

STATEMENT OF
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VETERANS OF FOREIGN WARS OF THE UNITED STATES
BEFORE THE
SUBCOMMITTEE ON BENEFITS
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES
WITH RESPECT TO
VARIOUS VETERANS' BENEFITS LEGISLATION

WASHINGTON, D.C.

APRIL 29, 2004

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

On behalf of the 2.6 million members of the Veterans of Foreign Wars of the United States (VFW) and our Ladies Auxiliary, I would like to thank you for the opportunity to present our views on the following veterans' benefits legislation.

VFW supports *H.R. 348, the Prisoners of War Benefits Act of 2003*, which would provide improved benefits for veterans who are former POWs. We especially applaud *Section 2(a)*, which would repeal the 30-day minimum period of internment prior to presumption of service-connection for certain listed diseases for purposes of payment of veterans' disability compensation. By eliminating the 30-day minimum period so that eligibility starts from the moment of capture those POWs who have been held for shorter

intervals but have certainly suffered most of the same physical and psychological trauma as other POWs will be eligible for compensation.

We also support *Section 2(b)*, which would repeal the requirement for a minimum period of internment for presumption of service-connection for dental care and *Section 2(c)*, which would add heart disease, stroke, liver disease, Type 2 diabetes and osteoporosis to the list of diseases presumed to be service- connected under Sec.1112 of Title 38, U.S.C.

We thank the members of this Committee for taking the lead and passing legislation last session (P.L.-108-183) that included additional diseases such as psychosis, post-traumatic osteoarthritis and avitaminosis to the list of presumption of service-connection for former POWs.

VFW supports ***H.R. 843, the Injured Veterans Benefits Eligibility Act of 2003***, which would provide full service-connected disability benefits to a veteran injured as a result of medical treatment or vocational rehabilitation provided by the Department of Veterans' Affairs (VA). Section 1151 of Title 38, U.S.C, provides that a qualifying additional disability, sustained as a result of VA medical treatment or vocational rehabilitation, is compensated in the same manner *as if* such disability were service-connected. It does not, however, provide the array of service-connected benefits that those who are deemed service-connected receive through VA such as specially adapted housing or automobile grants. This legislation would amend and clarify section 1151 so that those veterans disabled by any medical treatment or vocational rehabilitation would be able to receive the same benefits as those who are service-connected.

VFW is pleased with the two bills under consideration, H.R. 1735 and H.R. 4065 that would alter VA's home loan guaranty program. **H.R. 1735** would amend Title 38, U.S.C, to increase the maximum amount of home loan guaranty available to a veteran from \$60,000 to \$81,000. **H.R. 4065, the Veterans Housing Affordability Act of 2004**, would amend Title 38, U.S.C, to increase the maximum amount of home loan guaranty available to a veteran, and would provide for annual adjustments to that amount.

As co-author of the *Independent Budget*, we have strongly advocated increasing this benefit as average housing costs have risen to amounts that make the maximum VA guaranty insufficient to allow veterans to use the VA home loan when purchasing a home. The current VA guaranty is capped at \$60,000 with the general requirement that 25% of the loan be covered by the guaranty. So veterans purchasing homes with a VA guaranteed mortgage are limited to a home costing a maximum of \$240,000. The median price of a home in a metropolitan area today is close to \$500,000, which would render the VA home loan useless in many housing markets today.

We especially applaud the provisions in H.R. 4065 that go a step beyond by increasing and allowing for the maximum amount of a VA home loan guarantee to be equal to 22.5 % of the Federal Home Loan Mortgage Corporation's (Freddie Mac) conforming mortgage loan rate. As Freddie Mac rates rise, so will VA guaranty rates, thereby eliminating the need for Congressional action.. We believe that this is a giant step forward in ensuring that this most important veterans' benefit keeps pace with the rising costs of today's housing market.

VFW supports **H.R. 2206, the Prisoner of War/Missing in Action**

National Memorial Act, legislation which will designate a POW/MIA National Memorial at Riverside National Cemetery in Riverside, California. As a longtime advocate and leader in helping to locate the remains of members of our Armed Forces who are missing in action, we believe that a memorial to honor all former POWs and all those who remain unaccounted for is long overdue.

VFW's Department of California and many of the local VFW Posts in Southern California have been instrumental in helping to raise funds to build the memorial. It is only fitting and proper that a national memorial is dedicated to the bravery of those members who have sacrificed and served our national honorably -- some never to return home. We applaud your efforts to offer a memorial in their names.

VFW strongly supports *H.R. 2612, "the Veterans Adaptive Housing Expansion Act of 2003*. This legislation would create a new entitlement for certain veterans who require specially adapted housing due to permanent and total service connected disabilities related to the loss of the arms at and below the elbows. It also requires the VA Secretary to provide assistance to veterans with permanent and total service-connected disabilities if the disability is due to blindness in both eyes with 5/200 visual acuity or less and loss or loss of use of both hands.

