

**Opening Statement of Representative Tammy Baldwin (D-WI)
Before the House Committee on Veterans' Affairs
Subcommittee on Disability Assistance and Memorial Affairs
Legislative Hearing on
H.R. 2963, Dr. James Allen Disabled Veterans Equity Act
April 6, 2006**

Thank you, Mr. Chairman, Ranking Member Berkley and Members of the Subcommittee for including as a part of this hearing, H.R. 2963, the Dr. James Allen Disabled Veterans Equity Act that I introduced, along with my co-author Congressman Boozman last year. I appreciate the Committee for providing me with the opportunity to testify about an inequity in the current paired organ statute [Section 1160 of title 38, United States Code] that has resulted in the denial of appropriate disability compensation to blinded veterans. I would like to thank the Chairman and Ranking Member for your leadership on this very important issue.

This Committee and this Congress have rightly recognized that some human organs or limbs are designed to work in pairs: legs, hands, kidneys, lungs, ears, and of course eyes. In the instance of eyes, blindness in one eye profoundly affects depth perception, even if sight is fully retained in the other eye. The paired organ statute was written to assist those veterans who experience a service-connected loss of a paired organ or limb. This statute recognizes the interdependency of paired organs and endeavors to treat the combined disability created by a non-service-connected loss, injury or degeneration of the remaining paired organ or limb as though it were the result of a service-connected disability. In general, the paired organ statute accomplishes this task, with the exception of its treatment of loss of sight.

I want to begin by sharing with you the story of Dr. James Allen, after whom this legislation is named. Dr. Allen is a Professor of Ophthalmology at the University of Wisconsin School of Medicine in my district. He has worked at the Veterans Affairs Hospital for thirty-three years and treated numerous eye patients, including veterans who are blind. One such example is Mr. Donald May. Don is a World War II veteran who lost his right eye in a hand grenade explosion. A few years ago Mr. May became legally blind in the non-service-connected left eye. He applied to the Department of Veterans Affairs for help and was denied further benefits. He was told that the current law in regard to paired organs did not apply to him, even though he was legally blind in his service-connected right eye.

After Dr. Allen brought the plight of his patients to my attention, I began to research why these veterans were being denied the benefits I felt they deserved, benefits that I believe Congress intended to grant to them. Through my work with the Blinded Veterans Association (BVA), we

discovered that while the current paired organ statute covers “blindness,” in practice few, if any, veteran has been able to qualify for such compensation.

In theory, the statute provides that a veteran who is service-connected for blindness in one eye could qualify for additional disability compensation if they became blind in the remaining eye for non service-connected reasons. However, the statute does not define the term “blindness” nor is any provision made for impairment of vision (in the non-service-connected eye) short of blindness.

Rather than using visual acuity of 20/200, or loss of field of vision to 20 degrees, as the definition of “legal blindness” that has been adopted by all 50 states and the Social Security Administration, the Department of Veterans Affairs uses a much more restrictive 5/200 rating for legal blindness, which is, in rough layman’s language, the equivalent to having an eye with light perception only. As a result, few, if any, blinded veterans are able to qualify for additional compensation under the paired organ statute.

Consequently, I began to explore various options to address this inequity in current law. During the 108th Congress, I introduced Dr. James Allen Disabled Veterans Equity Act, which I re-introduced last June as H.R. 2963. My legislation is modeled after a provision in the Veterans Benefit Act of 2002 intended to correct a similar problem with the paired organ statute that had denied additional disability compensation to veterans based on hearing loss. H.R. 2963 would allow veterans who receive veteran’s disability compensation for impairment of vision in one eye at a rate of at least 10 percent to be eligible to receive additional disability compensation for impairment of vision in the eye that is not service-connected.

This change in the law would only affect a small percentage, estimated to be roughly five percent, of the 13,109 veterans who are service-connected for loss of vision in one eye. Yet, such a change would send a powerful signal to our nation’s blinded veterans that the hardships they have faced are not forgotten. Indeed, our nation’s blinded veterans face significant challenges in the labor market. The National Institute on Disability and Rehabilitation Research found that for individuals with visual impairments, to the extent that they are unable to read letters, the employment rate is only 30.8 percent, compared to 82.1 percent for those without disabilities. Overall, the employment rate of persons with disabilities has decreased from 26 percent in 1996 to 19.5 percent in 2003. Given this dire employment trend, and the unique socioeconomic characteristics of our veterans, it is even more urgent for Congress to correct this one last inequity in current paired organ statute and address the life-altering impact of blindness on our veterans.

H.R. 2963 currently enjoys broad bi-partisan support, including the co-sponsorship of the Chair and Ranking Member of this Subcommittee. I would like to thank you for all of your help in advancing this legislation. I would also like to thank other members of this Subcommittee: Congressman Evans, Congressman Bradley, Congressman Udall, and Congresswoman Brown-Waite, for also co-sponsoring and supporting this bill. I am grateful that nearly 80 of my colleagues have signed on as co-sponsors of this legislation, and I want to especially thank members of this Subcommittee for your critical support of this small, but crucial, piece of legislation.

Once again, I would like to thank the Chairman and Ranking Member for the opportunity to appear before the Subcommittee on behalf of the Dr. James Allen Disabled Veterans Equity Act. It is a modest but important step in restoring fair treatment to those blinded due to their service to our country and to further our commitment to them. Their sacrifices and service to this nation should be matched by our desire to improve the quality of life for them and their families. I look forward to working with everyone on the Subcommittee, and those in the VA, so that together we can advance this legislation.