

STATEMENT OF CARL BLAKE
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PARALYZED VETERANS OF AMERICA
FOR THE
HOUSE COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
CONCERNING
PENDING LEGISLATION

April 13, 2016

Chairman Abraham, Ranking Member Titus, and members of the Subcommittee, Paralyzed Veterans of America (PVA) would like to thank you for the opportunity to provide our views on pending legislation before the Subcommittee.

Draft Bill: Special Compensation for Veterans with the Loss or Loss of Use of Creative Organs

PVA supports the draft bill "To amend title 38, United States Code, to pay special compensation to certain veterans with the loss or loss of use of creative organs." This bill would provide eligible veterans with two lump-sum payments of \$10,000. To be eligible a veteran must already be in receipt special monthly compensation (SMC) subsection (k). These payments would not be paid during the same fiscal year.

When a veteran has a loss of reproductive ability due to a service-connected injury, they must bear the total cost for any procedures they attempt to have children. It is often the case that they cannot afford family building services. For many veterans procreative services have been secured in the private sector at great financial and personal cost. For those wishing to adopt, or who may only have this option to start a family, the prohibitive costs serve as further reminder that the gravity of what was sacrificed in service is neither understood by Congress nor truly compensated.

From 2001 to 2013, 1,367 service members suffered a genitourinary injury.¹ Thousands more suffered traumatic brain injuries (TBI) or spinal cord injuries (SCI/D) that have compromised or ended the ability to conceive children naturally. The Department of Veterans Affairs (VA) is limited, and in some cases prohibited, from providing health and financial services that fully meet the needs of these veterans.²

We believe this bill will ease a veteran's financial burden and make possible the use of assisted reproductive technologies (ART), gestational surrogacy, and adoption. Veterans should have the option to build a family by whatever means is right for them. A compensation payment of \$20,000 will be especially beneficial to veterans utilizing ART.³ For many veterans ART is not an option, be it for medical reasons or religious objections. Those building their families through adoption or surrogacy will feel partial financial relief. It is important to note that the average cost of a domestic single child adoption is \$15,000-\$40,000.⁴ Additionally, the cost of gestational surrogacy can range from \$60,000-\$120,000.⁵ Clearly, this legislation will not offset this high cost, but it is a meaningful step forward.

PVA has long advocated that procreative services be included in the medical benefits package of VA. If a veteran has a loss or loss of use of reproductive organs due to service they ought to be restored to the fullest extent possible. While the argument is made that the (k) award covers this loss, it does not meet the underlying intent to make veterans whole who have experienced this catastrophic injury. Veterans with a reproductive injury occupy uncertain space at VA. Their quality of life is not restored like a prosthetic leg for an amputee, or a service dog for the blind. Their loss is, in part, identity. For most young, newly injured veterans, the reality of compromised or limited sexual health is a life changing loss.⁶ Years later, rehabilitated and adjusted to a civilian life, veterans may desire for themselves that which they served to protect for us—family.

PVA thanks the Subcommittee for considering this draft bill. We appreciate the Subcommittee staff continuing to pursue solutions for veterans who wish to start a family, but who are currently denied options by law. This bill is a desperately needed step in addressing the needs of veterans with reproductive injuries.

H.R. 3715, the “Final Farewell Act of 2015”

¹ Dismounted Complex Injury Task Force, “Dismounted Complex Blast Injury: Report of the Army Dismounted Complex Injury Task Force,” I (June 18, 2011), pg 16, <http://armymedicine.mil/Documents/DCBI-Task-Force-Report-Redacted-Final.pdf>

² <https://www.gpo.gov/fdsys/pkg/STATUTE-106/pdf/STATUTE-106-Pg4943.pdf>

³ American Society for Reproductive Medicine, www.asrm.org/detail.aspx?id=3023

⁴ Child Welfare Information Gateway. (2011). “Costs of adopting.” Washington, DC. U.S. Department of Health and Human Services, Children's Bureau.

⁵ ConceiveAbilities surrogacy agency, www.conceiveabilities.com/parents/surrogacy-cost

U.S. News & World Report, <http://money.usnews.com/money/blogs/my-money/2013/10/21/surrogacy-financing-how-to-afford-that-60k-price-tag>

⁶ Grady, D. (2015, December). *The New York Times*. <http://www.nytimes.com/2015/12/07/health/penis-transplants-being-planned-to-heal-troops-hidden-wounds.html>

PVA supports H.R. 3715, the “Final Farewell Act of 2015.” This legislation would provide the ability to hold interment or funeral services on weekends for religious or cultural reasons in national cemeteries or State veteran cemeteries receiving federal grants. This bill seems perfectly reasonable and should receive swift consideration and approval.

