



Disability Assistance and Memorial Affairs

Jul 07, 2011

STATEMENT OF

RAYMOND KELLEY, DIRECTOR

NATIONAL LEGISLATIVE SERVICE

VETERANS OF FOREIGN WARS OF THE UNITED STATES

BEFORE THE

COMMITTEE ON VETERANS' AFFAIRS

SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS

UNITED STATES HOUSE OF REPRESENTATIVES

WITH RESPECT TO

H.R. 923, H.R. 1025, H.R. 1826, H.R. 1898, H.R. 2349

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MR. CHAIRMAN AND MEMBERS OF THIS COMMITTEE:

On behalf of the 2.1 million members of the Veterans of Foreign Wars of the United States and our Auxiliaries, the VFW would like to thank this committee for the opportunity to present its views on these bills.

H.R. 923, Veterans Pensions Protection Act of 2011

The VFW appreciates the intent of this legislation, but believes it will impose an undue burden on VA. It would require VA to make further determinations regarding replacement values in cases of insurance settlements, thus reducing resources available to the timely processing of other pension claims. These additional decisions will further delay and complicate a relatively simple benefit. We urge the committee to craft a less burdensome method for accomplishing this laudable goal.

H.R. 1025, To amend title 38, United States Code, to recognize the service in the reserve components of certain persons by honoring them with status as veterans under law

The VFW strongly supports this legislation and its companion bill in the Senate, S. 491, which would give the men and women who choose to serve our nation in the Reserve component the recognition that their service demands. Many who serve in the Guard and Reserve are in positions that support the deployments of their active duty comrades to make sure the unit is fully prepared when called upon. Unfortunately, some of these men and women serve at least 20 years and are entitled to retirement pay, TRICARE, and other benefits, but are not considered a veteran according to the letter of the law.

H.R. 1826, To amend title 38, United States Code, to reinstate penalties for charging veterans unauthorized fees

The VFW strongly supports legislation that would make it a crime for individuals or companies to charge veterans for assistance in applying for disability benefits. Federal law prohibits charging fees for a disability claim, but VA is currently unable to enforce the law as there are no penalties or fines imposed. H.R. 1836 would make it a misdemeanor with penalties and up to one year in prison. Protecting our veterans from companies looking to make a profit off their service and sacrifice will give many veterans peace of mind when filing a disability claim. The VFW applauds this change in law, and looks forward to its

enactment.

H.R. 1898, Veterans 2nd Amendment Protection Act

The VFW supports H.R. 1898, which would provide a layer of protection for veterans who might be seeking or undergoing mental health care for service-related psychological disorders from losing their Second Amendment right. Adding a provision that will require a finding through the legal system that the veteran's condition causes a danger to him or herself or others will prevent a veteran's name from being automatically added to federal no-sell lists.

H.R. 2349, The Veterans' Benefits Training Improvement Act of 2011

Chairman Runyan, thank you for seeing the importance of producing quality disability claims. The VFW agrees that to successfully reduce the backlog and to fix the claims processing system, producing a quality claim the first time is a critical part of that success. Your bill, H.R. 2349, begins the task of ensuring VA employees who process claims have core competencies and retain those competencies in an occupation that is always changing by evaluating their skills. However, much like the "Employee Certification Act of 2008," now Section 7732A of title 38, U.S.C., this bill is a container that will be filled with a VA solution. As we have found with the Employee Certification Act, that training solution has not been beneficial in improving quality claims. The VFW's concern is that VA's solution will not be geared toward truly improving quality, but will only be training that conforms to the law, failing to achieve the goal of ensuring that claims processors have the tools they need to produce quality work.

A more specific evaluation and training system is needed to ensure our mutual goal of increasing quality claims. To do this, the VFW believes the training and evaluation should be based on the findings of the Systematic Technical Accuracy Review system (STAR). Each month, STAR reports on the quality of each Regional Office. To truly improve quality, training should be ongoing and based on the findings of the STAR report, and conducted monthly to correct deficiencies. Tying quality assurance with quality control will ensure that VA employees are being trained on issues that have negatively impacted quality claims.

Also, the VFW suggests that the report to Congress should have an explanation of how the assessments were conducted. This explanation should include the type of assessment that was conducted and who was responsible for the evaluations. Basing success of training on assessment results alone will not provide a full picture of the quality of the training.

Mr. Chairman, this concludes my statement. I would be happy to answer any questions that you or the members of the Committee may have.

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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 2011, nor has it received any federal grants in the two previous Fiscal Years.