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LEGISLATIVE HEARING ON H.R. 2721, H.R. 3786, H.R. 6070, H.R. 4255, H.R. 6221, H.R. 6224, H.R. 6225, AND H.R. 6272

HEARING

BEFORE THE

SUBCOMMITTEE ON ECONOMIC OPPORTUNITY

OF THE

COMMITTEE ON VETERANS' AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

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LEGISLATIVE HEARING ON H.R. 2721, H.R. 3786, H.R. 6070, H.R. 4255, H.R. 6221, H.R. 6224, H.R. 6225, AND H.R. 6272

THURSDAY, JUNE 19, 2008

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY,
Washington, DC.

The Subcommittee met, pursuant to notice, at 1:05 p.m., in Room 334, Cannon House Office Building, Hon. Stephanie Herseth Sandlin [Chairwoman of the Subcommittee] presiding.

Present: Representatives Herseth Sandlin, Hall, and Boozman.

Also Present: Representative Filner.

OPENING STATEMENT OF CHAIRWOMAN HERSETH SANDLIN

Ms. HERSETH SANDLIN. Good afternoon, ladies and gentlemen. The Committee on Veterans' Affairs Subcommittee on Economic Opportunity hearing on pending legislation will come to order.

I would like to call to the attention of the Subcommittee the fact that the Honorable John Carter of Texas has asked to submit a written statement for the hearing record on behalf of his constituent, Mrs. Rebecca North Poynter. If there is no objection, I ask for unanimous consent that her statement be entered into the record. Hearing no objection, so entered.

[The prepared statement of Ms. Poynter appears on p. 62.]

Ms. HERSETH SANDLIN. Today, we have eight bills before us that seek to authorize the U.S. Department of Veterans Affairs (VA) to make a grant to the United States Olympic Committee (USOC) to provide and develop activities for servicemembers and veterans with physical disabilities; allow military servicemembers to terminate certain contracts when called to active-duty service or ordered to change permanent duty assignment; require the VA to develop and the U.S. Department of Defense (DoD) to distribute a compact disk of benefits information to servicemembers preparing to depart from the military; amend the Servicemembers Civil Relief Act (SCRA) to allow a military spouse to claim the same State as the servicemember in regards to State and property taxes, and voter registration; and reauthorize the Service Members Occupational Conversion and Training Act (SMOCTA) 1992.

Some of you might recall on February 13 of this year, we conducted a hearing on expiring programs. In this hearing, we received recommendations on ways to improve on the programs and expand on veterans' rights. One such recommendation came from

Mr. Matthew Tully of Tully and Rinckey, LLC, who specializes in law under the Uniformed Services Employment and Reemployment Rights Act, also known as USERRA. Mr. Tully brought up an example of how a servicemember who had sought injunctive relief from his employer, but the court denied his request. Mr. Tully recommended that the Subcommittee consider amending USERRA to allow servicemembers such as the one who is cited to ensure equitable relief as available to USERRA victims when the courts decide it is appropriate.

I share the concerns expressed by Mr. Tully and recently introduced H.R. 6225, the "Injunctive Relief for Veterans Act of 2008." This bill will amend Title 38 by changing "may" to "shall" and it is our expectation that more courts will use this remedy when deemed appropriate that equitable relief is warranted. This legislation is a step in the right direction to providing greater protections and safeguards to those who have answered the call to duty.

A second bill that I recently introduced is H.R. 6224, the "Pilot College Work Study Programs for Veterans Act of 2008." This bill contains similar language that I proposed in H.R. 5684, the "Veterans Education Improvement Act of 2008," which would improve existing education for our veterans.

H.R. 6224 would direct the Secretary of Veterans Affairs to conduct a five-year pilot project to expand on existing work-study activities for veterans. Currently, veterans who qualify for work study would be limited to working on VA-related work. My bill would allow those veterans the option of working in academic departments and student services. This change would put them at par with students that qualify for the work-study position under programs not administered by the VA.

Furthermore, this bill would conform to existing PAYGO rules by providing for discretionary appropriations.

I look forward to working with Ranking Member Boozman and other Members of the Subcommittee to discuss these two legislative proposals and those being considered in today's legislative hearing.

[The prepared statement of Chairwoman Herseth Sandlin appears on p. 34.]

Ms. HERSETH SANDLIN. I now recognize Mr. Boozman for any remarks he may have.

OPENING STATEMENT OF HON. JOHN BOOZMAN

Mr. BOOZMAN. Thank you, Madam Chair. Today, we will hear testimony on eight bills covering diverse issues facing veterans and their families. I especially want to thank you for including H.R. 6221, a bill that will close a possible loophole in VA's disabled veterans business contracting and acquisition programs. This is something that we have introduced together. Again, I appreciate you bringing it forward.

I would offer one thought on the bill to reauthorize the long-expired Service Members Occupational Training Act, SMOCTA. The goal of SMOCTA was to retrain veterans with few or no transferable military skills and skills better suited to today's job market. This is a worthy goal, and I support it and commend our colleague from Vermont for bringing this issue before us.

There are several ways to offer retraining, and I would like to explore with you, Madam Chair, and with Mr. Welch whether or not it would be more effective to reauthorize SMOCTA or take several SMOCTA concepts and use them to expand VA's existing on-the-job training, apprenticeship programs for recently discharged veterans, and those who have passed their eligibility date for VA benefits.

Given the current awareness of education and training for veterans, we may have an opportunity here to put more veterans into good jobs. I know that you share those goals, Madam Chair, and I look forward to working with you and Mr. Welch and our colleagues on the Committee to make that happen. I yield back.

[The prepared statement of Congressman Boozman appears on p. 35.]

Ms. HERSETH SANDLIN. Thank you, Mr. Boozman.

I would like to welcome our panelists testifying before the Subcommittee today. Joining us is our full Committee Chairman, the Honorable Mr. Bob Filner of California, the Honorable Zoe Lofgren of California, the Honorable Dennis Cardoza, also of California; the Honorable John Carter of Texas.

Mr. CARDOZA. Who would like to live in California.

Ms. HERSETH SANDLIN. The Texas cavalry here. And the Honorable Peter Welch of Vermont, one of the smaller, less-populated States well represented here on the Subcommittee. All of your full written statements will be made part of the hearing record and we welcome all of you to the Subcommittee. Thank you for the bills that you have introduced that we are considering today.

Chairman Filner, you are recognized.

STATEMENTS OF HON. BOB FILNER, CHAIRMAN, COMMITTEE ON VETERANS' AFFAIRS, AND A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA; HON. ZOE LOFGREN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA; HON. DENNIS A. CARDOZA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA; HON. JOHN R. CARTER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS; AND HON. PETER WELCH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VERMONT

STATEMENT OF HON. BOB FILNER

Mr. FILNER. Thank you, Madam Chair. I certainly thank you and your Ranking Member, Mr. Boozman, for the leadership you have shown over the last year and a half. You have been an incredibly productive, incisive Subcommittee and we appreciate everything you have done.

