

**STATEMENT OF CARL BLAKE,  
ASSOCIATE LEGISLATIVE DIRECTOR,  
PARALYZED VETERANS OF AMERICA  
BEFORE THE HOUSE COMMITTEE ON VETERANS' AFFAIRS,  
SUBCOMMITTEE ON BENEFITS**

**CONCERNING**

**H.R. 348, THE "PRISONER OF WAR BENEFITS ACT OF 2003;"**

**H.R. 843, THE "INJURED VETERANS BENEFITS ELIGIBILITY ACT OF 2003;"**

**H.R. 1735;**

**H.R. 2206, THE "PRISONER OF WAR/MISSING IN ACTION  
NATIONAL MEMORIAL ACT;"**

**H.R. 2612, THE "VETERANS ADAPTED HOUSING EXPANSION ACT OF 2003;"**

**H.R. 4065, THE "VETERANS HOUSING AFFORDABILITY ACT OF 2004;"**

**H.R. 3936;**

**AND PROPOSED DRAFT LEGISLATION**

**APRIL 29, 2004**

Chairman Brown, Ranking Member Michaud, members of the Subcommittee, Paralyzed Veterans of America (PVA) would like to thank you for the opportunity to testify today on proposed legislation. As we continue to bring home new veterans and disabled veterans, it

is imperative that we continue to improve the benefits that will be available to these men and women.

### **H.R. 348, THE “PRISONER OF WAR BENEFITS ACT OF 2003”**

H.R. 348, the “Prisoner of War Benefits Act,” would ease the difficulty associated with receiving a service-connection for diseases occurring as a result of being a prisoner of war (POW). It would also add several diseases to the list of presumptive conditions and would eliminate the minimum internment requirement for a POW to qualify for dental care.

PVA believes the section of this legislation that would repeal the 90 day internment period for a POW to be eligible for dental care is unnecessary. This statutory change was already included in P.L. 108-170, which was signed into law during the last session of this Congress.

This legislation would repeal the requirement that a POW be held captive for at least 30 days in order to receive a presumption of service-connection for the purposes of receiving benefits. This issue came to the forefront last year when American service personnel were held captive by Iraq for less than 30 days. However, they had sustained severe injuries as a result of combat actions and their subsequent internment. It seems only fair that any POW, regardless of time in captivity, be recognized as being eligible for service-connected benefits. PVA supports this provision.

We likewise support the addition of the following diseases to the list of diseases presumed to be service-connected: heart disease, stroke, liver disease, Type II diabetes, and osteoporosis. We have no objections to the requirements placed on the Secretary of VA for adding or subtracting diseases to the presumptive service-connection list. We would only caution that veterans and former POWs should be given the benefit of the doubt before any consideration is given to removing a disease from the list.

### **H.R. 843, THE “INJURED VETERANS BENEFITS ELIGIBILITY ACT OF 2003”**

H.R. 843, the “Injured Veterans Benefits Eligibility Act,” would require the VA to provide full service-connected benefits for veterans who become disabled by treatment or vocational rehabilitation or to the surviving spouses of veterans who die from VA health care treatment. PVA fully supports providing a veteran or his or her family benefits if they are disabled by VA treatment services. Although it is unpleasant to think that such problems occur during treatment, the reality is that sometimes veterans are harmed by mistakes made during their medical treatment. It is only fair and just that these veterans receive all of the benefits available to other service-connected veterans, to include those men and women negatively affected by treatment received at a Department of Defense (DOD) medical facility.

### **H.R. 1735**

H.R. 1735 would increase the home loan limit available from the VA. This would allow our servicemen and women who are returning from the conflicts in Iraq and Afghanistan

and getting out of the military to have a fair opportunity to own a home. Too often, these men and women do not have a chance to obtain a home because of high real estate costs associated with the still booming housing market. This legislation would place them on equal footing with private citizens seeking a new home. In a letter we recently sent to Representative Susan Davis (D-CA), who introduced the legislation, we expressed our support for this proposal. This legislation is in accordance with the proposal made by *The Independent Budget* to increase the maximum VA home loan guaranty amount.

