

# **H.R. 105, H.R. 299, H.R. 1328, H.R. 1329, H.R. 1390, H.R. 1564, and H.R. 1725**

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Statement of  
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Before the

United States House of Representatives  
Committee on Veterans' Affairs  
Subcommittee on Disability Assistance and Memorial Affairs

With Respect To

**H.R. 105, H.R. 299, H.R. 1328, H.R. 1329, H.R. 1390, H.R. 1564, and H.R. 1725**

WASHINGTON, DC

Chairman Bost, Ranking Member Esty 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 our remarks on legislation pending before the subcommittee.

## **H.R. 105, Protect Veterans from Financial Fraud Act of 2017**

The VFW supports this legislation, which would authorize veterans assigned fiduciaries to

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be compensated when fiduciaries mishandle or misuse their money. This is a common sense bill to protect some of our most vulnerable veterans. Veterans assigned a fiduciary need help and financial protection, and any individual who mistreats or preys upon them must be held accountable, and restitution must be made to those affected.

To further protect vulnerable veterans, the VFW supports expanding this legislation to install criminal and financial penalties for those found to maliciously prey on veterans for any financial gain, not just fiduciary fraud. Abusing the health and financial welfare of veterans in need must be punishable by law.

There have been numerous attempts to draft legislation instituting criminal penalties for those who illegally charge veterans for services like assistance in filing an initial claim for VA benefits, but those attempts to pass legislation have fallen flat. The VFW supports legislation that protects all veterans from any individual who commits financial malfeasance, sets substantial penalties for doing so, and ensures veterans receive any owed compensation as a result of the crime.

### **H.R. 299, Blue Water Navy Vietnam Veterans Act of 2017**

The VFW strongly supports this legislation, which would require the Department of Veterans Affairs (VA) to include territorial seas as part of the Republic of Vietnam, extending presumptive service connection and health care for Agent Orange-related illnesses to Blue Water Navy veterans.

Currently, VA relies on what the Court of Appeals for Veterans Claims has called an “arbitrary and capricious” interpretation of inland waterways, which unjustly denies veterans who served aboard ships in the coastal waters of Vietnam the benefits they deserve. The VFW believes that Blue Water Navy veterans were potentially exposed to significant levels of toxins, and should be granted the same presumption of service connection as their counterparts who served in the inland waterways of Vietnam.

### **H.R. 1390, to authorize the Secretary of Veterans Affairs to pay costs relating to the transportation of certain deceased veterans to veterans’ cemeteries owned by a State or tribal organization**

The VFW supports this legislation, which expands burial benefits to veterans interred in a State or tribal cemetery.

For more than 150 years, our nation has purchased and maintained cemeteries to offer our veterans a final resting place that honors their brave military service. Currently, VA maintains 133 national cemeteries; only 75 of them, however, are able to accept new interments. To ensure veterans have burial options within 75 miles to their home, VA uses agreements and grants with states, United States territories, and federally recognized tribal organizations to establish, expand, or improve veterans' cemeteries in areas where the National Cemetery Administration has no plans to build or maintain a national cemetery.

While VA covers all the transportation expenses for veterans who are interred in the nearest national cemetery, VA is not authorized to reimburse the next of kin of a veteran who is interred in a State or tribal cemetery because the nearest VA national cemetery is not accepting new interments or the veteran does not have a national cemetery near their home. This bill rightfully expands VA's authority to cover the cost of transporting a veteran's remains to their final resting place in a State or tribal cemetery.

### **H.R. 1328, American Heroes COLA Act of 2017 & H.R. 1329, Veterans' Compensation Cost-of-Living Adjustment Act of 2017**

The VFW supports this legislation which would increase VA compensation for veterans and survivors, and adjust other benefits by providing a cost-of-living adjustment (COLA). The VFW is pleased to support any bill increasing COLA for our veterans, however, we would prefer to make COLA increases permanent and automatic.

Disabled veterans, along with their surviving spouses and children, depend on their disability compensation, plus dependency and indemnity compensation to bridge the gap of lost earnings caused by the veteran's disability. Each year veterans wait anxiously to find out if they will receive a COLA. There is no automatic trigger that increases these forms of compensation for veterans and their dependents. Annually, veterans wait for a separate act of Congress to provide the same adjustment that is automatically granted to Social Security beneficiaries.

### **H.R. 1564, VA Beneficiary Travel Act of 2017**

The VFW supports this legislation, which would clarify and codify VA's authority to carry out contracted compensation and pension exams and reimburse veterans for travel to such exams.

The VA uses third party examinations in order to speed up the process of either an initial claim or an appeal to ensure veterans receive timely decisions on their claims. Travel is a significant barrier to access for low income veterans. Clarifying that veterans may receive beneficiary travel when attending a contracted compensation and pension exam would ensure veterans are able to complete this important step in the claims process.

While the VFW supports this bill, we are concerned that it does not apply to initial mental health claims. If VA sees the need to contract third party physicians to examine veterans for any and all physical conditions, then it should also utilize appropriate medical professionals to examine mental health conditions. Mental health examinations are increasing every day, and VA insisting on patients seeing only VA doctors for these examinations is increasing the burden on their own system. Mental health examinations for initial claims should be added to the type of services offered in VA's contracting physicians' portfolio.

### **H.R. 1725, Quicker Veterans Benefits Delivery Act of 2017**

The VFW strongly supports this legislation which would require VA to accept competent, creditable, probative, and relevant private medical evidence in support of a disability compensation claim.

The VFW supports using outside physicians' findings in order to speed up the review and judgement of claims. Veterans should not have to see another VA doctor in order to validate their private sector doctors' findings. Requiring redundant examinations only adds to more confusion and clogs up the system. VA must accept evidence from competent, credible physicians and not force veterans to seek a second opinion from a VA physician.

Veterans submitting initial claims have likely been receiving care from non-VA doctors for their claimed conditions, meaning there is likely already a sufficient evidentiary record of the disability. Eliminating redundant exams would speed up the claims process.

While the VFW vehemently supports this bill, we must once again reiterate our concerns related to mental health. Currently, all veterans who claim mental health conditions are sent for a VA exam regardless of the evidence of record. This is onerous and bad medical practice for patients who suffer from mental health conditions. VA should begin accepting private medical evidence for mental health conditions from third party mental health professionals to avoid redundant exams and overburdening veterans.

Mr. Chairman, this concludes my testimony. I am prepared to take any questions you or the subcommittee members may have.

### **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 2017, 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.