

Veterans of Foreign Wars Colorado
118th U.S. Congress
Top Three Legislative Priorities (House)



Department of the Defense Department of Defense Transition Assistance Program

*H.R. 3933 Lead Rep. Van Orden, Derrick [R-WI-3]
TAP Promotion Act*

Leaving service is often complicated by service-related ailments, family needs, loss of identity and support networks, and the required training to enter a new career. Sadly, the first year following discharge also has a higher suicide risk among new veterans, resulting in the need to ensure all transitioning service members are connected to post-service benefits and resources as quickly as possible.

One of the best resources to have during this period are accredited representatives who can help file Department of Veterans Affairs (VA) Benefits Delivery at Discharge (BDD) claims. Through BDD, service members can file expedited claims and complete medical evaluations before leaving service, enabling VA to provide disability ratings upon discharge. Receiving accelerated claims decisions means BDD participants are better able to minimize gaps in essential care like mental health counseling and medication management once they officially leave service.

Unfortunately, not all service members going through the Department of Defense Transition Assistance Program (TAP) have access to BDD accredited representatives, resulting in lost opportunities to receive timely care and benefits upon discharge. The VFW believes there is immense value in incorporating these accredited representatives into the TAP curriculum itself. Specifically, we would like to see these representatives physically present in TAP classrooms during VA briefings on resources that can be applied for prior to discharge. Accredited representatives would not only be able to highlight the BDD program, but also help transitioning service members file claims. Unfortunately, VA contract employees who largely teach the VA curriculum cannot legally assist with claims.

The VFW firmly believes the BDD program is an underutilized tool in the fight against veteran suicide. Directly connecting transitioning service members to accredited representatives in TAP classrooms has the potential to save lives.

CBO Score - Zero

The VFW urges Congress to:

Pass H.R. 3933, *TAP Promotion Act*, to require accredited representatives from national, state, and local organizations to be included in TAP classes.

9 Dems (1 Colo) and 14 GOP Representatives have already signed on

**Department of the Veterans Affairs Disability Benefits
Combating Claim Sharks**

(Predatory companies who have no accountability, no oversight, and no penalties)

H.R. 1139 Lead Rep. Pappas, Chris [D-NH-1]

Governing Unaccredited Representatives Defrauding (GUARD) VA Benefits Act

The VFW is concerned that bad actors who we call “Claim Sharks” have been preying on veterans seeking to access their earned Department of Veterans Affairs (VA) benefits. H.R. 1139 will reinstate penalties for charging veterans and survivors unauthorized fees relating to claims for VA benefits.

A Claim Shark is an individual or company that “assists” or “consults” veterans with VA claims even though they are not accredited with VA. Many of these companies charge large fees for their services, sometimes totaling in the tens of thousands of dollars for services that veterans can receive for free. These companies have used the pandemic to their advantage, offering fully remote “assistance” and easy to access “one click away buttons” in order to capitalize on the reduced resources available due to VA closures.

Claim Sharks now have gained a foot hold and remain operating even though Accredited Service Officers and VA Benefit centers have reopened from the pandemic.

Several of these predatory companies have made statements that there is no avenue for them to seek VA accreditation, but this is *completely untrue*. There are no restrictions for these consultants to be accredited by VA, but they refuse to do so because they would no longer be able to charge exorbitant fees. They would also be subject to oversight by VA’s OGC. Currently, these predatory companies have no accountability, no oversight, and no penalties. Companies that prey upon veterans and flagrantly disregard congressional oversight authority should be held accountable.

VA Benefit rules cap the amount a service provider may charge. Typically, the fee is 20% of the back pay from a benefit claim paid to a disabled veteran. That fee is paid directly to the service provider from the VA. If the percentage is larger than the disabled veteran will be paid by the VA and her or him will have to write a check to pay the service provider. Claim Sharks not only charge an exorbitant amount, but often take a percentage of the monthly disability check for the rest of his or her life, amounting in hundreds of thousands of dollars. Currently, these predatory companies have no accountability, no oversight, and no penalties. The VFW and other Veteran Service Organizations want Congress to amend title 38 to reinstate penalties for charging veteran’s outrageous fees.

Veterans of Foreign Wars Colorado
118th U.S. Congress
Top Three Legislative Priorities (House)



This past March the lobbying firm Akin Gump circulated a memo on Capitol Hill on behalf of a client arguing that The GUARD VA Benefits Act (H.R.1139), or GUARD Act, violates the First Amendment by violating the rights of free speech and association. The Akin memo is wrong to say that the GUARD Act fundamentally prevents veterans from engaging in the free exchange of ideas with consultants. It prevents only the act of charging fees by the consultants if they have not followed the proper procedures to protect veterans by becoming accredited and formally registering as the representative of the veteran in a specific case.

The Akin memo cites no specific cases to support its conclusions and flat out misrepresents the case law regarding regulation of professional advice. The entire response and analysis from Bergmann & Moore demonstrate why the Akin memo is false in its assessment of the proposed consumer protections afforded by the bipartisan GUARD Act. The response is attached to this document.

The Big Six Veteran Service Organizations (American Legion, Veterans of Foreign Wars, Paralyzed Veterans of America, Disabled American Veterans, American Veterans, and Vietnam Veterans of America) Veteran Service Officers are trained and accredited by the Veterans Affairs plus they never charge any fee and membership is not required or implied. Claim sharks need to be stopped.

115 Dems (five from Colorado) and 49 GOP (one from Colorado) Representatives have already signed on

Claim Sharks Q&A

Q: What makes these companies predatory?

A: The law prohibits anyone who assists veterans with the preparation, presentation, or prosecution of their Department of Veterans Affairs (VA) disability claims to charge fees for their services. Many of these companies use contracts that include a commitment by the veteran to pay them all or a portion of their increased benefits. If a veteran receives a disability percentage increase years later, these companies often return seeking more money. Furthermore, they routinely obtain medical opinions from affiliated medical providers, which raises ethical concerns.

Q: Some of these companies say they would seek VA accreditation but there currently is no path for them to do so. Shouldn't our focus be on reforming accreditation?

A: This claim is untrue. Anyone can seek VA accreditation, but then would be subject to oversight by VA's Office of General Counsel and would not be allowed to charge high fees for claims assistance. The VFW is open to discussions about how to improve the accreditation process, but that does not involve making it easier for Claim Sharks to take advantage of veterans.

Q: What does it mean when a claims representative or service officer is accredited? What is accreditation?

A: Accreditation by VA authorizes individuals or Veterans Service Organizations (VSOs) to

Veterans of Foreign Wars Colorado
118th U.S. Congress
Top Three Legislative Priorities (House)



represent veterans for their VA benefits claims. VA accreditation is for the sole and limited purpose of preparing, presenting, and prosecuting claims before VA. Accreditation requires passing extensive training and background checks. VSOs like the VFW have some of the most well-trained and professional claims representatives in the country.

Q: Organizations that offer claims assistance for free do not have enough people to serve all the veterans who need it. Aren't these companies filling a gap?

A: This claim is also untrue. The VFW alone has more than two thousand accredited representatives and they helped tens of thousands of veterans receive more than ten billion dollars in VA benefits last year. No private company that charges fees even comes close to those numbers.

Q: Why are penalties necessary?

A: Consultants who refuse to adhere to VA's well-established standards of accreditation and fee arrangements should be subject to penalties in the same manner as accredited representatives. This is a much-needed protection to deter bad actors and protect veterans' earned benefits.

Q: Why were penalties removed in the first place?

A: Penalties were removed to allow accredited attorneys and agents to charge certain fees for their services. The unintended consequence was that this opened the door to unaccredited, predatory consultants to operate illegally without penalty. We must reinstate these penalties.

Economic Opportunity's Role in Preventing Suicide

VA Benefits Data for Suicide Prevention

H.R.4157 Lead Rep. Connolly, Gerald E. [D-VA-11]

Not Just a Number Act

Related companion bill S. 928 (*Not Just a Number Act*, introduced by Senators Tester (D-MT) and Boozman (R-AR))

As the VFW has advocated for many years, the Department of Veterans Affairs (VA) must immediately incorporate Veterans Benefits Administration (VBA) data into its annual suicide prevention report, to include disability compensation, education and employment benefit use, home loan use and foreclosure assistance, and participation in housing and food insecurity programs. Currently, VHA tracks only how many veterans who die by suicide had interactions with VA through medical or mental health appointments. Short of this incorporation, economic opportunity benefits cannot be fully leveraged to successfully prevent suicide among veterans.

Veterans of Foreign Wars Colorado
118th U.S. Congress
Top Three Legislative Priorities (House)



Education - A 2020 study of recently transitioned service members found those with fewer years of education had a higher hazard of suicide, with lack of education being a likely factor in difficulty finding post-military employment, potentially leading to financial instability.

Employment - Unemployment can be detrimental to mental health. It is even associated with an increased risk for suicide. However, the relationship between unemployment and suicide is a complex one. Providing benefits while veterans are unemployed and making sure they are swiftly reemployed can moderate mental health issues and potentially mitigate suicidal ideations.

Compensation – Some veterans may feel hopeless, unheard, or retriggered by their trauma during the benefit claims process. They may also be facing financial hardship to pay medical expenses until they can receive care at VA. A 2021 study in Military Behavioral Health showed that veterans with a service-connected disability designation who utilized services were less likely to attempt suicide.

Housing – Data from a study published in a 2021 issue of the Journal of Epidemiology & Community Health on veterans who self-reported housing instability between 2012 and 2016 indicated over half of these veterans accessed homeless services and associated this use of services to a significant reduction in suicide risk. This is a positive sign for the ability of these programs to perform upstream intervention.

***Note:** All these programs are administered by the Veterans Benefits Administration. However, none of them are incorporated into the VA annual suicide prevention report.*

The VFW urges Congress to

- Direct VA to incorporate veteran benefit usage into its annual suicide prevention report. This would show the correlation between VA benefits and veterans who die by suicide.
- Analyze which benefits have a greater impact on upstream suicide prevention and focus on expanding those benefits in an effort to reduce the overall number of veteran suicides.
- Direct VA to provide utilization reports on community grants for suicide prevention.

Comparison of veteran suicide rates

Where in Colorado through 2021, 248 veterans completed suicide, 59 of them were in El Paso County, 202 along the Front Range, and 20 on the Western Slope. Take a moment to formulate your own thoughts as to why... The VA has the data, yet?

29 Dems (one from Colorado) and 15 GOP (zero from Colorado) Representatives have already signed on.

Veterans of Foreign Wars Colorado
118th U.S. Congress
Top Three Legislative Priorities (House)



The VFW Action Corps

The VFW Action Corps is our national grassroots advocacy network comprised of more than 300,000 VFW members, Legislative members and Staff, and patriotic supporters of veterans. This group stays up to date on the issues facing our veterans, our military and their families. The VFW Action Corps is free and open to all Americans who care about the military and veterans' communities. Subscribe now <https://voterveice.net/VFW/register>

[VFW Opposed Bills](#)

[H.R. 1822: PLUS for Veterans Act of 2023](#) | 2023-2024 Regular Session (118th) | **Lamborn is signed on**

[VFW Neither Support or Oppose Bills](#)

[VFW Supported Bills](#)

[H.R. 41: VA Same-Day Scheduling Act of 2023](#) | 2023-2024 Regular Session (118th) | **Neguse and Boebert are signed on**

[H.R. 196: Expediting Temporary Ratings for Veterans Act](#) | 2023-2024 Regular Session (118th) | **Neguse is signed on**

[H.R. 234: Gerald's Law Act](#) | 2023-2024 Regular Session (118th) | **Neguse and Crow are signed on**

[H.R. 303: Retired Pay Restoration Act](#) | 2023-2024 Regular Session (118th) | **Neguse is signed on**

[H.R. 333: Disabled Veterans Tax Termination Act](#) | 2023-2024 Regular Session (118th)

[H.R. 491: Return Home to Housing Act](#) | 2023-2024 Regular Session (118th) | **Neguse is signed on**

[H.R. 522: Deliver for Veterans Act](#) | 2023-2024 Regular Session (118th)

[H.R. 542: Elizabeth Dole Home Care Act of 2023](#) | 2023-2024 Regular Session (118th) | **Neguse, Crow, and Caraveo are signed on** **Passed House**

[H.R. 562: Improving Veterans Access to Congressional Services Act of 2023](#) | 2023-2024 Regular Session (118th) | **Neguse and Crow are signed on**

[H.R. 645: Healthy Foundations for Homeless Veterans Act](#) | 2023-2024 Regular Session (118th) | **Neguse, Caraveo, and Pettersen are signed on**

[H.R. 693: VACANT Act](#) | 2023-2024 Regular Session (118th)

[H.R. 705: Veterans 2nd Amendment Protection Act](#) | 2023-2024 Regular Session (118th) | **Boebert and Lamborn are signed on**

Veterans of Foreign Wars Colorado
118th U.S. Congress
Top Three Legislative Priorities (House)



[H.R. 728: To direct the Assistant Secretary of Labor for Veterans' Employment and Training to carry out a pilot program on short-term fellowship programs for veterans](#) | 2023-2024 Regular Session (118th)

[H.R. 733: Vet CENTERS for Mental Health Act of 2023](#) | 2023-2024 Regular Session (118th)

[H.R. 746: Streamlining Aviation for Eligible Veterans Act](#) | 2023-2024 Regular Session (118th) | **Neguse is signed on**

[H.R. 808: Veterans Patient Advocacy Act](#) | 2023-2024 Regular Session (118th) | **Neguse and Caraveo are signed on**

[H.R. 984: Commitment to Veteran Support and Outreach Act](#) | 2023-2024 Regular Session (118th) | **Lamborn is signed on**

[H.R. 1045: Health Care Fairness for Military Families Act of 2023](#) | 2023-2024 Regular Session (118th) | **DeGette, Neguse, and Lamborn are signed on**

[H.R. 1089: VA Medical Center Facility Transparency Act](#) | 2023-2024 Regular Session (118th)

VFW Leg Priority [H.R. 1139: GUARD VA Benefits Act](#) | 2023-2024 Regular Session (118th) | **DeGette, Neguse, Lamborn, Crow, Caraveo, and Pettersen are signed on**

[H.R. 1169: VA E-Notification Enhancement Act](#) | 2023-2024 Regular Session (118th)

[H.R. 1182: Veterans Serving Veterans Act of 2023](#) | 2023-2024 Regular Session (118th) **Neguse is signed on**

[H.R. 1191: Correcting Guam's History in the PACT Act](#) | 2023-2024 Regular Session (118th) | **Caraveo and Neguse are signed on**

[H.R. 1267: Air Carrier Access Amendments Act of 2023](#) | 2023-2024 Regular Session (118th) | **Neguse is signed on**

[H.R. 1278: DRIVE Act](#) | 2023-2024 Regular Session (118th) **Pettersen is signed on**

[H.R. 1282: Major Richard Star Act](#) | 2023-2024 Regular Session (118th) | **DeGette, Neguse, Lamborn, Crow, Caraveo, and Pettersen are signed on**

[H.R. 1329: To amend title 38, United States Code, to provide for an increase in the maximum number of judges who may be appointed to the United States Court of Appeals for Veterans Claims](#) | 2023-2024 Regular Session (118th)

[H.R. 1378: Veterans' Appeals Backlog Improvement Act](#) | 2023-2024 Regular Session (118th) | **Crow, Caraveo, and Neguse are signed on**

[H.R. 1529: Veterans' Compensation Cost-of-Living Adjustment Act of 2023](#) | 2023-2024 Regular Session (118th) | **Caraveo is signed on**

[H.R. 1530: Veterans Benefits Improvement Act](#) | 2023-2024 Regular Session (118th) **Passed House**

[H.R. 1639: VA Zero Suicide Demonstration Project Act of 2023](#) | 2023-2024 Regular Session (118th) |

[H.R. 1669: VET-TEC Authorization Act of 2023](#) | 2023-2024 Regular Session (118th) | **Passed House**

[H.R. 1753: To ensure proper credit for certain members of female cultural support teams](#) | 2023-2024 Regular Session (118th) | **Neguse and Crow are signed on**

[H.R. 1763: Military Family Nutrition Act of 2023](#) | 2023-2024 Regular Session (118th) | **Neguse, Crow, and Pettersen are signed on**

[H.R. 1767: To protect the educational assistance entitlement of certain individuals](#) | 2023-2024 Regular Session (118th)

[H.R. 1774: VA Emergency Transportation Act](#) | 2023-2024 Regular Session (118th) | **Neguse and Crow are signed on**

Veterans of Foreign Wars Colorado
118th U.S. Congress
Top Three Legislative Priorities (House)



[H.R. 1786: GROW Act](#) | 2023-2024 Regular Session (118th)
[H.R. 1798: Protect Military Dependents Act](#) | 2023-2024 Regular Session (118th)
[H.R. 1799: EMPLOY VETS Act](#) | 2023-2024 Regular Session (118th)
[H.R. 1815: Expanding Veterans' Options for Long Term Care Act](#) | 2023-2024 Regular Session (118th)
[H.R. 2537: BAH Restoration Act](#) | 2023-2024 Regular Session (118th) | **Neguse, Crow, Caraveo, and Pettersen are signed on**
[H.R. 2733: Department of Veterans Affairs Office of Inspector General Training Act of 2023](#) | 2023-2024 Regular Session (118th) |
[H.R. 2768: PFC Joseph P. Dwyer Peer Support Program Act](#) | 2023-2024 Regular Session (118th) | **Crow is signed on**
[H.R. 2818: Autonomy for Disabled Veterans Act](#) | 2023-2024 Regular Session (118th) | **Neguse and Caraveo are signed on**
[H.R. 2830: Veteran Improvement Commercial Driver License Act of 2023](#) | 2023-2024 Regular Session (118th)
[H.R. 3165: Military Housing Transparency and Accountability Act](#) | 2023-2024 Regular Session (118th) | **Crow and Caraveo are signed on**
[H.R. 3504: VA Medical Center Security Report Act of 2023](#) | 2023-2024 Regular Session (118th)
[H.R. 3520: Veteran Care Improvement Act of 2023](#) | 2023-2024 Regular Session (118th) | **Lamborn is signed on**
[H.R. 3581: COPE Act](#) | 2023-2024 Regular Session (118th) | **Passed House**
[H.R. 3601: Student Veteran Work Study Modernization Act](#) | 2023-2024 Regular Session (118th) | **Crow and Caraveo are signed on**
[H.R. 3722: Daniel J. Harvey, Jr. and Adam Lambert Improving Servicemember Transition to Reduce Veteran Suicide Act](#) | 2023-2024 Regular Session (118th)
[H.R. 3738: To amend title 38, United States Code, to establish in the Department of Veterans Affairs the Veterans Economic Opportunity and Transition Administration, and for other purposes](#) | 2023-2024 Regular Session (118th) | **Crow is signed on**
[H.R. 3790: Justice for ALS Veterans Act of 2023](#) | 2023-2024 Regular Session (118th) **Caraveo and Pettersen are signed on**
[H.R. 3816: Veterans' Entry to Apprenticeship Act](#) | 2023-2024 Regular Session (118th)
[H.R. 3874: Veterans Education Assistance Improvement Act](#) | 2023-2024 Regular Session (118th)
[H.R. 3898: Transcript Assurance for Heroes Act](#) | 2023-2024 Regular Session (118th)
[H.R. 3900: To establish certain rights for spouses of members of the uniformed services.](#) | 2023-2024 Regular Session (118th)
VFW Leg Priority [H.R. 3933: TAP Promotion Act](#) | 2023-2024 Regular Session (118th) **Crow is signed on**
[H.R. 3956: Veterans Protection from Fraud Act](#) | 2023-2024 Regular Session (118th)
[H.R. 4016: Veteran Fraud Reimbursement Act](#) | 2023-2024 Regular Session (118th)
[H.R. 4190: Restoring Benefits to Defrauded Veterans Act](#) | 2023-2024 Regular Session (118th)
[H.R. 4225: VA Acquisition Review Board Act of 2023](#) | 2023-2024 Regular Session (118th)
[H.R. 4278: Restore VA Accountability Act of 2023](#) | 2023-2024 Regular Session (118th) | **Lamborn is signed on**
[H.R. 4306: Michael Lecik Military Firefighters Protection Act](#) | 2023-2024 Regular Session (118th) **Neguse and Crow are signed on**

Veterans of Foreign Wars Colorado
118th U.S. Congress
Top Three Legislative Priorities (House)



[H.R. 4461: Modernizing Department of Veterans Affairs Disability Benefit Questionnaires Act](#) |
2023-2024 Regular Session (118th)

[H.R. 4569: Veteran Service Recognition Act of 2023](#) | 2023-2024 Regular Session (118th)

Neguse is signed on

[H.R. 5190: Military Family Protection from Debt Act](#) | 2023-2024 Regular Session (118th)