I would like to just spend a few minutes on H.R. 4255, the "United States Olympic Committee Paralympics Program Act of 2007." For many servicemembers and veterans who have been severely injured from service to our country, their rehabilitation can be a disheartening experience. Many become concerned about having the same quality of life that they had prior to their injuries.

Programs administered by the U.S. Olympic Committee (USOC) Paralympic Military Program, can enhance and improve the quality

of life for these men and women by introducing them to an active lifestyle while they heal from their wounds.

Today, the USOC programs have been providing support for severely injured veterans since 2003, introducing them to adaptive sport techniques. These opportunities will enable our veterans to face their new physical realities and to continue living an active lifestyle through adaptive sports.

We know there is a growing population of veterans who have survived serious injuries that would benefit from the good work being done by the USOC, and that is why I have introduced this bill to support our heroic men and women as they transition through this very difficult phase in their lives.

This bill would authorize the Secretary of Veterans Affairs to make a grant to the U.S. Olympic Committee to provide Paralympic instruction, competitive activities, and program development activities for servicemembers and veterans with physical disabilities.

The purpose of the program is to enhance the rehabilitation of current severely injured servicemembers and veterans and to reduce the chance of secondary medical conditions. Up to now, more than 1,200 injured veterans have been introduced to Paralympic sports as a result of these training programs, but much more needs to be done in order to continue to provide this dynamic rehabilitative environment.

I hope you can support this bill. I am sure many of you have seen what getting involved in these programs can do for the self-esteem, the sense of well-being, the sense of a future for these veterans. It is one of those programs we visit that moves us. I know it moves us to tears sometimes to see how these men and women have overcome some very serious injuries. We know how to not only keep them alive on the battlefield, but how to evacuate them quickly and get superior help, whether in theater or in Germany. But that means there is a lot of healing and rehabilitation work to do.

I haven't seen a program that does more for their sense of well-being than this program, and I hope that we, and the Department of Veterans Affairs, can aid the U.S. Olympic Committee in this effort. I think you are going to hear more about that in later testimony.

They do an incredible job. When you see these veterans have a sense of confidence and a sense of their own future, it is really remarkable. Thank you.

[The prepared statement of Congressman Filner appears on p. 35.]

Ms. HERSETH SANDLIN. Thank you, Chairman Filner, for working so closely with this Subcommittee and your valuable leadership on the full Committee. We have had the opportunity in earlier hearings before the Subcommittee, to hear from some of those who benefited from these important programs, and we thank you for introducing this important bill.

Ms. Lofgren, thank you for being here at the Subcommittee. You are now recognized.

STATEMENT OF HON. ZOE LOFGREN

Ms. LOFGREN. Thank you so much, Chairman Herseth Sandlin and Ranking Member Boozman. I appreciate the opportunity to tes-

tify on behalf of the bill I have introduced, the "Servicemembers Telecom Relief Act."

A constituent call first alerted me to this problem where servicemembers have been called up or dispatched to a different part of the country and they have difficulty dealing with their cell phone contract. Oftentimes we enter into multiyear contracts when we get our phones, and although many service providers have express policies that would allow active duty military to terminate, sometimes those policies are overlooked and not every single provider has them. So this bill would provide certainty.

It would allow members of the Armed Services to suspend or terminate contracts for telecommunication services when those services are of no use to them because of their call to active duty or an involuntary extension of the period of military service or deployment overseas to locations where the services aren't available.

When a soldier is called up, the last thing they need to be worried about is their cable bill. As one mother called and told me with her son in Iraq, she said her son is over there risking his neck; he shouldn't have to deal with a cell phone company.

So I don't mean to suggest that most cell phone companies have been abusive in that. In fact, telecom providers have reached out to my office, offering helpful suggestions for potential changes that would harmonize the bill as introduced with the Communications Act and have been very collaborative, and I do appreciate this. However, I think having some certainty in this area would be important.

I want to clarify that the bill is narrower than H.R. 3298, introduced by Mr. Murphy of Pennsylvania. But I support his bill. In fact, I am a cosponsor of his bill. This would be encompassed if the Committee moves that bill or, this is a unique issue, we could move this bill. Silicon Valley, I guess, is ground zero for high tech, and it is something that has caught my attention. I think it would be another thing we can do for our brave men and women who are doing so much for us.

So I appreciate the opportunity to testify and the leadership of all of you in making sure we do the right thing for these brave Americans.

[The prepared statement of Congresswoman Lofgren appears on p. 36.]

Ms. HERSETH SANDLIN. Thank you, Congresswoman Lofgren. We appreciate that you have worked with the telecom companies and other providers, and appreciate your support of Mr. Murphy's bill as well. We will be moving to a markup next week and be looking at different bills for consideration, and look forward to hearing some of the thoughts of others that are testifying today on your bill, in the hopes that we can integrate some of the provisions of yours into a broader bill, given we have already had a hearing for Mr. Murphy's as well. Thank you for working with those in the industry.

Mr. Cardoza, welcome to the Subcommittee. You are now recognized.

STATEMENT OF HON. DENNIS CARDOZA

Mr. CARDOZA. Thank you, Madam Chair. I appreciate you inviting me here today to testify on an issue that I am sure you will agree will make life just a little bit easier for our Nation's veterans.

Madam Chair, I have a veterans advisory committee that I meet with regularly in my district, and in these meetings, veterans time and time again have told me that veterans, the rank and file veterans especially, are simply unaware of the benefits that they are eligible for. In several instances, veterans have told me upon being discharged and returning to the United States, they must sit through a transitional process meeting explaining some of their benefit programs immediately upon exiting the plane.

Madam Chair, I am sure you will agree that after fighting for our country and being away from loved ones for months at a time, the last thing our troops have on their mind is their benefits. They want to see and hug their family and their children. They are tired from an exhausting flight; they are longing to see their families waiting just beyond the gate.

Yet, this process meeting may be the only time that some veterans hear about their benefits. More often than not, this is a missed opportunity. Others have told me that in their briefings with the VA representative they only have 5 minutes, with a dozen other veterans awaiting their 5-minute briefing as well.

The veterans receive incomplete information. They are handed a few pamphlets. They oftentimes feel rushed and are unable to ask questions that they may have thought of right after they leave the meeting because of time constraints.

I respectfully ask that this Subcommittee consider for a moment how in the world anyone can explain all the available benefits to which a veteran is entitled in 5 minutes, let alone answer potential questions.

Madam Chair, my bill, H.R. 2721, is quite simple. It would require the Secretary of the VA to issue a comprehensive CD–ROM to returning veterans that clearly explains the benefits to which they are entitled. The CD would inform returning veterans and their families in plain English about how to access and navigate VA so they know about all the benefits they have earned and how to go about receiving them.

This would provide a one-stop source for veterans where they can simply pop a CD into their computer whenever they wish to look up the information so no benefit slips through the bureaucratic cracks. I understand VA currently outlines some of the information on their Web sites or in pamphlets. This information is not comprehensive, however.