**H.R. 2206, THE “PRISONER OF WAR/MISSING IN ACTION  
NATIONAL MEMORIAL ACT”**

H.R. 2206, the “Prisoner of War/Missing in Action National Memorial Act,” calls for the designation of a POW/MIA memorial located at the Riverside National Cemetery in Riverside, California. PVA has no objections to the proposed memorial. A memorial recognizing the extreme sacrifices and struggles of those held prisoner and those who have never returned home is more than a fitting tribute. As we have recommended in the past with respect to the authorization of national memorials, we urge the designers of this memorial to make every effort to ensure full accessibility for disabled veterans and citizens in the memorial design.

**H.R. 2612, THE “VETERANS ADAPTED  
HOUSING EXPANSION ACT OF 2003”**

H.R. 2612, the “Veterans Adapted Housing Expansion Act,” authorizes the VA to provide

the Specially Adapted Housing (SAH) grant to veterans with a total and permanent service-connected disability due to the loss, or loss of use of both upper extremities such as to preclude use of the arms at and above the elbows. PVA interprets this legislation to mean that a qualifying veteran no longer has use of not only his or her lower arms, but specifically the elbow joint as well. Veterans who have loss of both upper extremities face not only obvious everyday challenges, such as brushing teeth and tying shoes, but also less obvious mobility impairments associated with balance.

PVA believes that it is only fair to allow these severely disabled veterans to have access to the SAH grant. Currently, these veterans can only receive adaptive assistance under Section 2101(b) of Title 38 U.S.C. The grant governed by this section is significantly less than the SAH grant. The proposed legislation would place these veterans under Section 2101(a) which authorizes the Secretary of VA to provide the SAH grant to veterans seeking an accessible home or residence.

PVA supports H.R. 2612. We must, however, underline the importance of ensuring that the intent of this Subcommittee be made clear—to guarantee that the broadest number of veterans be covered by this legislation.

#### **H.R. 4065, THE “VETERANS HOUSING AFFORDABILITY ACT OF 2004”**

The “Veterans Housing Affordability Act” is similar in concept to H.R. 1735. As we previously stated, it is most important to allow our servicemen and women who are

returning from the conflicts in Iraq and Afghanistan and getting out of the military to have a fair opportunity to own a home. PVA supports either measure which accomplishes this objective. We must make every effort to ensure that our servicemen and women can realize the dream of owning a home.

PVA, in accordance with the recommendations of *The Independent Budget* for FY 2005, also agrees with the provision of this legislation that would allow the home loan guaranty amount to have an automatic annual adjustment. Much like many other benefit programs administered by the VA, the home loan guaranty has not been adequately adjusted to reflect the economic growth of this country. PVA supports this legislation.

### **H.R. 3936**

PVA supports H.R. 3936 which would authorize the United States Court of Appeals for Veterans Claims (CAVC) to be located anywhere in the Washington, D.C. metropolitan area. PVA is also please to see that Congress recognizes the need to have a dedicated Veterans Courthouse and Justice Center. *The Independent Budget* states:

It [CAVC] is the only Article I court that does not have its own courthouse. This court should be accorded at least the same degree of respect enjoyed by other appellate courts of the United States. . . The court should have its own home located in a dignified setting with distinctive architecture that communicates its judicial authority and stature as a judicial institution of the United States.

PVA approves of the provision that would allow the court to be located in the Washington, D.C. metropolitan area and not just in the District of Columbia proper. In letters sent to

the Secretary of Defense Donald Rumsfeld and the Vice President of the United States last fall, we point out that a suitable location has been identified near the Pentagon on which the new “United States Veterans Courthouse and Justice Center” could be constructed.

PVA also believes that it is important to allow the individuals who regularly practice before the court to reside there as well. This would include representatives from the Veterans Consortium Pro Bono Program, the National Veterans Legal Services Program, and appellate attorneys from veterans service organizations. PVA, along with many other veterans service organizations, maintain a strong presence before the CAVC and it is important that they be allowed to continue to have easy and unrestricted access to the Court.

#### **THE “VETERANS EDUCATION OPPORTUNITY ACT OF 2004”**

Under current law, servicemembers who first entered military service before June 30, 1985, and continue to serve, are ineligible for Montgomery GI Bill (MGIB) benefits. An active duty servicemember who entered the military on or before that date cannot participate in the MGIB unless he or she was enrolled in the education assistance program that was available prior to June 30, 1985, and chose to convert to the MGIB. *The*

*Independent Budget* states:

“Any person who was serving in the Armed Forces on June 30, 1985, or any person who reentered service in the Armed Forces on or after that date, if otherwise eligible, should be allowed to participate in the Montgomery GI Bill under the same conditions as members who first entered military service after that date.”