H.R. 3936, the “Veteran Engagement Teams (VET) Act”

PVA supports the pilot program proposed by H.R. 3936, the “Veteran Engagement Teams (VET) Act.” Bringing veterans face-to-face with VA employees and knowledgeable Veteran Service Organization (VSO) representatives will better equip claimants with the knowledge and information needed to submit accurate claims. Veterans often attempt to navigate the claims process with little or no guidance. This unfortunately leads many times to increased processing times and hold-ups due to avoidable errors in the claim submission. Giving the claimant the opportunity to engage with VA employees and determine what exactly is preventing a final decision will greatly expedite resolution. Additionally, events such as these held in the community tend to capture veterans who otherwise might not realize they have a potential claim or claims, such as homeless veterans. Recognizing that not all claims can be resolved on the spot at a community event, this program would at least help alleviate one of the biggest frustrations claimants have by giving them an explanation of what he or she needs to do next in order to resolve the claim.

H.R. 4087, the “Fair Treatment for Families of Veterans Act”

PVA supports H.R. 4087, the “Fair Treatment for Families of Veterans Act.” This bill provides for changes to the effective date of reductions and discontinuances of certain compensation. Current law requires that compensation, dependency and indemnity compensation, or pension benefits cease on the last day of the month before the recipient marries, remarries, or dies. In the case of a recipient’s death, this circumstance creates a particular hardship for the next of kin. When a payee passes away, the distribution for that month must be paid back to VA. In most cases, that money has already been spent on monthly bills, leaving the families scrambling to produce the cash owed when VA sends the bill. This proposal would change the effective date of a reduction or discontinuance of benefits to the last day of the month during which the event occurs. Alleviating this unjust hardship for families who recently lost a loved one is a positive change.

H.R. 4757, Eligibility for Headstones, Markers, and Medallions for Deceased Individuals Awarded the Medal of Honor and Buried in Private Cemeteries”

This bill requires the Secretary upon request to signify the deceased’s status as a Medal of Honor recipient when furnishing a headstone, marker or medallion. This notation on the gravestone is appropriate for those who receive our country’s highest honor and will undoubtedly be

meaningful to the veteran's family and legacy. PVA strongly supports this legislation and sees this as an appropriate honor and recognition for those who have distinguished themselves with such gallantry in combat.

H.R. 4758, Award of the Presidential Memorial Certificate to Certain Deceased Members of the Reserve Components of the Armed Forces and the Reserve Officers' Training Corps"

This proposal brings parity to all those eligible for internment in our national cemeteries with regard to receiving a Presidential Memorial Certificate. We see no reason why a person should be afforded the honor of being buried in one of our national cemeteries and not receive this corresponding symbol of our country's thanks. PVA supports this legislation.

H.R. 4759, Transportation Costs for Certain Deceased Veterans to Veterans' Cemeteries Owned by a State or Tribal Organization."

H.R. 4759 proposes to expand the payment for transportation of a deceased veteran's remains to not only include national cemeteries, but also cemeteries owned by States or tribal organizations. PVA fully supports the intent of this bill; however, we feel the way it is structured may inadvertently limit the original benefit for transport to a national cemetery.

The proposed amended language limits payment to the cost associated with transporting a veteran to the closest cemetery to the deceased's last place of residence, whether that be a State, Tribal, or national cemetery. If a State or Tribal cemetery is closer than the national cemetery for a particular veteran, he or she is no longer compensated for the transport to a national cemetery. The scenario becomes more problematic if the closest cemetery is owned by a Tribal organization, and the veteran is in no way affiliated with such Tribe. The optimal solution would be to remove Section 1(a)(2)(B) and leave the original payment provision in 38 U.S.C. 2308(a) untouched.

H.R. 4782, the "Veterans' Compensation Cost-of-Living Adjustment Act of 2016"

PVA fully supports H.R. 4782, the "Veterans' Compensation Cost-of-Living Adjustment Act of 2016," that would increase, effective as of December 1, 2016, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation (DIC) for the survivors of certain disabled veterans. This would include increases in wartime disability compensation, additional compensation for dependents, clothing allowance, and dependency and indemnity compensation for children.