My bill requires full, complete and updated information be provided on a VA Web site as well. However, a CD, in my opinion, is still necessary and would benefit districts like mine with large rural areas where access to the Internet may not always be reliable or, in some cases, even available.

This bill only fixes the process, not the symptoms, and it is just one small step in the right direction to ensure our veterans who served so honorably receive the benefits they earned. I believe if we fix the broken informational process, we are going a long way toward solving some of the benefit problems.

Giving the troops the informational tools they need to ensure they are actually receiving their well-deserved benefits is the least we can do on behalf of a grateful Nation.

Thank you again for allowing me to be here and give testimony on behalf of the bill.

[The prepared statement of Congressman Cardoza appears on p. 36.]

Ms. HERSETH SANDLIN. Thank you, Mr. Cardoza.

You may be interested to know that Mr. Boozman and I recently attended a field hearing with our colleague Mr. Donnelley in Indiana, in which we realized there, as we did in other parts of the country and other testimony we have taken, people are falling through the cracks in getting access to information about their benefits, whether they are Reservists who are in smaller detachments that are now being deployed, whether it is full units in the National Guard and the different States on how they have handled demobilization, and certainly those that are going through the Transition Assistance Program (TAP), which is not mandatory at our active-duty bases around country.

So we appreciate it. We think it is a great idea. We appreciate the bill you are bringing forward and a way, a step forward in the right direction of sharing information in a way that is reliable, that will allow servicemembers and their family members to go back with reliable information to help answer their questions.

So, again, we thank you for your testimony and the bill you have introduced.

Mr. Carter, you are now recognized.

STATEMENT OF HON. JOHN CARTER

Mr. CARTER. Thank you, Madam Chair. I want to thank the Members of the Subcommittee for allowing me to be here to talk about an issue that I think is pretty important to our veterans, our servicemembers, and I want to thank you for all that you do for our veterans and servicemembers. I am pleased to serve on the Military Quality of Life and Veterans Affairs Appropriations Subcommittee. We work on many of the same issues, and I am proud to work with you on those issues.

I want to talk today about H.R. 6070, the "Military Spouses Residency Relief Act." This, like many things that happen here in Congress, started when a former constituent whose husband was still a constituent came to me to meet in the office here in DC. I say that for scenario because her husband had chosen Fort Hood, Texas, as his residency, as he could under the Servicemembers Civil Relief Act, and they had been transferred to the Pentagon. He was, I believe, a major.

But she, in turn, could not claim Fort Hood as a residency. She had a business that just did business in Texas, and yet she was paying taxes in Virginia, she had to register to vote in Virginia, and vote for a different Congressman. She had to get a new drivers license. In other words, she was not given the same courtesy of claiming the residency of the families' choice that her husband had, that we had given to him as a member of the service. This seemed, to me, to not be a fair thing to happen. She pointed out that she

actually made more income than her major soldier did, but they honored the Army and they were proud to be part of it.

It seemed to me that this is something that we ought to be able to fix. I think it will provide relief. Remember, we say now, and I know this is said at Fort Hood all the time, we recruit a soldier, but we retain a family. The vast majority of our servicemen and women today that are in our military service are married, many with children, and so we are now a married military. We need to provide the relief to these spouses that we give to the soldier, and that is that she or he should be able to choose the residency that her spouse, his or her spouse shows as their residency so the family has the same residency, they get their same services from the same Congressional district, they vote for the same Congressman or Congresswoman, and they have a relationship to where they choose to call home.

We can do this with this bill. This will allow the wife to choose that place, or where her husband has chosen. It helps with land titles, it helps with titles to vehicles. If there is a divorce, it is very important if there should be a divorce in the family. It helps voter registration, it helps with vehicle registration, and most of all, it helps with income taxes versus other taxes in the States where they have chosen to be residents.

This has no effect whatsoever—it is revenue-neutral for the U.S. Government, but it is important to the revenue of the families of our soldiers, sailors, airmen and Marines, and I would respectfully request that this is a simple matter that will make a major difference in the lives of these folks.

The average loss that every spouse makes on a move is somewhere between $5,500 and $7,200. Every time they make a move. Almost 90 percent of our spouses work. It is critical we give the same relief to the spouse that we give to the soldier.

I would hope that you would support this idea and this bill so that we can make this family united in their residency and domicile.

I thank you for allowing me to be here.

[The prepared statement of Congressman Carter appears on p. 37.]

Ms. HERSETH SANDLIN. Thank you, Mr. Carter.

I do support this bill and this concept. We look forward to getting some additional input from the folks who will be testifying later, but I certainly agree with you that in light of whether it is the example you provided in some of the temporary assignments to people here in the Pentagon, but also the other moves that we know our military families make on such a frequent basis, that we will be looking to simplify their lives in those transitions, not the complexities of the jurisdictional issues they face when spouses can't claim the same benefit as it relates to residency.

So we appreciate your testimony and sharing with us your constituent's experience, your concern, and all the other examples you gave about how this can become very complicated for families and a way of cutting through some of this jurisdictional matters that they are facing to make it easier for them.

Mr. CARTER. Thank you for allowing me to be here and thank you for admitting the evidence that Ms. Poynter submitted to the Committee.

Ms. HERSETH SANDLIN. Thank you very much.

Mr. Welch, we have pending votes, as you know, but I think we have time to wrap up our first panel with your testimony.

You are recognized.

STATEMENT OF HON. PETER WELCH

Mr. WELCH. I really appreciate it, Chairwoman Herseth Sandlin and Ranking Member Boozman. We are all grateful to you in Congress because you have been doing something all of us know we need to do, and that is respect the service of our soldiers.

I am here to testify on behalf of a reauthorization of the Service Members Occupational Conversion and Training Act. As you know, that had been authorized in the nineties and it was to assist veterans returning home to get employment after their military careers. It worked. And expired. The question is will we reauthorize it.

What I think is so tremendous about this program is that it focuses on soldiers and their future because when they come back, there is an enormous amount of dislocation, as you know. Sometimes soldiers have very bad injuries. They have to contend with that. This Congress, with your leadership, has paid a lot of attention to increasing veterans benefits, particularly in the area of healthcare, because the cost of the war has to include the cost of caring for the warrior.

But what soldiers want is what any other American wants, and that is hope. It is about getting on with the future, and that is about having a job where you can feel good about showing up for work, where you can pay your bills, and take care of your family, be a provider.

What this does is recognize that these employment-based programs have to be a very important component of making our soldiers get integrated back into life. It was a practical program, in that it worked with employers who were willing to work with veterans by reimbursing them for an 18-month period that would allow workers to get the skills they needed to do sometimes retraining, some job programming. So it is a practical and proven program that helps our soldiers get back into normal life, and most of us, normal life includes a job that we really value.

So you know better than I all the compelling reasons to do what we can for our soldiers. This is a program, this is relatively inexpensive, proven to be effective, talks about the future, and gives soldiers an opportunity to develop their skills in civilian life.

