secretary of Veterans Affairs to seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine for a review of examinations, furnished by the Secretary, to individuals who submit claims to the Secretary for compensation under chapter 11 of title 38, United States Code, for mental and physical conditions linked to military sexual trauma.

PVA supports this bill which would improve the VA's Military Sexual Trauma (MST) disability exam process by directing the VA to partner with the National Academies to complete a comprehensive review of the MST disability exam process. The goal of the assessment is to determine the adequacy of the current Disability Benefits Questionnaires (DBQ), the accuracy of the department's schedule of rating disabilities, and what credentials and training are necessary to perform examinations related to physical and mental health conditions linked to MST. In recent years, VA has improved benefits delivery to veterans who file MST-related claims, but it still often misses markers related to MST. We strongly believe survivors of MST deserve a system that works for them, and this legislation could help achieve that goal.

H.R. 7153, the Department of Veteran Affairs Principles of Benefits Automation Act

Many new information technology (IT) systems are being developed or have already been implemented by VBA to support various program transformations. This legislation expresses the sense of Congress that the VA should be following a series of guiding principles to leverage its improvements in technology or manage its increasing use of automation in the processing of benefits claims. These principles include the expectation of Congress that VA employees should continue to make decisions with respect to the approval of claims and the granting of benefits; and that automation should not be carried out in a manner that reduces or infringes upon the due process rights of applicants or lessens the duty of the VA to notify or assist claimants. It also requires VBA to submit a comprehensive, five-year strategic IT plan that incorporates the recommended guiding principles and provides Congress with an assessment of current conditions, recommended actions, cost estimates and prioritization of projects. Information derived from the plan would assist Congress with its oversight responsibility to ensure compliance with legislative intent and improve the efficiency and effectiveness of VBA's IT projects.

Discussion Draft, Honoring our Promise: Ensuring Equity in Accessing Military and Veteran Survivors Benefits Act

PVA supports this draft legislation which would increase outreach to survivors of veterans regarding VA benefits and services for which they may be eligible. If enacted, VA would be required to call each eligible surviving dependent of a military veteran upon receipt of notification of death. The survivors would then be provided contact information for the Office of Survivor Assistance and information on how to file a claim for VA survivors benefits. The bill also requires the department to collect the demographic data of each covered survivor receiving VA benefits, to include this information in annual reports, and to conduct greater outreach regarding survivor benefits to those who belong to an underserved demographic. Finally, it enables the VA to enlist the support of veterans service organizations (VSO) and other groups for this outreach effort through a modest grant program.

Discussion Draft, the Expediting Temporary Ratings for Veterans Act

When veterans enrolled in VA health care receive a diagnosis that will have a significant impact on their lives such as a cancer diagnosis, they may be able to receive a temporary disability rating and compensation. Occasionally, this financial support from the VA can increase while the veteran is undergoing treatment. Currently, veterans must submit information to the VA in order to receive a temporary disability rating while admitted to a VA hospital or other medical facility in excess of 21 days. PVA supports this draft bill which alleviates that administrative burden on veterans and helps preserve their financial security by requiring the VA to provide them with an automatic temporary disability rating.

Discussion Draft, the Modernizing Department of VA Disability Benefit Questionnaires Act

Applying for disability compensation is often a very frustrating process for veterans. A simple way to improve the compensation and pension exam experience would be to streamline the data collected through DBQs by making all data collected machine-readable. PVA supports this draft legislation which would require that all DBQs completed by non-VA physicians be transmitted to the department in such a format. It also requires the VA to issue standards on how this will be accomplished, and directs them to submit a plan to the House and Senate Veterans' Affairs Committees on how to modify its IT systems and processes to better enable non-VA physicians to submit completed DBQs back to the VA.

Discussion Draft, the Survivor Solid Start Act

PVA supports this draft legislation which would guarantee that upon the death of a veteran, the VA will provide outreach services to any eligible dependent survivors every quarter until the dependent has filed a claim. This outreach would include contact information for the Office of Survivors' Assistance; information regarding the claims assistance available from VSOs; and contact information for other support avenues such as attorneys, agents, or other entities. The VA would have to consult with VSOs, advisory committees, and other stakeholders to determine the best outreach methods. Additionally, this bill authorizes no more than ten full-time positions at VA call centers to implement these outreach engagements and ensure proper implementation of this bill.

Discussion Draft, to direct the Secretary of Veterans Affairs to create fact sheets, for veterans and for survivors of veterans, that compare benefits and compensation, to such individuals under laws administered by the Secretary, to monthly insurance benefits under title II of the Social Security Act, and supplemental security income under title XVI of the Social Security Act.

PVA agrees with this draft legislation which requires the VA to provide veterans and their survivors with information about benefits to which they may be entitled under Social Security. Too often, PVA has heard from members who failed to file for Social Security disability benefits in a timely fashion and have missed out on benefits they paid for with their payroll deductions. Many other veterans with disabilities may be unaware of financial support they can receive through Social Security or that may help their survivors in the event of their death. This legislation will help close that information gap by directing the VA to provide veterans with fact sheets about Social Security benefits when they apply

for VA benefits, submit claims for VA benefits increases, or when they are denied a claim for such an increase.

Discussion Draft, to amend title 38, United States Code, to update certain terminology related to marriage under the laws administered by the Secretary of Veterans Affairs.

This draft legislation is critical to ensuring that the VA keeps up with cultural and societal shifts. Requiring the department to remove the phrase “opposite sex” and other gender-specific language such as “herself” and “himself,” enables the VA to implement policy with fewer barriers while increasing access for all veterans. PVA appreciates this effort to ensure equal access to health care and benefits.

Discussion Draft, the DIC Modernization Act

This draft bill seeks to modernize VA Dependency and Indemnity Compensation (DIC) by allowing surviving spouses who remarry after 10 consecutive years of being entitled to DIC to keep half of the current payable benefit and those who remarry after 20 years to retain it in full. It also reestablishes DIC payments to surviving spouses whose remarriage occurred 30 years prior to this legislation and were entitled to this benefit for at least 10 years. PVA supports this draft legislation which would provide more surviving family members with the financial assistance they have earned, by fixing outdated policies and broadening eligibility for benefits.

PVA would once again like to thank the Subcommittee for the opportunity to present our views on legislation being considered today. We look forward to working with the Subcommittee on this legislation.

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.