

**STATEMENT FOR THE RECORD**  
**PARALYZED VETERANS OF AMERICA**  
**FOR THE**  
**SENATE COMMITTEE ON VETERANS' AFFAIRS**  
**ON PENDING LEGISLATION**  
**NOVEMBER 17, 2021**

Chairman Tester, Ranking Member Moran, and members of the Committee, 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 Committee. 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). PVA provides comment on the following bills included in today's hearing.

**S. 1243, the Improving VA Accountability to Prevent Sexual Harassment and Discrimination Act of 2021**

PVA supports efforts to create a healthy company culture and safe environment for VA employees and veterans alike. The Improving VA Accountability to Prevent Sexual Harassment and Discrimination Act of 2021 realigns authorities and organizational structure, creates reporting timelines, and adds measures to mandate training for new employees to improve VA's EEO programs. This move toward greater accountability would help ensure VA employees are treated with dignity and respect.

**S. 1564, the Veterans Legal Support Act of 2021**

PVA supports the intent behind this measure which would allow VA to provide financial support—totaling up to \$1 million in grants per fiscal year—to law school clinical programs that provide pro bono legal services to veterans, including assistance with disability claims and foreclosures. Language in the bill states funding for the grants would be derived from amounts appropriated or otherwise made available to the General Operating Expenses account of the Veterans Benefits Administration (VBA). PVA strongly believes VBA's current funding levels are badly needed to cover its present operating expenses; so, if enacted, this grant program should receive its own designated funding.

**S. 1607, the Student Veterans Transparency and Protection Act of 2021**

PVA supports this measure which would fix data-sharing between VA and the Department of Education so that VA has more data available for students to use on the GI Bill Comparison Tool. It would also allow VA to reinstate education benefits to students at schools subject to law enforcement actions. This pair of commonsense reforms would give student veterans more access to information to make better decisions about their higher education choices and ensure they are provided relief when adversely impacted by bad-actor schools.

**S. 1664, 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)<sup>1</sup> found that VA claims processors inaccurately processed about 18,300 of 118,000 PTSD claims completed in fiscal year 2019. These errors resulted in VA underpaying some veterans and overpaying others, adding up to more than \$90 million in improper payments. PVA supports this legislation which requires VBA to update its national training program for claims processors who review PTSD disability benefit claims and establish a formal process that identifies future training needs based on annual error trends.

**S. 1838, the Building Credit Access for Veterans Act of 2021**

The VA Home Loan Guaranty Program is one of the most valuable non-cash benefits that military service members earn through their service to our nation. PVA supports the Building Credit Access for Veterans Act which would streamline and formalize the program's alternative methods of credit scoring for veterans, opening doors to financial options, including mortgages. It also requires a report on how many veterans participate in the program and how they are being affected which would better inform VA and Congress on how this important benefit is being utilized.

**S. 1881, the Veteran Education Empowerment Act**

PVA supports this bill which updates and extends a Department of Education grant program for student veteran centers through fiscal year 2029. These centers are extremely important because they provide a one-stop-shop for student veterans to find academic support, networking opportunities, peer mentorship, financial assistance, and career services.

**S. 1936, the GI Bill National Emergency Extended Deadline Act of 2021**

Current laws that grant VA additional flexibility to ensure that veterans' education benefits are not disrupted because of COVID-19 are set to expire on December 21, 2021. PVA supports efforts to prolong these special provisions and we encourage Congress to quickly reach agreement and pass an extension. Right now, student veterans are having to make decisions about their housing arrangements for the spring semester and uncertainty about the rate of their housing allowance could cause some of them to limit their education goals or abandon them altogether.

**S. 2089, the Burial Equity for Guards and Reserves Act of 2021**

Members of the National Guard and Reserve are a valuable asset to the safety and security of the United States of America. PVA supports this bill which would make all members of the Reserve Components and certain family members eligible for burial in state veterans cemeteries so long as their service ended under honorable conditions.

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<sup>1</sup> [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)

### **S. 2329, the BEST for Vets Act of 2021**

Medical examinations for complex, service-related medical conditions like SCI/D, traumatic brain injury, and military sexual trauma should be conducted by a medical practitioner working directly for the Veterans Health Administration (VHA). However, PVA supports this legislation which would require VA to ensure contracted health care providers who perform VA compensation and pension examinations for other conditions are qualified to conduct them.

### **S. 2405, the Commitment to Veteran Support and Outreach Act**

In general, PVA supports legislation that improves outreach to veterans about the VA benefits and services 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 veterans service officers. Traditionally, county and state veterans' outreach is very inconsistent; so, many programs could be strengthened through this new grant program. Some states, however, do not use them at all. While we appreciate efforts to address shortages of accredited service officers, we 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.

### **S. 2513, the Brian Neuman Department of Veterans Affairs Clothing Allowance Improvement Act of 2021**

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. In addition, 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 critical tasks.

PVA strongly supports the Brian Neuman Department of Veterans Affairs Clothing Allowance Improvement Act of 2021, which would make the application process automatically renew each year. It makes common sense changes to a program that exists to benefit veterans with disabilities and reduces the administrative burden for VA which should produce some cost savings for the department.

