



Pending Legislation

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Statement of

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National Legislative Service

Veterans of Foreign Wars of the United States

For the Record

United States House of Representatives

Committee on Veterans' Affairs

Subcommittee on Disability Assistance and Memorial Affairs

With Respect To

Pending Legislation

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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. 3123, Ernest Peltz Accrued Veterans Benefits Act

The VFW supports this legislation to ensure survivors receive their Department of Veterans Affairs (VA) pension benefit for the entire month in which a veteran dies. Receiving the full month-of-death benefit payment would better equip survivors to manage the financial hardships that accompany a veteran's death. Rather than abruptly stopping these benefits mid-month, VA would maintain the accustomed income immediately following the veteran's death, providing grieving survivors the resource to settle urgent end-of-life expenses.

World War II veteran Ernest Peltz of Queensbury, New York, is the namesake of this bill. VA approved his accrued pension, which he wanted his survivors to use for his end-of-life care and funeral expenses. Due to its error, VA made the deposit seven days after his death (during the following month) and then immediately recouped it, depriving his family of these funds to manage the imminent expenses after his death. This legislation would prevent this situation by ensuring that survivors receive a final, full pension payment during the month of the veteran's death, regardless of the date on which the veteran dies.

H.R. 3627, Justice for America's Veterans and Survivors Act of 2025

The VFW supports this legislation to direct VA to collect additional data on the causes of veterans' deaths and compile an annual report for the House and Senate Committees on Veterans' Affairs. This deliberate data collection and analysis could illuminate a variety of health-related trends to influence proactive, preventive treatment protocols such as suicide prevention interventions.

H.R. 3833, Veterans' Caregiver Appeals Modernization Act of 2025

The VFW supports this legislation to improve the application and appeals processes for the VA Program of Comprehensive Assistance for Family Members. This program allows eligible veterans to elect in-home care from a caregiver to whom VA provides a monthly stipend. Unfortunately, unlike the Veterans Benefits Administration (VBA) that houses all pertinent documents for disability claims in a single electronic folder, the Veterans Health Administration (VHA) uses multiple electronic systems that are dissimilar to the Board of Veterans' Appeals (BVA) electronic records system. BVA is the entity that has final adjudication authority on caregiver program applications. This uncoordinated and disparate process causes information gaps among reviewers. This situation then leads to unnecessary remands, slowing the entire application process and ultimately delaying or depriving caregivers from receiving this vital benefit. Appealing a denied application is similarly arduous and can take years.

This legislation would compel VA to develop and implement a single electronic application system so that every VHA and VBA employee in the application review process could access and view all application documents, thereby closing information gaps. In the case of successful appeals, caregivers could qualify for past-due caregiver stipends in instances in which the veteran died during the pendency of the appeal. Last, this legislation would require VA to provide consistent guidance and training to VHA employees who adjudicate caregiver applications. Upon implementation, the provisions in this bill would streamline VA's caregiver application process, enabling timely and accurate application decisions.

H.R. 3834, Protecting Veterans Claim Options Act

The VFW supports this legislation to require that the Board of Veterans' Appeals cannot deny the supplemental claim of a veteran solely on the basis that the appellant did not submit any new and relevant evidence. When VBA denies a claim, veterans may file one of three appeal options within one year of the denial. Currently, the supplemental claim option requires that veterans produce new and relevant evidence for VBA claims processors to review before a decision will be made, adding considerable time to the process. If VBA and BVA agree that the appellant added no new and relevant evidence, BVA will refuse to reconsider granting the veteran relief despite the appellant continuously pursuing the claim in a timely manner. This legislation would also elucidate that appellants may submit

additional evidence to BVA in the event that the United States Court of Appeals for Veterans Claims remands their case back to BVA. This is something the VFW has been requesting in order to stop the endless remand and appeals cycle.

