**STATEMENT FOR THE RECORD**

**PARALYZED VETERANS OF AMERICA**

**FOR THE**

**SENATE COMMITTEE ON VETERANS’ AFFAIRS**

**ON**

**PENDING LEGISLATION**

**APRIL 26, 2023**

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. 280, the BEST for Vets Act of 2023**

PVA strongly believes 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. However, we support this legislation which would require VA to ensure contracted health care providers who perform VA compensation and pension examinations for other types of conditions are qualified to conduct them.

**S. 291, to amend title 38, United States Code, to establish in the Department the Veterans Economic Opportunity and Transition Administration, and for other purposes**

PVA supports this legislation which would create a new administration within VA to oversee the agency’s education, training, employment, and other programs focused on helping veterans as they transition to civilian life. The new Veterans Economic Opportunity and Transition Administration would be headed by an Under Secretary for Veterans Economic Opportunity and Transition.

Two of the programs that would transition to the new administration include VA’s Veteran Readiness and Employment (VR&E) program and the Specially Adapted Housing (SAH) program. These programs are relatively small in terms of budget and numbers of veterans served. However, they are vital to veterans who have catastrophic disabilities as a result of their military service. Without them, these veterans would not be able to access independent living services or adapt their homes to meet their disability-related access needs. Unfortunately, these programs, along with other VA economic opportunity programs, simply are not able to receive the staffing, IT, and other supports needed due to their position within the Veterans Benefits Administration (VBA). This administration plays the crucial role of providing needed disability compensation and pension benefits to veterans. Removing programs like VR&E from VBA’s list of responsibilities will not only allow for more attention to be placed on those programs, but it will also allow them to better focus on processing claims for compensation and pension benefits.

Under an Economic Opportunity and Transition Administration, programs like VR&E and SAH will receive a higher level of visibility. This increased visibility will foster stronger oversight and accountability for the delivery of services and benefits. We believe that such oversight and accountability will help to foster the innovation needed to ensure that the delivery of these benefits and services is modernized. It will also allow for focused collaboration with other agencies and programs, including the Department of Labor’s Veterans’ Employment and Training Service, that also serve veterans, increasing program efficiencies.

**S. 350, the Fry Scholarship Enhancement Act of 2023**

The surviving spouses and children of servicemembers who have made the ultimate sacrifice should receive a full complement of VA education benefits. PVA supports this bill which expands eligibility for the Fry Scholarship to include a child or spouse of a person who dies on or after September 11, 2001, from a service-connected disability within 120 days of being honorably discharged or released from service in the Armed Forces.

**S. 414, the Caring for Survivors Act of 2023**

Losing a spouse is never easy but knowing that financial help will be available following the death of a loved one can ease this burden. Dependency and Indemnity Compensation (DIC) is intended to protect against survivor impoverishment after the death of a service-disabled veteran. In 2023, this compensation starts at $1,562.74 per month and increases if the surviving spouse has eligible children who are under age 18. DIC benefits last the entire life of the surviving spouse except in the case of remarriage before a certain age. For surviving children, DIC benefits last until the age of 18. If the child is still in school, these benefits might go until age 23.

The rate of compensation paid to survivors of servicemembers who die in the line of duty or veterans who die from service-related injuries or diseases was established in 1993 and has been minimally adjusted since then. In contrast, monthly benefits for survivors of federal civil service retirees are calculated as a percentage of the civil service retiree’s Federal Employees Retirement System or Civil Service Retirement System benefits, up to 55 percent. This difference presents an inequity for survivors of our nation’s heroes compared to survivors of federal employees. DIC payments were intended to provide surviving spouses with the means to maintain some semblance of economic stability after the loss of their loved one.

PVA supports the Caring for Survivors Act of 2023, which raises DIC rates to meet the 55 percent threshold. Additionally, current law restricts the DIC benefit for survivors if the veteran was disabled for less than ten years before his or her death. This bill reduces the timeframe a veteran needed to be rated totally disabled from 10 to five years which would allow greater numbers of survivors to benefit from this important support program.

**S. 498, the Veteran Education Empowerment Act**

PVA supports the Veteran Education Empowerment Act, which reauthorizes and improves a grant program through the Department of Education (DOE) that is designed to help institutions of higher education establish and operate Student Veteran Centers. Grants would be authorized for up to $500,000 to eligible colleges and universities.

Student Veteran Centers are critical spaces for veterans to study, gather, find community, and work under the VA Work Study program. They are essential in disseminating information from campus staff such as school certifying officials, as well as about education and other VA benefits. They are the one-stop-shop for student veterans, and they are vital to the student veteran community. Sadly, many institutions of higher learning are hesitant to make a sustainable investment for this community, unlike with other resource centers. By expanding the grant allowances offered by DOE, schools that lack the resources to support such a center will be able to expand the services provided to student veterans.

**S. 656, the Veteran Improvement Commercial Driver License Act of 2023**

PVA supports the Veteran Improvement Commercial Driver License Act, which changes existing law so schools offering Commercial Driver’s License (CDL) training at new branches do not have to wait two years if the primary institution(s) was already approved by the VA and state approving agencies to receive GI Bill benefits. Efforts like this would allow more veterans to obtain their CDLs, which also would help address the critical shortage of drivers that are needed to keep goods moving in our nation’s supply chain.

**S. 740 GUARD VA Benefits Act of 2023**

Unaccredited claims consultants often skirt long-standing mandates of Congress and VA that require all who assist veterans with the preparation, presentation, or prosecution of VA claims and appeals to be accredited by the VA, subject to ongoing VA oversight, and compliant with laws regarding fees. Often, their technique of choice is to operate in the shadows by assisting a veteran with claims preparation and then leaving the veteran to file his or her claim alone, thereby avoiding the appearance of “representing” the claimant. Unlike accredited VSOs, attorneys, and agents who provide complete representation, they normally would not have access to the veteran’s VA claims folder. Instead, these bad actors frequently seek a veteran’s personal eBenefits log-in and/or banking information and then use it to charge and collect unreasonable fees in violation of 38 U.S.C. § 5904. Furthermore, they routinely obtain medical opinions from affiliated medical providers, raising ethical concerns regarding the veracity of such opinions.

In recent years, the unaccredited “claims consulting” industry has exploded and new guardrails are desperately needed to protect veterans from individuals and entities seeking to surreptitiously take their hard-earned benefits. PVA supports the GUARD VA Benefits Act, which would reinstate criminal penalties for non-VA accredited persons charging veterans unauthorized fees relating to claims for benefits under the laws administered by the VA.

**S. 774, the Veterans Border Patrol Training Act**

PVA supports this bill which uses the Department of Defense’s SkillBridge program to connect transitioning servicemembers with open positions at U.S. Customs and Border Patrol. However, it is important to note that not all eligible servicemembers are able to enroll in the SkillBridge program. Approval for entry into SkillBridge is left to the command structure and they can use operational tempo as an excuse to deny transitioning servicemembers access to this critical transition resource. Additionally, if a servicemember is being medically retired, they are ineligible for participation in the program, despite potential eligibility, due to the uncertainty of medical appointment availability. PVA believes that commands should be encouraged to allow every eligible servicemember to enroll in the SkillBridge program.

**S. 897, the Expedited Veteran Appeals Act of 2023**

Veterans are filing VA claims at higher numbers than ever before and as of April 17, 2023, the number of pending claims totaled 801,295. Resolving these claims and the thousands expected to come after them will trigger an increased workload at VA’s Board of Veterans Appeals (BVA) and the United States Court of Appeals for Veterans Claims. BVA already hired more judges in order to address its increased volume of cases. PVA supports this bill, which would raise the maximum number of judges presiding over the U.S. Court of Appeals for Veterans Claims by two in order to allow the court to do the same.

**Senate draft, the Student Veterans Transparency and Protection Act**

PVA supports this legislation, which will restore benefits to students who were using their VA education benefits at an institution of higher learning that was closed due to civil enforcement. Veterans rely on information provided by the GI Bill Comparison Tool when making decisions about their education. When bad actors remain on the Comparison Tool, that essentially means that the VA has deemed that campus a legitimate school to attend. The responsibility of oversight and due diligence falls on VA to ensure information available on the GI Bill Comparison Tool is updated and accurate so that veterans know they are researching a reputable and respectable campus. Veterans should not be penalized if they enrolled in a predatory school that VA kept on the Comparison Tool. The provisions within this bill will improve the GI Bill Comparison Tool and will correct a wrong experienced by student veterans.

**Senate draft, the Love Lives On Act of 2023**

When a military member or veteran dies, their spouse is eligible to receive a number of survivor benefits, but current law strips many of them if the spouse remarries again before age 55. This arbitrary age limit often prevents many surviving spouses from remarrying out of concern for the financial stability of their surviving children. These surviving spouses should be freed from the fear of losing the benefits owed to them through their late spouse’s military sacrifice. PVA supports the Love Lives On Act, which would ensure they retain many benefits from both the VA and the Department of Defense, regardless of their age at the time of remarriage.

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 you may have.