However, consistent with our position in the past, PVA cannot support the rounding down of increases in compensation. While our economy has begun to improve, many veterans continue to struggle, their personal finances affected by rising costs of essential necessities to live from day to day and maintain a certain standard of living. Many veterans and their families depend on

their compensation. While this may be a small amount, any reduction can have a critical impact, especially when compounded over time, on low-income veterans.

Draft Bill: To Improve Consideration of Evidence by the Board of Veterans' Appeals

We support this proposed legislation. Current law allows a claimant to submit new evidence after submitting a substantive appeal. Unless the claimant submits a request in writing to have the Agency of Original Jurisdiction (AOJ) review it, the Board of Veterans' Appeals (Board) reviews it in the first instance. The effect of this legislation would be to eliminate this choice after the appeal has been certified to the Board. This change would help to prevent unnecessary delays that result from claimants removing their claim from the Board and returning it to the AOJ for further review.

We also support the 180-day turn around requirement for AOJ review of the new evidence proposed in subsection (e)(2)(A). Ensuring that when a veteran submits new evidence the claim does not languish ad infinitum is important. We do offer, however, two modifications that we believe would be helpful. With regard to the time frame discussed in subsection (e)(2)(B), we propose that it be shortened to 60 days. Given that the AOJ would have just completed a full review of the claim, it is unreasonable to suggest that another 180 days is necessary to complete certification. An additional provision should also be included in this subsection indicating that the appeal need not be certified if the issue on appeal is resolved by a favorable decision.

Draft Bill: The "Medal of Honor Legacy Act"

As burial space in Arlington National Cemetery grows thin, this bill would preserve an allocation of plots for Medal of Honor recipients. PVA supports this legislation. We believe there are no more deserving veterans to have dedicated space on the hallowed ground that is Arlington than those who have been awarded the nation's highest award for valor.

Draft Bill: The "Love Lives On Act of 2016"

PVA fully supports this legislation, as we have consistently stated that no eligible survivors should be penalized for remarriage. At the very least, equity with beneficiaries of other federal programs should govern Congressional action for this deserving group. This proposed legislation eliminates completely the inequitable repercussions that survivors endure when they choose to remarry. We also support the bill's attempt to apply a consistent definition of surviving spouse throughout Title 38 which does not contemplate the surviving spouse's subsequent marital status.

This concludes PVA's statement for the record. We would be happy to answer any questions for the record that the Committee may 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 2016

Department of Veterans Affairs, Office of **National Veterans Sports Programs & Special Events** — Grant to support rehabilitation sports activities — \$200,000.

Fiscal Year 2015

Department of Veterans Affairs, Office of **National Veterans Sports Programs & Special Events** — Grant to support rehabilitation sports activities — \$425,000.

Fiscal Year 2014

No federal grants or contracts received.

Disclosure of Foreign Payments

Paralyzed Veterans of America is largely supported by donations from the general public. However, in some very rare cases we receive direct donations from foreign nationals. In addition, we receive funding from corporations and foundations which in some cases are U.S. subsidiaries of non-U.S. companies.

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Carl Blake is the Associate Executive Director for Government Relations for Paralyzed Veterans of America (PVA) at PVA's National Office in Washington, D.C. He is responsible for the planning, coordination, and implementation of PVA's National Legislative and Advocacy Program agendas with the United States Congress and federal departments and agencies. He develops and executes PVA's Washington agenda in areas of budget, appropriations, health care, and veterans' benefits issues, as well as disability civil rights. He also represents PVA to federal agencies including the Department of Veterans Affairs, Department of Defense, Department of Labor, Small Business Administration, the Department of Transportation, Department of Justice, and the Office of Personnel Management. He coordinates all activities with PVA's Association of Chapter Government Relations Directors as well with PVA's Executive Committee, Board of Directors, and senior leadership.

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.

Upon graduation from the Military Academy, he was commissioned as a Second Lieutenant in the Infantry in the United States Army. He was assigned to the 2nd Battalion, 504th Parachute Infantry Regiment (1st Brigade) of the 82nd Airborne Division at Fort Bragg, North Carolina. He graduated from Infantry Officer Basic Course, U.S. Army Ranger School, U.S. Army Airborne School, and Air Assault School. His awards include the Army Commendation Medal, Expert Infantryman's Badge, and German Parachutist Badge. Carl retired from the military in October 2000 due to injuries suffered during a parachute training exercise.

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, son Jonathan and daughter Brooke.