H.R. 3835, Veterans Appeals Efficiency Act of 2025

The VFW supports this legislation to expand BVA authority to streamline the veteran appeals process to improve efficiency, reduce the inherent backlog of appeals at BVA, and allow appellants to receive quicker decisions. Veterans wait on average more than two years for an appeal decision, with some veterans waiting significantly longer when hearings are requested. BVA cannot reduce or eliminate its current appeals inventory of roughly 200,000 cases to functional zero by operating at its current rate and staff level. With an average of 65,000 new claims received each year, faster and accurate decisions are not possible without streamlining BVA policies and procedures, and significantly increasing its staff size. Furthermore, there appears to be a lack of specific guidance on when a veteran's appeal is not only eligible to advance on the docket but also when it is likely to be decided, which leads to inconsistent appeal decisions.

This proposal would also allow for the aggregation of claims, so multiple claims could be decided all at once. Since current law is unclear on whether or not BVA has the authority to aggregate claims, it presently does not use this method to streamline them. Additionally, this proposal would certify class actions that include veterans still waiting for a BVA decision. Under current law, the United States Court of Appeals for Veterans Claims (the Court) is prohibited from certifying any class that includes veterans who have not yet received a BVA decision. This prevents class actions and excludes those veterans who could benefit from joining a class action. Plaintiffs in other federal courts can join class actions when they receive an initial unfavorable decision, but veterans who receive a VBA denial of their claim cannot. Thus, these veterans are denied the same access to class action options as other Americans.

Lastly, this legislation would codify the Court's authority to issue limited remands to BVA and require the Court to issue rules on how and when it would do so. In previous testimony, the VFW expressed that there has been a problem with too many unnecessary remands. In fiscal year 2024, the Court remanded 83 percent of appeals back to BVA because of legal errors in BVA-issued decisions. Limited remands are when the Court orders BVA to address

specific issues on which it erred without requiring BVA to issue a new decision on the entire, perhaps lengthy, and multi-issue appeal. Limited remands increase efficiency by eliminating the need to review a second time those issues on which BVA did not previously err. Though the Court has the authority to issue limited remands, it does not have rules and procedures in place for when a veteran can request a limited remand and when the Court should issue one. As a result, such actions are rare.

H.R. 3854, Modernizing All Veterans and Survivors Claims Processing Act

The VFW supports the intent of this legislation to direct VA to ensure the development and subsequent dissemination of an automation tool to aid in the processing of VA claims. Processes that would be automated would include the retrieval of service records or health records, compiling of evidence, decision support, facilitating information sharing between federal agencies, and generating correspondence related to the claim. This proposal would also promote modifying existing automation tools where possible to increase the availability, functionality, and compatibility. While the VFW supports VA exploring the continued use of automation technology to improve processes and build a more responsive, customer-focused claims process, we have questions about how to prevent overreliance on an automated decision support tool. We strongly believe that claims decisions must include verification by a human as a critical part of the process.

H.R. 3983, Veterans Claims Quality Improvement Act of 2025

The VFW supports this multi-faceted legislation to improve training and oversight for VBA claims processors and BVA staff to enhance the accuracy, efficiency, and effectiveness of claims processing. The legislation would direct BVA to establish comprehensive and mutually supportive data-driven training and quality assurance programs to improve the accurate adjudication of appeals. This is something for which the VFW has expressed a need in previous testimony.

Complementing these programs would be a revised performance evaluation system that would annually review the performance of BVA members versus the current triennial evaluation. Augmenting BVA's training and quality assurance regimen would be refined

policies and procedures, and technology enhancements to reduce avoidable deferrals. This situation occurs when claims processors mistakenly think a claim needs additional evidence prior to adjudication, delaying decisions and wasting resources. The reporting requirement would enhance oversight of these initiatives and monitor the results.