I thank you very much for the opportunity to be here before you and again applaud you for the tremendous work you have done on a bipartisan basis to help us meet our commitment to our soldiers.

Thank you.

[The prepared statement of Congressman Welch appears on p. 38.]

Ms. HERSETH SANDLIN. Thank you, Mr. Welch, for introducing this bill. You are right about the proven effectiveness of the program, and we look forward to working with you to ensure reauthor-

ization, with perhaps looking forward and seeing if there might be some changes that might be necessary.

I know that Mr. Boozman will want to visit with you as we head down to votes perhaps, or now, since we have a little bit of time, about some of his thoughts about the Reauthorization Act.

Mr. BOOZMAN. Madam Chair, again, I appreciate you bringing this forward. I think it is something that we need to do, I think something that we are committed to doing. I think what we would like to do is work with you to have some ideas of tweaking things.

Mr. WELCH. I would be delighted. As you know, Peter King had very similar legislation in another bill, and has been a leader in Congress as well.

Mr. BOOZMAN. We look forward to working with you, and hopefully getting this thing done.

Mr. WELCH. Thank you.

Ms. HERSETH SANDLIN. Thank you for your commitment to our Nation's servicemembers and veterans.

We will resume this Subcommittee hearing after this series of votes.

[Recess.]

Mr. BOOZMAN [presiding]. Thank you all for bearing with us. The only thing we have to do here is vote, and that is one thing we can't put off.

Let's go ahead and get the second panel.

Joining us on our second panel of witnesses is Mr. Charles Huebner, Chief of Paralympics for the United States Olympic Committee, and Mr. Bobby Franklin, Executive Vice President of CTIA, the Wireless Association. We are very pleased that you are here at the Subcommittee today. In the interest of time and respect to all the panelists here today, we ask that you limit your testimony to 5 minutes. Your entire written statement will be put in the record.

Mr. BOOZMAN. Let's start with Mr. Huebner.

STATEMENTS OF CHARLES HUEBNER, CHIEF OF PARALYMPICS, UNITED STATES OLYMPIC COMMITTEE; AND BOBBY FRANKLIN, EXECUTIVE VICE PRESIDENT, CTIA—THE WIRELESS ASSOCIATION

STATEMENT OF CHARLES HUEBNER

Mr. HUEBNER. Ranking Member Boozman, thank you for allowing us to be here again. I am really going to update you a little bit on what we have been doing with the Paralympic Military Program. As you know and the Subcommittee knows, the Paralympic movement exists today because of injured veterans following World War II using sport as rehabilitation.

USOC today spends more than $12 million annually on Paralympic Programs. All of these funds, of course, have been from private sources. Paralympic organizations throughout the U.S. spend an additional $30 million at the local level to provide sports and physical activity programs for persons with physical disabilities, including veterans and injured military personnel.

I would like to ad lib a little bit. Looking at the some of the testimony from some of our other partner organizations that we work with, I just want to clarify, and maybe even assist some of their

testimony. What we do is not exclusive competition or just elite competition. The priority focus of the Paralympic movement is, one, to send a team to the games. But 95 percent of the participants that participate in community-based Paralympic Programs will never go to the Paralympic games.

Our focus at the USOC with our partners is to provide physical activity as part of rehabilitation for persons with physical disabilities. The majority of the population that we touch on a daily basis will never, ever see the Paralympic games.

Let me give you a couple examples of that. Veteran Kortney Clemons, who currently resides in Chula Vista, California, was injured in Iraq. Kortney participated in our Paralympic Military Sport Camp 3 years ago. Last month, he graduated from Penn State University. Last week he started an internship at San Diego Adaptive Sports and Recreation, and is pursuing his career interest to be a therapeutic recreational specialist in community Paralympic Programs.

He is just one example. Kortney is not going to the Paralympic games. He is one example of what we are trying to do in looking at the rehabilitation process by using sport as a platform to re-engage in life, education and employment, and that is a primary focus of what we are trying to do.

In the past 2 weeks, the USOC and our partners, including Paralympic organizations, veteran organizations, parks and recreation offices, and Paralyzed Veterans of America (PVA) chapters accomplished the following: 20 veterans participated in a Paralympic veterans program in Alabama led by Paralympic mentor Carlos Leon, a Marine veteran; 18 veterans participated in a Paralympics veterans program in Oklahoma, led by Army veteran, Paralympic mentor and, sir, I have to do this, University of Arkansas graduate, John Register.

The USOC launched a pilot program at Fort Lewis, Washington, last week focused on providing programming and physical activity support to more than 700 individuals in the Warrior Transition Unit at Fort Lewis.

In collaboration with Mesa Parks and Recreation, Arizona Disabled Sports, and Arizona PVA, more than 85 athletes participated in Paralympic track and field events in Tempe, Arizona, including 15 injured veterans.

We also have developed and are implementing community sports programs that are recreational in nature, supporting VA facilities in Augusta, Tampa, Richmond, Minneapolis, San Diego, Palo Alto, Birmingham, Chicago, Cheyenne, Atlanta, and Oklahoma City.

Our focus in what we are trying to develop with the Paralympic Military Program is not to develop elite athletes. The primary focus and what lacks today greatly in the United States is the availability of community-based programs for injured military personnel and veterans to participate in upon their return home. That is a major concern of ours.

There are a lot of great events that our partners and us put on on an annual basis that people come to for a week and participate in. Our biggest concern in the thrust of everything we are doing and the resources that H.R. 4255 would provide for veterans is to make sure that there are programs existing in their communities

when they go home. That is the major emphasis to what we are trying to develop, ensuring that community programs and Paralympic mentors are available to veterans upon return home.

Those programs are not at VA facilities. I am going to read you a direct quote from a Paralympic mentor. I emphasize community and I emphasize collaboration because it is cost-efficient and it is effective and we can reach more people. This is what a veteran said: "The reason I do, as one veteran said, I spent a year of my life in a hospital rehabbing. The last place I want to go with family or friends to play basketball is the hospital."

Our programs are focused on creating programs in the community, and we see ourselves as an extension of the Department of Veterans Affairs and other entities, the Department of Defense, to support injured military personnel with community programs. When I say we, it is not just the U.S. Olympic Committee. It is organizations look the Parks and Recreation Association, which has 6,000 programs in communities all over the United States; it is organizations like the Disabled American Veterans (DAV) and the PVA that we collectively will be efficient from a cost perspective and, most importantly, more effective in reaching more people.

I thank you for the opportunity to speak in front of you today. I am available for any questions that you may have.

[The prepared statement of Mr. Huebner appears on p. 39.]

Mr. BOOZMAN. Thank you. I think what we will do, go ahead, Mr. Franklin, and do your testimony. What we are trying to do is make it easier for you all. I think that would probably be the easiest thing.

