

**STATEMENT OF**  
**CARL BLAKE,**  
**ASSOCIATE LEGISLATIVE DIRECTOR,**  
**PARALYZED VETERANS OF AMERICA**  
**BEFORE THE HOUSE COMMITTEE ON VETERANS' AFFAIRS,**  
**SUBCOMMITTEE ON BENEFITS**  
**CONCERNING H.R. 241, THE "VETERANS BENEFICIARY FAIRNESS ACT OF**  
**2003," H.R. 533, THE "AGENT ORANGE VETERANS' DISABLED**  
**CHILDREN'S BENEFITS ACT OF 2003," H.R. 761, THE "DISABLED**  
**SERVICEMEMBERS ADAPTED HOUSING ASSISTANCE ACT OF 2003,"**  
**H.R. 850, THE "FORMER PRISONERS OF WAR SPECIAL**  
**COMPENSATION ACT OF 2003," H.R. 966, THE "DISABLED VETERANS**  
**RETURN-TO-WORK ACT OF 2003," AND H.R. 1048, THE "DISABLED**  
**VETERANS ADAPTIVE BENEFITS IMPROVEMENT ACT OF 2003"**

**APRIL 10, 2003**

Chairman Brown, Ranking Member Michaud, members of the Subcommittee, PVA would like to thank you for the opportunity to testify today concerning the proposed benefits

legislation. It is important that we address much needed benefits improvements at a time when we will have new veterans coming home from war soon to partake of these benefits.

**H.R. 241, the “Veterans Beneficiary Fairness Act of 2003”**

Under current law, if a veteran dies while a claim is being processed by the Department of Veterans Affairs (VA), but before his or her claim becomes final, the surviving spouse is entitled to no more than two years of accrued benefits when the claim is decided in the veteran’s favor. H.R. 241 repeals this two-year limitation allowing the veteran’s surviving spouse to receive the full amount of the award and not be penalized by VA's failure to resolve a claim in a timely manner. With the time period for processing claims and appeals often being a matter of years, this limitation is inequitable. A veteran’s surviving spouse should not be forced to suffer the consequences of the VA’s inefficiency. PVA fully supports H.R. 241.

**H.R. 533, the “Agent Orange Veterans’ Disabled Children’s Benefits Act of 2003”**

H.R. 533 provides health care, vocational training and rehabilitation, and a monthly disability allowance from the VA to the natural child of a veteran who had active military service in an area in which a Vietnam-era herbicide agent was used. This applies to children who were conceived after the veteran served in that area and who suffer from spina bifida. Under current law, these benefits are authorized only for the spina bifida care of a Vietnam veteran's natural child conceived after the veteran first entered the Republic of Vietnam. PVA supports H.R. 533.

**H.R. 761, the “Disabled Servicemembers Adapted Housing Assistance Act of 2003”**

Mr. Chairman, PVA would like to thank you for introducing H.R. 761, the “Disabled Servicemembers Adapted Housing Assistance Act of 2003.” This has been an important initiative for PVA. H.R. 761 authorizes the VA to provide adapted housing assistance to military personnel on active duty who have a qualifying disability, such as the loss of certain extremities or of sight, which is the result of an injury or disease aggravated or contracted in the line of duty. This assistance is given primarily through grants used either in the construction of a new accessible house or in the remodeling of an existing house for accessibility. Currently, a servicemember must wait until he or she has been separated from active duty before he or she can take advantage of this benefit.

*As The Independent Budget states:*

In authorizing specially adapted housing for “veterans,” current law precludes awards to servicemembers hospitalized or undergoing rehabilitation prior to discharge because of service-connected disabilities. Servicemembers may remain hospitalized for months, occupying an acute care bed or housed in a nursing home at government expense until adequate housing can be constructed or adapted. Delaying assistance with specially adapted housing until the servicemember attains veterans’ status unnecessarily delays recovery, rehabilitation, and transition into independent living. As it is with the automobile allowance, eligibility for specially adapted housing should be extended to service-disabled members of the Armed Forces who are awaiting discharge from military service.

Many PVA members have dealt with this problem in the past. A significant number of PVA members utilize the adaptive housing grants for their homes. Unfortunately, in situations where our members come directly from active duty and are waiting for separation, they are forced to stay in a hospital or live with someone else because they do not have immediate access to the grants that would allow them to become independent much faster. PVA fully supports H.R. 761.

### **H.R. 850, the “Former Prisoners of War Special Compensation Act of 2003”**

H.R. 850 would allow the VA to pay a monthly special compensation to veterans who were prisoners of war. The amount of this compensation would be based on the length of time that the veteran was actually held as a prisoner. The bill would also allow the VA to provide dental care to all former prisoners of war, not just those who were held captive for more than 90 days. It is important that we recognize the sacrifices that these veterans made and the hardships that they faced while being held captive. PVA supports the provisions of H.R. 850.