H.R. 3951, Rural Veterans' Improved Access to Benefits Act of 2025

The VFW supports this legislation to extend the license portability for contracted health care professionals to perform VA disability examinations to January 2031. The disability examination system has evolved and expanded over many years. In 1996, as part of a pilot program, VA granted temporary license portability to allow contracted physicians to assist with disability examinations. Since the fall of 2016, VA has transitioned from VA-conducted examinations in VA settings to contracted examinations in non-VA settings for nearly all disability examinations. Exceptions are examinations that VA personnel must specifically perform by law. By increasing the number of eligible providers, this legislation would accelerate the initial stage of the disability claims process, particularly for rural and tribal veterans who often have few examination options near their homes.

H.R. 659, Veterans Law Judge Experience Act of 2025

The VFW supports this legislation to require the Chairman of the Board of Veterans' Appeals to preferentially recommend individuals with three or more years of applicable legal experience to serve as members of the board. According to the Code of Federal Regulations, Chapter 38, Section 20.104, BVA has jurisdiction over a substantial number of appeals that cover a wide range including educational benefits, disability compensation claims, and a variety of other issues. Therefore, the chairman's recommendation of experienced individuals for these positions is prudent and integral to efficient and effective BVA operations.

H.R. 2055, Caring for Survivors Act of 2025

As stated in previous testimony, most recently before the Senate Committee on Veterans' Affairs on March 11, 2025, the VFW strongly supports this legislation. We have advocated for this legislation for the past several years and support its swift passage.

The rate of Dependency and Indemnity Compensation (DIC) paid to survivors of service members who died in the line of duty or veterans who died from service-related causes has only minimally increased since the benefit's inception in 1993. Currently, DIC pays 43 percent of the compensation of a 100 percent permanent and totally disabled beneficiary, while all other federal survivor programs pay 55 percent. We strongly support this provision to increase DIC to 55 percent, on par with other federal programs.

Second, we support paying affected survivors the greater of this increased DIC or the amount of the older, rank-dependent compensation system in effect for deaths before 1993. This provision would equalize compensation across the rank structure, substantially increasing the compensation of the survivors of all enlisted personnel and nearly all officer decedents. Differentiating compensation based on rank unfairly disadvantages certain survivors.

Third, the VFW supports reducing the time requirement of service-connected total disability for veterans whose cause of death is unrelated to a service-connected disability. The current requirement is for the veteran to have had a service-connected total disability for at least ten years immediately preceding death. Reducing the requirement to five years would expand the number of eligible survivors and greatly assist them in restarting employment and other facets of life after caring for their disabled veterans.

H.R. 2701, Fallen Servicemembers Religious Heritage Restoration Act

The VFW supports this legislation to facilitate identifying the several hundred overseas graves of American-Jewish service members mistakenly buried under a Latin cross, and to confirm the decedents' religious affiliation. This information would aid descendants applying for a replacement headstone by not having to do this painstaking research themselves.

The large number of casualties and the chaos of war directly contributed to burials with inappropriate headstones. During World War I, more than 100,000 Americans fell abroad during the country's first large-scale overseas combat deployment, and administrative errors were not uncommon. Complicating the situation during World War II, some American-Jewish service members who served in the European Theater deliberately concealed their religious affiliation to avoid torture or death if captured by the Nazis. An attractive feature of the bill is contracting with experienced nonprofit organizations rather than assigning the job to the relatively small staff of the American Battle Monuments Commission--the organization that administers, operates, and maintains these overseas cemeteries.

American-Jewish service members who fought and died for our country deserve to have their religious heritage properly recognized and honored. The VFW advocates for rectifying this long-standing error to properly commemorate our war dead.

H.R. 2721, Honoring our Heroes Act of 2025

The VFW supports this legislation to expand eligibility for veteran burial benefits by establishing a two-year pilot program to furnish a headstone or burial marker for those who died on or before November 1, 1990. Under Public Law 101-508, enacted on November 5, 1990, VA can furnish a headstone or burial marker only for eligible veterans who died on or after November 1, 1990. This legislation would authorize VA to provide a headstone or burial marker for all eligible veterans regardless of date of death.

Chairman Luttrell and Ranking Member McGarvey, this concludes my statement. Again, thank you for the opportunity to offer comments on these issues.

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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.