STATEMENT OF BOBBY FRANKLIN

Mr. FRANKLIN. Very good. I thank the Chair. Good afternoon. Since Arkansas was already invoked at this panel, let me start by saying that after 20 years in Washington, I still consider Russellville, Arkansas, home, with my family and friends there.

My name is Bobby Franklin, I serve as Executive Vice President of CTIA, the Wireless Association. We at CTIA are proud to count among our vast membership wireless carriers, equipment manufacturers, and applications developers that collectively provide amazingly innovative products and services that keep Americans connected in their day-to-day needs.

Let me first make one point very clear. CTIA's wireless carriers already allow members of the U.S. Armed Forces facing military deployment to terminate contract-based wireless service without penalty. Additionally, many of our carriers have taken steps to create special military programs that allow servicemembers to suspend service so they may retain their phone numbers upon their return.

While CTIA and our highly-competitive industry generally oppose government mandates, in an effort to combat unverified reports of contract problems with deployed servicemembers, CTIA's board of directors charged us to actively support Federal legislation allowing our servicemembers to terminate wireless contracts without penalty when they are deployed abroad or to a location that does not support the service from that particular carrier.

We do have three suggestions for the legislation to improve H.R. 3786. First, the bill should be amended to make sure the definitions of "covered services" conform to the definitions in the Communications Act. This will hopefully eliminate any potential confusion about what is or is not covered by the legislation.

Second, we propose a clarification of the bill's provisions on proration to better reflect the way that wireless service is both purchased and used. By accommodating the way our billing systems work, you will help keep the cost of wireless service continuing to decline for all users.

Thirdly, we believe any fines should be capped at no more than $10,000 dollars, and that such penalties should be levied only in cases where there is a knowing and a repeated violation of the law.

These suggestions are consistent with the recommendations we offered this Subcommittee at your April hearing on Congressman Patrick Murphy's bill, H.R. 3298. We are pleased to report that Congressman Murphy has incorporated our suggestions into a revised version of his legislation. We are also happy to report, and I think Congresswoman Lofgren mentioned on the earlier panel that we have been working closely with both her and her staff and hope to achieve the same outcome with respect to the bill before the Subcommittee today, H.R. 3786.

Finally, let me just share that the wireless industry recognizes the sacrifice and the dedication of the members of our U.S. Armed Forces, and we are pleased to work toward enactment of appropriate legislation to benefit servicemen and servicewomen facing military deployment. In fact, CTIA and its member companies are hopeful that this Committee, as well as this Congress, can address this legislation just as soon as possible.

I thank you for this opportunity and I look forward to any questions you may have.

[The prepared statement of Mr. Franklin appears on p. 42.]

Mr. BOOZMAN. Thank you very much.

Mr. Huebner, one of the problems, one of the criticisms that we have heard in the past, and I am glad that you seem to have addressed it in your testimony, but one of the criticisms that we have is that the program is only about elite competition, things like that.

It sounds like you are doing a lot of things to try and address that. How many current partners do you have to help provide ongoing programming at the community level?

Mr. HUEBNER. Sir, our focus is to have 75 Paralympic sport clubs created by the end of this year, where the focus in those communities is participation. It is participation in physical activity. We are working with the National Recreation and Parks Association, we are working with Paralympic organizations. We have more than 43 signed up already. We will be in 75 communities by the end of this year. But the absolute emphasis, you don't get to elite Paralympic sport just by joining a participation club. It is very important. We understand that research shows physical activity for persons with physical disabilities does some very important things like reduce stress, reduce depression, raise self-esteem, things very important to veterans coming home from a very difficult environment.

We are very focused on creating participation programs, and this is the most important piece; participation programs at the community level that they can go to every day, not drive 8 hours to go participate in a physical activity with their friends and their family, but in their backyard, in their community that they go home to. That is our primary focus. The majority of those programs are in the community. So we see ourselves very strongly as an extension of the VA system, not developing programs within VA facilities.

Mr. BOOZMAN. Good.

On average, how many Paralympians are veterans compared to nonveterans?

Mr. HUEBNER. I am very proud to say the beauty of participating in programs is some people are going to have more athletic talents than others. I am very much aware of that because I never had the opportunity to make an Olympic team. But we have six veterans right now that will serve, veterans of the Iraq or Afghanistan campaign that will represent this country again.

Our team size is about 205. Ninety percent of the population that we deal with on a daily basis, Olympic or Paralympic, in terms of athletes, will never participate in the Olympic or Paralympic games. The majority of the program is at the community level are participatory and I noted in the DAV comments to exclude the word competitive. Our programs at the community level are participation and focused on physical activity. Only a very few raised up to that level of being able to represent this country at the Olympics or Paralympics. When they do, it is a great story. It is great to hear about a veteran like Kortney Clemons succeed, not only in participation in sports, but also in employment and in education.

Mr. BOOZMAN. If H.R. 4255 were to pass, what would be the impact on your organization?

Mr. HUEBNER. When I talk about our organization and our programs, I am talking about collaboration with organizations like the PVA, Paralympic organizations around the country. Those dollars would specifically be focused on veterans to support, develop, and train, which is extremely cost-efficient.

I mean, I talked with Congresswoman Herseth Sandlin about this; a rural community in South Dakota, to go in and develop a program would not make efficient sense from a cost perspective or participation perspective if it was for one veteran. But if we can train a parks and recreation in a rural area to support that veteran, they already have existing programming, they have existing buildings. What we are doing is providing the training and ongoing technical assistance to allow communities all over the country to expand programs focused on veterans.

We could significantly increase the number of people participating in physical activity on a daily basis. There is a great need in the country for that.

Mr. BOOZMAN. Is there anything we can do to help you serve the recently-injured veteran?

Mr. HUEBNER. Sir, everything you have been doing has been outstanding. Our role has been in collaboration with numerous other organizations. The greatest need now is there is a great lack of programming around the country. There are a lot of great events, but

events last a week and then somebody goes home. What we want to make sure, and we see this all the time, you are familiar with our Paralympic military sport camp, people come to the Olympic training center and have the greatest week of their life, 50 or 100 people. What we are most concerned about is when those 100 people go home to their 100 communities, is there a program for them to participate in, because it is our understanding, and yours more so, that is when bad things start happening.

When you get back to your home community and the resources of the program isn't there at the local level to immediately integrate you, that is our primary focus with what we are trying to do with the Paralympic Military Program, and H.R. 4255 would allow matching dollars to support the dollars we and other organizations are investing to significantly increase participation, as well as programming at the community level.

Mr. BOOZMAN. Very good.

I think I can speak for Ms. Herseth Sandlin. We really do appreciate your hard work. I personally feel like this is a great program. We can always improve and we can always better support. But as somebody that chased athletics awful hard in my youth, unsuccessfully, I might add, again, getting these men and women where they are concentrating on a goal, I think it does play an important part of the healing process. And, again, something that can be a lifelong thing that they can pursue.

Mr. HUEBNER. Sir, one last point. I know employment is important for veterans. The people that are driving this program for us are veterans.

Mr. BOOZMAN. Very good. Thank you very much.

Mr. Franklin, how does the wireless industry inform not only their employees, but the servicemembers, about the policy to not charge cancelation fees when a servicemember is deployed? If Congress made this policy into law, do you believe this will reduce the incidence where we have the same problems we have now?

Mr. FRANKLIN. I do believe that this will help. I think, the fact that Congress is taking up this legislation and addressing it will go a long way to help us make sure that all servicemembers know that the policies, and in the case if the bill passes, the law, will state that this is what should happen.

We do a lot, our companies do a lot of training of their customer service employees, but when you have 260 million subscribers and tens of thousands of customer service reps, I am not here to say mistakes don't happen. But I think that with the policies in place and with Congress paying attention to this, it is my hope that all servicemembers recognize this availability.

Mr. BOOZMAN. Very good.

Are you aware of any complaints in the last couple of years with this type of thing?

Mr. FRANKLIN. We have unverified reports. We have certainly heard, but have not been able to verify, the fact that some servicemembers have had difficulty getting out of their contracts. But it certainly, as I said before, it is not the policy of the companies and, as I said in response to your first question, I think the fact that you all are looking at this and helping publicize the fact that these

policies exist for most of the carriers in this country, that it will certainly help the servicemembers.

Mr. BOOZMAN. Currently, how long does a servicemember, how long are they able to reserve their phone number, and is that policy adequate or does that need to be extended?

Mr. FRANKLIN. I would like to get back on the technical answer to this because it has to do with how long a company can pool a number that is not being used in service. So there are specific rules that our companies must follow, the FCC has, the North American Numbering Administrator has, that we must follow. So I would like to get back to the Subcommittee on the answer to that.

I do know and am proud that many of our member companies have, on their own, initiated servicemember policies to allow them to suspend. The question is for how long. When it comes to how long we can suspend, our hands may be tied by another agency.

Mr. BOOZMAN. I am going to turn things over to Mr. Hall. I do want to thank you. The Subcommittee will probably have a couple more questions in writing that we would like answered. But I do want to thank you for your openness and willingness to work with us on this to make sure these men and women, as they are deployed, they have enough to hassle with, and we all agree with this, I know that you agree with us and the people that are out in the field working, serving the veterans agree that they have enough hassle without dealing with this.

So thank you very much.

Mr. FRANKLIN. Absolutely.

Mr. HALL [presiding]. Thank you, Mr. Boozman.

I regret missing your testimony. Permit me to ask you a couple of questions anyway. I did have the opportunity to read it.

I will briefly ask, and forgive me if these questions have already been asked. Mr. Franklin, which bill do you think would better serve our servicemembers, the Lofgren bill or the Murphy bill?

Mr. FRANKLIN. We are in support of both bills. Assuming that the suggestions on how to improve both bills are taken, we are really agnostic to both of those bills. We assume that you all will need to make that decision. I know that Madam Chairman Herseth Sandlin mentioned in her opening statement that there might be a way to pool those bills together, and we would be supportive of either or both, assuming the suggestions we made were incorporated.

Mr. HALL. How much time elapses between when a servicemember requests to terminate a contract and when that contract is actually terminated?

Mr. FRANKLIN. I think that, in most cases, it can be done very quickly. Again, each company has, in some cases, multiple billing systems, and it could technically be a difference of what part of the country you lived in, depending on what billing system that company is using, to answer with great specificity, but the policy of the industry and of the companies is that once they receive the order or a copy of the order from the servicemen and women showing that they are being deployed or moving to an area that doesn't have service by that particular company, then the policy is for them to terminate that contract.

Mr. HALL. Mr. Franklin, to your knowledge, how many of the telecoms have international service? Can you estimate?

Mr. FRANKLIN. Well, international service plans are offered by many of the companies. But that doesn't necessarily mean that they have the facility in another country.

Mr. HALL. Like towers in Iraq or Afghanistan?

Mr. FRANKLIN. Correct.

Mr. HALL. Even more difficult.

Mr. FRANKLIN. But they may have partnerships with wireless carriers internationally. In fact, they do—many of them do offer international plans, perhaps not in every part of the world where the servicemen and women are. That is why we do have these policies to let them out of the contract.

Mr. HALL. Right. In such locations that service exists, I assume that there is work or discussion going on about changing the contract or exchanging it for one that would allow the servicemember to transfer the remainder of their contract to one that covers that area and allows communication with home.

Mr. FRANKLIN. In the case of transferring their contract to another provider, I am not sure that would work. But certainly if they want to take up service with a U.S. provider that does have a relationship or service with somebody that provides service where they are being deployed, that option exists, absolutely.

Mr. HALL. Thank you very much.

Mr. Huebner, if H.R. 4255 were to pass, what would be the impact on your organization?

Mr. HUEBNER. The impact is on the movement, not so much our organization. We have implemented a strategy to provide programming for veterans in communities all over the United States in the communities that they return home to, and we are doing that in partnership with numerous organizations like the National Recreation and Parks Association, Paralympic organizations, Paralyzed Veterans of America, and others. So the impact would be on increasing significantly the ability to reach more veterans in their home communities with very cost-efficient programming because all the programs I just mentioned are investing their own resources to provide that support to veterans.

Right now in America, just to give you an example of physical disabilities, 21 million Americans have a physical disability in the United States. Less than 10 percent of them participate in daily physical activity. Our goal with H.R. 4255 is to increase significantly the number of veterans that return home and can participate in daily community programs in their local community.

Mr. HALL. Can the USOC military Paralympic Program survive without Federal assistance?

Mr. HUEBNER. Sir, we are surviving with private investment and with our partnership with those organizations. We can grow exponentially by having an investment to match the investment of all the organizations we are working with. We can reach more veterans. That is the bottom line. But, yes, we will survive, we will continue on. We are moving on with or without any Federal support. But my point to you is that with an investment to match the private investment that already exists, estimated more than $42 million, we can substantially reach more veterans.

Mr. HALL. Do you work with Professional Ski Instructors of America, Adaptive Program, and other private athletic organizations who already have adaptive sports programs?

Mr. HUEBNER. That is where you get your efficiency. We have identified communities that already have programs. We have also identified numerous communities that don't. The role is to provide training and technical assistance. For example, in a rural area, to create a specific program in a rural area is not efficient. To work in collaboration with the Parks and Recreation that already has buildings and staff and provide them the equipment and expertise to serve that maybe one veteran in a rural area is very efficient. That is our focus with what we are trying to do, working with established programs today, as well as identifying markets that don't have, and I will give you an example, in Colorado Springs, Colorado, there is not a comprehensive program to serve injured personal or veterans. We will have one established with the City of Colorado Springs by the end of this year.

Mr. HALL. Well, thank you very much, both of you, for your patience and your testimony. Thank you, Ranking Member Boozman, for filling in as Chair.

Mr. BOOZMAN. Thank you for being here. My only frustration is some of them are playing golf. My frustration is going out and playing with them and just getting trounced. So thank you very much.

Mr. HALL. My frustration has been beaten down the hill by an adaptive skier in a sit-ski while being a certified level II alpine ski instructor. That is good.

Mr. HUEBNER. Sir, both of you, obviously that is a great story for us to tell America and that is an important part of what we do just not for Americans but all veterans, to say I can come back from Iraq like Kortney Clemons did, go back to school. I can pursue a new career and I can be involved in physical activity which, as we talked about earlier, he can run a little bit faster than I can.

Mr. HALL. Well, thank you very much for the work that you do and for your advice and counsel to the Subcommittee. This panel is now excused. Have a wonderful afternoon.

We now invite Panel Three to the witness table. Participating on our third panel are Mr. Kerry Baker, Associate National Legislative Director of Disabled American Veterans; Mr. Joseph Sharpe, Deputy Director of the National Economic Commission for the American Legion; Mr. Richard Daley, Associate Legislation Director for the Paralyzed Veterans of America; and Mr. Richard Weidman, Executive Director for Policy and government Affairs for the Vietnam Veterans of America (VVA).

Mr. HALL. Gentleman, without objection, your full written statement will be entered into the record and you will be for 5 minutes.

Mr. Baker, you are now recognized.

STATEMENTS OF KERRY BAKER, ASSOCIATE NATIONAL LEGISLATIVE DIRECTOR, DISABLED AMERICAN VETERANS; JOSEPH C. SHARPE, JR., DEPUTY DIRECTOR, NATIONAL ECONOMIC COMMISSION, AMERICAN LEGION; RICHARD DALEY, ASSOCIATE LEGISLATION DIRECTOR, PARALYZED VETERANS OF AMERICA; AND RICHARD F. WEIDMAN, EXECUTIVE DIRECTOR FOR POLICY AND GOVERNMENT AFFAIRS, VIETNAM VETERANS OF AMERICA

STATEMENT OF KERRY BAKER

Mr. BAKER. Mr. Chairman, Members of the Subcommittee, thank you for inviting the DAV to present this testimony on various bills before the Subcommittee today. H.R. 3786, H.R. 6070, and H.R. 6224 are all outside the scope of DAV's mission. We nonetheless have no opposition to their favorable consideration.

H.R. 2721 would require the VA and DoD to develop and distribute to members of the Armed Forces upon their discharge information in a compact disk format that explains benefits for which veterans are eligible under the laws administered by the Secretary. This legislation would improve outreach services and is therefore deserving of DAV's support.

The information contained on such a disk should be all inconclusive in regards to VA benefits and military benefits. Considering the lack of effective outreach in relation to older groups of veterans, Congress should consider whether this type of information should be disseminated to older groups in addition to discharging members.

The DAV presented testimony in the House Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs on May 22, 2008, regarding the issue of outreach. In that hearing, the DAV outlined serious flaws in VA's outreach efforts in relation to older groups of veterans. This legislation could serve as a vessel to improve those outreach efforts in a cost-effective manner.

H.R. 4255 would amend the law to authorize VA to provide assistance to the Paralympic Program of the United States Olympic Committee. The DAV has concerns regarding this bill. Since 1991, the DAV and the VA have co-hosted the National Disabled Veterans Winter Sports Clinic in Snowmass, Colorado. The sole purpose of this program is to promote rehabilitation by instructing severely disabled veterans in adaptive alpine and Nordic skiing and provide an introduction to other adaptive activities and sports.

The winter sports clinic provides profoundly disabled veterans opportunities for self-development and challenge. The participants have an opportunity to develop winter sports skills and take part in a variety of adaptive workshops. This event evolved from VA's efforts in rehabilitation and adaptive sports.

It should be noted that the winter sports clinic hosted by DAV and VA is purely for rehabilitative purposes and is in no way competitive in nature. As written, this bill has the potential to change that, something that both DAV and VA oppose.

Many disabled veterans that participate in the winter sports clinic have never even before attempted such sports activities. Bringing a competitive atmosphere into that clinic we believe would do more harm than good.

This bill is obviously well-intended and therefore DAV does not wish to stand in its way. However, we also cannot allow unintended consequences to occur that may jeopardize the two decades of success in helping to rehabilitate severely disabled veterans at the winter sports clinic has achieved. Therefore, rather than opposing this legislation, we ask that it be amended to exclude competitive sports from being injected into the DAV and VA's winter sports clinic.

H.R. 6221 would require VA to include in each contract in which it enters for the acquisition of goods and services a provision that requires the contractee to comply with the contracting goals and preferences for small business concerned owned or controlled by veterans. The DAV supports this legislation.

H.R. 6225 would amend the law relating to equitable relief with respect to a State or private employer. This legislation could have direct effect on service-connected disabled veterans because many obtain employment due to their service-connected disabilities. Those same individuals have enforceable rights of employment or re-employment. When those rights are violated, the victims of such violation should not be subject to the whims of discretion that some courts may choose to abuse. The DAV therefore supports this legislation.

H.R. 6272 would authorize discretionary appropriations to carry out the Service Members Occupational Conversion and Training Act 1992. Under this law, the Secretary of Defense is required to carry out a program to assist eligible persons in obtaining employment through participation in programs of significant training for employment in stable and permanent positions. Servicemembers separated involuntarily who have service-related disabilities rated at 30 percent or more are among those affected. Therefore, the DAV supports this bill as well.

Mr. Chairman, this concludes my testimony. On behalf of the DAV, I am pleased to answer any questions that you may have.

[The prepared statement of Mr. Baker appears on p. 43.]

Mr. HALL. Thank you, Mr. Baker, for your testimony. Now, Mr. Sharpe, you are recognized for 5 minutes.

STATEMENT OF JOSEPH C. SHARPE, JR.

Mr. SHARPE. Mr. Chairman and Members of the Subcommittee, I appreciate this opportunity to share the views of the American Legion on a couple of benefit-related legislative initiatives brought before us today, the first being H.R. 6272, the "SMOCTA Reauthorization Act of 2008."

Every year, over 250,000 servicemembers are discharged from the Armed Services. These former service personnel are actively seeking either employment or the continuation of former, or vocational education. SMOCTA was developed as a transitional tool designed to provide job training and employment to eligible veterans discharged after August 1, 1999.

When created, SMOCTA was the only Federal job training program available strictly for veterans and the only Federal job training program specifically designed for the use by State veterans employment personnel to assist veterans with barriers to employment.

SMOCTA is a unique job training program because it has successfully returned veterans to the civilian workforce. The American Legion strongly endorses this bill.

The other bill that we are very concerned with is H.R. 6221, the "Veteran-Owned Small Business Protection and Clarification Act." The American Legion views small businesses as the engine that keeps the American economy on track. It is the driving force behind America's past economic growth, and will continue to be the major factor as we move forward into the 21st century.

The American Legion supported legislation in the past that sought to add service-connected disabled veterans to a list of specified small business categories receiving 3 percent set-asides.

Despite enactment of Public Law 106–50 the Veteran Entrepreneurship and Small Business Development Act 1999, agency compliance has been minimal. However, VA has sought to raise those veteran procurement goals to 9 percent. Therefore, the American Legion supports H.R. 6221, which is intended to assist VA in reaching those new goals by ensuring that every contract up for bid be considered for a veterans service disabled-owned company.

Mr. Chairman, this concludes my testimony. I appreciate the opportunity to present the American Legion's views on these important and timely topics, and I welcome any questions you may have. Thank you.

[The prepared statement of Mr. Sharpe appears on p. 45.]

Mr. HALL. Thank you very much, Mr. Sharpe. We will get back to questions after the other witnesses.

Mr. Daley, you are now recognized for 5 minutes.

STATEMENT OF RICHARD DALEY

Mr. DALEY. Representative Hall, Ranking Member Boozman, I would like to thank you for the opportunity to share our views on the proposed legislation. My written comments are submitted for the record. I will limit my remarks to the time limited.

Starting with the written comments, my verbal has changed from the written comments submitted because of some meetings that we have had.

I wanted to address H.R. 4255, the "United States Olympic Committee Paralympic Program Act." While we have previously mentioned concerns about H.R. 4255, in recent days, we have had the opportunity to talk with different Committee staff as well as with Mr. Huebner from the Paralympics. We see this potential expanding relationship between the VA and the USOC as an opportunity to benefit disabled veterans. Furthermore, we look forward to working with Paralympics to address our concerns about the impact of this new relationship on longstanding partnerships that we and other veteran service organizations had developed with the VA to support sports and recreation programs for disabled veterans. We are encouraged that satisfactory solutions to our concerns may be achieved.

H.R. 6224, the "Pilot College Work-Study Programs for Veterans Act." As we stated in testimony on similar legislation earlier this year, PVA supports the provisions of H.R. 6224, the "Pilot College Work-Study Programs Act." This legislation would create a five-year pilot program for on-campus work-study positions that may

include work in academic departments, such as tutoring, research assistants, teaching assistants, lab assistants, and other services, including financial aid and cashier, admission. Just about any position that is available on the campus will be included in this program. We believe that the work-study program can be very beneficial for many students.

"The SMOCTA Reauthorization Act." The PVA supports the SMOCTA Reauthorization Act. We recommended the reauthorization of the Service Members Occupational Conversion and Training Act, SMOCTA program, or a program similar to that, in the hearing last October. SMOCTA was established during the downsizing of the military for veterans discharged after August 1, 1990.

This program was a cooperative venture between the Department of Defense—they funded it, and the U.S. Department of Labor and the VA. It was considered one of the better programs to serve transitioning military veterans. The program provided assistance in the form of reimbursements to employers to provide training for veterans that led to permanent employment. The program also included funds for assessment, for training programs, for supportive services for the trainee. The Disabled Veterans Outreach Program specialist and the local veterans employment representatives staff that is on the State level developed the employment training programs. The veterans eligible for this assistance were those with military occupations that were not transferable, those that were unemployed for long periods of time, or those that have a 30 percent or greater disability.

The SMOCTA program, we think, would be a real benefit because it would give the State employment workers something to go out to the manufacturers and employers and say, I have something to talk to you about. The Federal government is going to help you with training new employees.

I think it is a win-win situation. A similar program would help the men and women transitioning today, the many men and women, and the Reserves and the Guard members who are reentering the workforce. I thank you for this opportunity and I am available for questions.

[The prepared statement of Mr. Daley appears on p. 47.]

Mr. HALL. Thank you, Mr. Daley. And Mr. Weidman, you are now recognized for 5 minutes.

STATEMENT OF RICHARD F. WEIDMAN

Mr. WEIDMAN. Chairman Hall, Mr. Boozman, and in absentia, Ms. Herseth Sandlin. We appreciate the opportunity to be here today to testify on a number of important pieces of legislation. In regard to H.R. 2721, Mr. Garza is on the right track in that denial of knowledge of benefits, services and earned rights is tantamount to denial of those services, benefits and rights that are earned by virtue of military service. We would suggest, instead of locking the VA or DoD into a CD–ROM, our experience in working with young troops at Walter Reed and elsewhere is: the more portable it is and the more cool it is, the more they are likely to hang on to it.

And right now at the TAP program, they get all this paper, and most of it never makes it back home. If you give them a memory stick, that also doubles as a key chain and it looks sharp, they will

keep that. And that plugs into any computer, and it accomplishes the same task with having those key sites, as well as the information that is a contained in Federal benefits for veterans and their families booklet that is updated every year based on changes by the Congress and in regulation.

Incidentally, even here at the flagship at Walter Reed, every time I go down there, I take the most current version, about 30 of them, with me. And I go down several times a month. The young people still have outdated versions of it. And no matter how much VA and DoD swear they have the most current information, they don't. And so those things are all gone, boom. And I put any extras on the table and they are all gone when I come back the next week.

So getting good information out, we can't do too much of that. It really needs to be done. The second bill is H.R. 3786, the cell phones, VVA is for that. The one thing that we would urge you to be very cautious of is watering down this bill by inserting the word "knowingly." That word "knowingly" was inserted in the Veterans Preference Act, Veterans Economic Opportunity Act, Employment Opportunity Act. And it has basically gutted that Act for any enforcement and enforcement of veterans preference in Federal employment.

And the same thing is true when people say "the contract will be immediately terminated"—as of what date? As of the date of the orders are supplied or as of the date of the end of a billing period? That may be anywhere from 30 to 90 days. Those things need, I would suggest, to be pinned down to make sure that the Act really accomplishes the protection you are seeking. H.R. 6070, anything that we can do to assist the spouses and the families of those who are deployed overseas we should do. And this is one of the very minimum things that can be accomplished in a few things that there is no cost but should be done.

H.R. 6221, in regard to subcontracting, I hope that Committee staff and the Members will work with us. There are a number of problems with subcontracting that need to be addressed. This is only one. And the whole intent of P.L. 109–461 having to do with VA procurement needs to be significantly tightened up, if I may suggest, particularly when it comes to subcontracting. And specifically it needs to be locked into Black Letter Law that the information on who prime contractors are subcontracting with cannot in any manner, shape or form be considered private information or proprietary information and denied to the Congress and to the veterans advocates. It is public money and we have a right to know how much money is being spent with what company. And therefore, we haven't been able to track subcontracting on any of the major primes in any agency including VA.

In regard to Federal work-study, just to ensure that there is no match, this can only help and we would encourage this. You can call it a pilot program but it needs to go nationwide. And one of the reasons that program works and works well is the money follows the veteran where he or she can get a placement that is going to be congruent with their course of study and advance their future career.

In regard to H.R. 6225, in terms of injunctive relief, in most cases, I think we need to look to tax relief for those few employers

who are bearing the cost of this war along with those who are being mobilized in serving. And we need to look to incentives more. But at the same time, we need to tighten up the stick and Ms. