

**STATEMENT OF THE  
PARALYZED VETERANS OF AMERICA  
FOR THE RECORD OF THE  
HOUSE COMMITTEE ON VETERANS' AFFAIRS  
HEARING REGARDING  
VA's ABILITY TO RESPOND TO DEPARTMENT OF DEFENSE  
CONTINGENCIES AND NATIONAL EMERGENCIES**

**OCTOBER 11, 2001**

Public Law 97-174, the "Veterans' Administration and Department of Defense Health Resources Sharing and Emergency Operations Act," currently part of 38 U.S.C. § 8111A, states that the Department of Veterans Affairs (VA) is the principal medical care backup for military health care "[d]uring and immediately following a period of war, or a period of national emergency declared by the President or the Congress that involves the use of the Armed Forces in armed conflict[.]" 38 U.S.C. § 8111A. This is one of the four primary missions of the VA.

On September 18, 2001, in response to the terrorist attacks on September 11, 2001, the President signed into law an “Authorization for Use of Military Force” which constitutes specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution. This resolution, P.L. 107-40, satisfies the statutory requirement that triggers the VA’s responsibilities to serve as a backup to the Department of Defense (DOD).

A summary of the 1982 law, published by this Committee, stated that the law “recognizes the need for VA and DOD to participate in joint contingency planning. The measure establishes the formal role of the VA health care system as the primary backup to the DOD health care system for treatment of members of the U.S. Armed Forces engaged in armed conflict during a period of war or national emergency declared by the President or the Congress.”

In a 1986 hearing conducted by this Committee to ascertain the implementation of the 1982 law, the Assistant Secretary of Defense for Health Affairs testified that the “VA was directed to serve as the primary backup to the DOD in the event of a war or national emergency. The two Departments have made great strides in designing a VA backup system to our contingency system at DOD. Today the system stands ready to provide 32,506 contingency beds for use by DOD in the event of a war or a national crisis.”

The VA’s requirement to report to this Committee within 30 days of the declaration of war or national emergency as to the VA’s “allocation of facilities and personnel in order to provide priority hospital care . . . to members of the Armed Forces” was repealed last

year with the enactment of P.L. 106-419. PVA would be interested in ascertaining the number of contingency beds the VA would be able to make available consistent with the intent underlying the 1982 law to provide a priority to members of the Armed Forces “second only to the priority of service-connected veterans for care and treatment.”

This priority is also contained in the regulations promulgated under this statutory authority. 38 C.F.R. 17.230 (a) reads:

(a) Priority care to active duty personnel. The Secretary, during and/or immediately following a period of war or national emergency declared by the Congress or the President that involves the use of United States Armed Forces in armed conflict, is authorized to furnish hospital care, nursing home care, and medical services to members of the Armed Forces on active duty. The Secretary may give higher priority in the furnishing of such care and services in VA facilities to members of the Armed Forces on active duty than to any other group of persons eligible for such care and services with the exception of veterans with service-connected disabilities.

This national emergency entails not only a crisis abroad, but a crisis here at home. As the VA serves as a backup to our Armed forces, it also serves as a backup to, and an integral part of, our Nation’s health care system. When terrorists struck New York City, the VA was there, caring for victims. In fact, the Government Accounting Office, in its January 2001 report entitled “Major Management Challenges and Program Risks” (GAO-01-255) characterizes the VA’s role as the “primary backup to other federal agencies during national emergencies.” The VA must be prepared, and provided with the resources it needs, to accomplish this comprehensive and vital mission.

We ask this Committee to ensure that the VA is an integral part of contingency plans established by the new Office of Homeland Security, headed by former Governor Tom

Ridge, and task forces such as the Gilmore Commission (the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction).

We believe that if the VA is to meet these many responsibilities during this period of crisis then it must be assured of sufficient resources. We do not believe that the VA has the resources it will need for the upcoming fiscal year to adequately care for veterans. If the VA is to fulfill its mission it must be provided these resources. We further believe that this, once again, points out the importance of maintaining the integrity of the VA system and its ability to provide a full range of health care services.

We know this Committee will work closely with the Administration, your colleagues in Congress, and with veterans to safeguard the care provided to sick and disabled veterans and to realize the additional resources the VA will need to fully meet its obligations to serve as a backup to the DOD, other federal agencies, and the Nation, in this time of national emergency.

**Information Required by Rule XI 2(g)(4) of the House of Representatives**

Pursuant to Rule XI 2(g)(4) of the House of Representatives, the following information is provided regarding federal grants and contracts.

**Fiscal Year 2001**

Court of Appeals for Veterans Claims, administered by the Legal Services Corporation — National Veterans Legal Services Program— \$83,000 (estimated as of February 28, 2001).

**Fiscal Year 2000**

General Services Administration —Preparation and presentation of seminars regarding implementation of the Americans With Disabilities Act , 42 U.S.C. §12101, and requirements of the Uniform Federal Accessibility Standards — \$30,000.

Federal Aviation Administration – Accessibility consultation -- \$12,500.

Court of Appeals for Veterans Claims, administered by the Legal Services Corporation — National Veterans Legal Services Program— \$200,000.

**Fiscal Year 1999**

General Services Administration —Preparation and presentation of seminars regarding implementation of the Americans With Disabilities Act , 42 U.S.C. §12101, and requirements of the Uniform Federal Accessibility Standards — \$30,000.

Court of Appeals for Veterans Claims, administered by the Legal Services Corporation — National Veterans Legal Services Program— \$240,000.