Current law only allows specially adaptive housing for those veterans with service-connected permanent and total disabilities due to the following:

- Loss or loss of use of both lower extremities
- Blindness in both eyes, having only light perception, combined with the loss or loss of use of a lower extremity
- Loss or loss of use of one lower extremity together with other disabilities which precludes locomotion without aid of braces, crutches, canes or wheelchair

With today's modern body armor, increasing numbers of our military are surviving deadly blasts, but returning from war with life-altering injuries. VFW feels that enacting this timely legislation would help these disabled veterans regain independence and improve their daily living. It is clearly the right and fair thing to do for those who have defended our country.

We are pleased to support the draft bill entitled the *Veterans Education Opportunity Act of 2004*. This bill would fill a critical gap in the educational benefits of certain servicemembers.

This bill would allow those active duty members who enlisted before July 1, 1985 and who are eligible for education benefits under Title 38, Chapter 32, the opportunity to enroll in the Montgomery GI Bill Program (MGIB). The MGIB provides a significantly larger educational benefit than what they would be entitled to under the Veterans Educational Assistance Program (VEAP) and would be of great benefit for these servicemembers as they transition to civilian life.

The legislation would require these men and women to buy into the program for \$3,900. Current servicemembers pay \$1,200 for eligibility. While VFW strongly believes that these user fees should be eliminated entirely, the \$3,900 is a great investment for those servicemembers; they would receive over \$35,000 for their minimal investment. While these men and women have had prior opportunities to buy into the program, we are all aware that priorities change as the circumstances of life change. This is especially true as these men and women near their separation from the military.

We should do everything we can to support these men and women in uniform and to provide them the invaluable education that will allow them to assume their rightful place as leaders in the careers they choose.

VFW supports the draft bill which would direct the VA Secretary to contract for a report on employment placement, retention, and advancement of recently separated servicemembers.

Recently discharged men and women in the military have expressed increased concern about their ability to acquire and maintain gainful employment. Although many positive changes have been made to help our servicemembers successfully transition into civilian life, more should and can be done to ensure that they are given the skills, training and education they need to enable them to become leaders of the future.

We believe that this report will highlight areas in the Transition Assistance Program (TAP) and VA's Vocational Rehabilitation and Employment Program (VR&E), where improvement is needed such as access to government and private job listings and employment services, data on the number of veterans using the VR&E program and how effective and useful the TAP program is to separating servicemembers.

We also acknowledge the legislation's effort to collect data by tracking the servicemembers' employment history through the Department of Labor. All of these things will help to provide a seamless transition for our servicemembers that is timely, effective and efficient.

VFW is pleased to lend its support to the draft bill that would add additional diseases for a presumption of service-connection when occurring in veterans exposed to ionizing radiation during active military service.

Despite scientific evidence that has recognized exposure to ionizing radiation and its long-term effects on internal and external organs, VA almost always denies veterans claims for service-connection. In 1984, Public Law 98-542 was enacted to provide compensation to certain veterans who incurred disabilities related to ionizing radiation exposure, but more legislation is needed to create regulatory consistency in determining service-connection for these radiogenic diseases. We believe that amending Title 38, U.S.C. Section 1112 to include the additional diseases listed in this draft bill will go a long way towards ensuring that all of the radiogenic illnesses may soon be on the presumptive list for our Nation's veterans. We would also urge the subcommittee to include cancer of the central nervous system to the list of presumptive diseases.

VFW strongly supports ***H.R. 3936***, legislation that would authorize the principal office of the United States Court of Appeals for Veterans Claims to be at any location in the Washington, D.C., metropolitan area, rather than only in the District of Columbia. It also would express the sense of Congress that a dedicated Veterans' Courthouse and Justice Center should be provided for that Court and that it should be located, if feasible, at a site owned by the United States that is a part of or proximate to the Pentagon Reservation.

Landmark legislation enacted in 1988 authorized a judicial review of veterans' claims decision and established a court to hear veterans' appeals. However, the Court does not have its own courthouse. It is presently situated in a commercial office building in downtown Washington D.C.

Land near the Pentagon Reservation (which is under control of the Department of Defense) has been identified as an available site for the United States Veterans' Courthouse and Justice Center. Given our Nation's special indebtedness to those who have served in our Armed Forces and the close relationship between veterans' programs and the mission of DOD, VFW believes that establishing a Veterans' Courthouse and Justice Center near the Pentagon would be a most appropriate and fitting use of government property.

Mr. Chairman and members of the Subcommittee, this concludes VFW's testimony. We again thank you for including us in today's important discussion, and I will be happy to respond to any questions you may have. Thank you.