The proposed legislation would remove the restriction on eligibility for the MGIB for military personnel who entered the service prior to June 30, 1985. In accordance with the recommendation of *The Independent Budget*, PVA supports this proposed legislation.

### **EMPLOYMENT PLACEMENT, RETENTION, AND ADVANCEMENT**

PVA supports the proposed legislation that directs the Secretary of VA to contract for a report on employment placement, retention, and advancement of recently separated servicemembers. PVA has worked with many of the veterans service organizations to ensure that veterans preference rights in federal hiring are protected. We remain concerned that the federal government is not doing enough to recruit new veterans to the workforce. We are concerned that veterans often are hired for jobs that are not commensurate with the skills they have.

The success of veterans seeking employment in the private sector is much less clear. Despite the reassurances of various business executives who recently testified before the full Committee that they were hiring veterans, we have not seen hard facts on the number of men and women leaving the military and entering the workforce. This report would hopefully provide a better reflection of the hiring trends of businesses in this country. As new veterans return home from the war in Iraq and Afghanistan, it is important that they have the opportunity to gain employment when leaving the service.

## **PRESUMPTION OF SERVICE-CONNECTION FOR EXPOSURE TO IONIZING RADIATION**

The proposed legislation would add certain additional diseases to the list of diseases presumed to be service-connected for veterans exposed to ionizing radiation. The diseases added to the presumptive list include: bone cancer, brain cancer, colon cancer, lung cancer, and ovarian cancer. PVA supports this section of the bill.

Currently, radiation-exposed veterans who have received a payment under the Radiation Exposure Compensation Act (RECA) are barred from receipt of VA compensation by 38 C.F.R. § 3.715. PVA also understands that the VA has taken interpretation of this regulation one step further. If a veteran currently receiving VA compensation is granted a RECA payment, the VA stops payment of compensation to that veteran. Likewise, spouses who have received similar payments from the RECA must forfeit DIC. PVA does not believe that was the original intent of the RECA. Section 2 of the proposed legislation would prohibit the VA from denying compensation to veterans exposed to radiation just because they received a payment under RECA. The bill would restore the original intent of the compensation program so that payments from VA or RECA would be offset against the other. This would prevent dual payment for the same disability. PVA supports this section of the legislation.

It is vitally important that we continue to improve the benefits that the men and women who are currently serving will soon be taking advantage of. I would be happy to answer

any questions that you might have. PVA would like to thank you for holding this hearing and I would be happy to answer any questions that you might have.

**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 2004**

Court of Appeals for Veterans Claims, administered by the Legal Services Corporation — National Veterans Legal Services Program— \$228,000 (estimated).

**Fiscal Year 2003**

Court of Appeals for Veterans Claims, administered by the Legal Services Corporation — National Veterans Legal Services Program— \$228,803.

**Fiscal Year 2002**

Court of Appeals for Veterans Claims, administered by the Legal Services Corporation — National Veterans Legal Services Program— \$228,413.

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Carl Blake is an Associate Legislative Director with Paralyzed Veterans of America (PVA) at PVA's National Office in Washington, D.C. He represents PVA to federal agencies including the Department of Defense, Department of Labor, Small Business Administration, and the Office of Personnel Management. In addition, he represents PVA on issues such as homeless veterans and disabled veterans' employment as well as coordinates issues with other Veterans Service Organizations.

Carl was raised in Woodford, Virginia. He attended the United States Military Academy at West Point, New York. He received a Bachelor of Science Degree from the Military Academy in May 1998. He received the National Organization of the Ladies Auxiliary to the Veterans of Foreign Wars of the United States Award for Excellence in the Environmental Engineering Sequence.

Upon graduation from the Military Academy, he was commissioned as a Second Lieutenant in the United States Army. He was assigned to the 1<sup>st</sup> Brigade of the 82<sup>nd</sup> Airborne Division at Fort Bragg, North Carolina. Carl was retired from the military in October 2000 due to a service-connected disability.

Carl is a member of the Virginia-Mid-Atlantic chapter of the Paralyzed Veterans of America.

Carl lives in Fredericksburg, Virginia with his wife Venus and son Jonathan.