### **S. 2761, the Every Veteran Counts Act of 2021**

PVA supports the Every Veteran Counts Act which would require VA to conduct and publish a comprehensive survey of veterans every 10 years that contains information about veterans' demographic characteristics, including gender, employment, housing, and access to broadband. Another provision directs VA to look at service-connected exposures like hazardous substances or military sexual trauma and examine veterans' use of services such as VA health care and disability compensation. Veterans service organizations and various VA advisory committees would help VA prepare the survey to ensure its methodology is sound. The information garnered from the survey would help ensure our nation's leaders are better informed about the needs of veterans and the delivery of VA benefits,

### **S. 2794, 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.

### **S. 3047, the Veterans Pro Bono Corps Act of 2021**

PVA support efforts to increase veterans' ability to obtain medical opinions to support their VA disability claims. The Veterans Pro Bono Corps Act would establish a 5-year pilot program authorizing VA to award grants to medical residency and fellowship programs to provide pro bono, independent medical examinations, and medical opinions to help low-income veterans substantiate VA disability benefits claims. We support this bill because we believe it has the potential to assist our veterans through the claims process. We are concerned, however, that VA may not assign proper weight to these opinions if they are not based on a review of the veteran's claims folder and service medical records. To ensure this does not happen, we recommend language be added explaining how the pro bono provider would gain access to these documents.

### **S. 3094, the Reaching Every Homeless Veteran Act of 2021**

The Department of Labor, Veterans' Employment and Training Service's Homeless Veterans' Reintegration Program (HVRP) is the only federal grant focused exclusively on competitive employment for homeless veterans. Even though HVRP is a federal program, it is not available throughout the country because states like Kansas, Alaska, Utah, Vermont, and West Virginia do not have organizations to receive grants in the current fiscal year. PVA supports the Reaching Every Homeless Veteran Act of 2021, which seeks to expand the reach of the HVRP to areas of the country not currently being served.

### **S. 3163, the RURAL Exams Act of 2021**

As stated previously, PVA believes strongly that medical examinations for complex, service-related medical conditions like SCI/D, traumatic brain injury, and military sexual trauma should be conducted by a medical practitioner working directly for VHA. However, when it comes to veterans in rural areas who are seriously disabled or housebound, it can be very difficult to travel for hours for compensation and pension (C&P) exams.

The use of performance-based incentives authorized by this bill would encourage contractors to offer these veterans better exams and performance-based disincentives when they do not. We support the bill's requirement for VA to affirmatively inspect such contractor locations to ensure all exams are conducted in a safe, clean, and most importantly, accessible environment. There have been instances where our members were sent to a private contractor for a C&P exam only to find out the facility was not able to accommodate a veteran with an SCI/D. Another positive feature of this bill is a requirement for VA to publish medical disability examination performance data in a way all veterans can understand. Having access to this information would allow us to gain a better understanding of the quality of VA and contract exams in all parts of the country.

### **Discussion draft, the Veterans Benefits Improvement Act of 2021**

Section one of this discussion draft would create an attorney internship program and an honors program at the Board of Veterans' Appeals (Board). We recognize the potential of this effort and believe the loan repayment option will help attract a higher caliber of recent law school graduates into the service of veterans. Another provision in this section seeks to establish a pilot program to reimburse claimants for travel to tele-hearings before the Board. Current VA statutes do not allow for reimbursement to claimants for travel to any requested hearings before the Board. This pilot would provide reimbursement only for those traveling from home to the location the video/virtual hearing is being held, if the Secretary determines that travel to such location was reasonably necessary. We have no objections to this test pilot, but wonder how many veterans would benefit from it or if it is worthwhile to stand up a program such as this if few would benefit. The Board has a lot of issues with hearing attendance, but many of them are self-inflicted, such as failing to provide veterans and their representatives timely notice when hearings are scheduled. This pilot would not solve those problems.

Section two addresses VBA medical examinations which are a critical part of the process for veterans and separating service members seeking VA benefits for service-connected health issues. Under current law, veterans traveling to a VA facility or a facility of a VA contracted examiner for a VA compensation and pension examination are eligible for reimbursement. This draft proposal would authorize travel reimbursement for those veterans residing outside of the United States and traveling to these examinations in foreign locations. We also appreciate the provision directing VA contract examiners to recognize the veterans' accredited representative and include them in all communications to the veteran. A slight adjustment to the language should be made here to ensure that these notices are provided contemporaneously to the veteran and their representative.

The final section creates a pilot program to assess the feasibility and advisability of accrediting governmental veterans service officers and providing access to VBA's electronic Veterans Benefits Management System (VBMS). Accreditation with VA is a serious process and there are many responsibilities that come along with it for the individual being accredited and the organization certifying accreditation. There are things a person or organization cannot do or must do because they are accredited. Also, training is extremely important. We spend a tremendous amount of time training our service officers; so, we would be extremely interested in knowing how VA could ensure what may likely be thousands of governmental veteran service officers have the same level of training, expertise, etc.

Another provision in this section would allow veterans and claimants to receive notices of VA decisions electronically or to opt out of the electronic notifications and receive all such notices via mail. PVA has always been a proponent of electronic notifications provided the means used is reliable, the notice is contemporaneously provided to the veterans representative, and the veteran has to agree to receive as not all of our clients have access to email. We recommend the proposed language in section 302(a), be revised to read, "The term 'notice' means a communication delivered through a method determined appropriate by the Secretary, and which the claimant is capable of receiving." The proposed language in 302(c) should be reworded as well so the choice is not limited to the time when the application is being filed. Veterans often change their representatives and they could change their minds about electronic receipt, too. Finally, we trust Congress will ensure VA has the proper IT infrastructure to handle this new requirement and provide the necessary resources to procure it if they do not.

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