### **H.R. 966, the “Disabled Veterans Return-to-Work Act of 2003”**

I would like to express our appreciation to the Chairman of the Subcommittee, the Honorable Henry Brown, for introducing H.R. 966, the “Disabled Veterans’ Return-to-Work Act of 2003.” The program would re-authorize a five-year program of vocational rehabilitation for certain nonservice-connected disabled pension recipients that was first established by the 98<sup>th</sup> Congress. The program became effective on February 1, 1985 and was terminated in 1995. PVA felt strongly at that time that the VA failed to provide the proper outreach and support to make this program fully successful. We greatly appreciate language placed in this legislation providing direct guidance to the VA in this regard.

The program was designed primarily for younger totally disabled veterans receiving VA low-income pension. It was designed to give them a realistic opportunity to receive vocational training, enabling them to return to productive activity, rather than relying on the VA pension program for the remainder of their lives at great cost to the government. The program also addressed the disincentives many of these veterans faced in seeking training and employment

by removing the threat of the immediate loss of pension benefits once employment and higher incomes had been secured.

PVA has, for years, maintained that the nonservice-connected pension program contains built-in work disincentives which have led to unnecessary government expenditures and loss of considerable human talent from America's work force. Society has, due to increased public awareness, improved technologies, and medical advancements, modernized some of these attitudes toward people with disabilities. Passage of the Americans with Disabilities Act (P.L. 101-336) has opened wide avenues for employment opportunities for these men and women. The Congress, in 1999 passed the "Ticket to Work Act" (P.L. 106-170) which sought to remove many disincentives inherent in other Federal assistance programs that kept people on public assistance when faced with loss of health care benefits. Mr. Chairman, no severely disabled American, veteran or non veteran alike, in this day and age should have to face a lifetime of un-productivity and public assistance, because VA and other federal programs are designed to keep him or her in that condition.

The lack of adequate training opportunities, job placement counseling programs, along with an uncertain job market, fear of loss of health care and pension support are powerful disincentives for an individual seeking to break out of public assistance. Fortunately the Congress, some years ago, allowed for pension recipients obtaining employment to continue their health care eligibility for a period of time after leaving the pension rolls, much as the "Ticket to Work Act" provided in the 106<sup>th</sup> Congress. However, the veteran still loses pension support immediately at the point his or her earned income rises above the pension

limitation. This termination of benefits mirrors the same disincentives still existing in the Social Security Disability Insurance (SSDI) program, although there are some mechanisms in that program for an extension of benefits after a period of time. The Supplemental Social Security (SSI) program under Social Security has a much more enlightened approach phasing benefits out gradually as earned income rises.

H.R. 966, in reinstating this program, amends language in title 38 U.S.C. that calls for an extension of pension benefits once income has risen above the pension limitation, but for one year only. We believe this time period is too short to give the newly trained and newly employed former pension recipient the initial confidence that financial support will be there for an adequate period of time while he or she is trying to achieve employment security. We have suggested in the past that a three-year extension of benefits would be ideal. However, we would like to work with the Subcommittee to achieve some compromise or solution based on new or existing models deemed to be successful in other Federal programs.

**H.R. 1048, the “Disabled Veterans Adaptive Benefits Improvement Act of 2003”**

H.R. 1048 would increase the one-time reimbursement VA may provide to certain severely disabled veterans to assist their purchase of an automobile from \$9,000 to \$11,000. The bill would also increase the grant to help eligible veterans make adaptations to their homes, which are necessary because of the nature of their disability. It would increase the Specially Adapted Housing Grant from \$48,000 to \$50,000 for the most severely disabled veterans and from \$9,250 to \$10,000 for other severely disabled veterans. These are initiatives that PVA has worked on for many years, along with the other *Independent Budget* veterans’ service

organizations, to ensure that these grants keep pace with inflation, as well as living up to their original intent.

Many PVA members use one or all of these grants. Independent living is essential to a happy life for spinal cord injured veterans. These grants are a necessary tool to allow the most severely disabled veterans to live their lives in the most independent manner possible. The amounts of these grants have not kept pace with inflation and the ever-increasing costs of purchasing a home and automobile. It is important that these grants be increased so that severely disabled veterans are not forced to bear such a heavy burden just to become independent. PVA fully supports the provisions of H.R. 1048. In accordance with the recommendations of *The Independent Budget*, PVA would also like to encourage the Subcommittee to consider including an automatic annual adjustment for inflation in this legislation.

Mr. Chairman, PVA thanks you for making these benefits measures a priority. At a time when we have troops in the field and severely disabled soldiers returning home from combat as veterans, we must ensure that the benefits that they will be entitled to will properly meet their needs.

PVA looks forward to working with the Subcommittee on these and other benefits issues. 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 2002**

Court of Appeals for Veterans Claims, administered by the Legal Services Corporation—  
National Veterans Legal Services Program—\$179,000 (estimated).

**Fiscal Year 2001**

Court of Appeals for Veterans Claims, administered by the Legal Services Corporation—  
National Veterans Legal Services Program—\$242,000.

**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.

**William Carl Blake**  
**Associate Legislative Director**  
**Paralyzed Veterans of America**  
**801 18<sup>th</sup> Street N.W.**  
**Washington, D.C. 20006**  
**(202) 416-7708**

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.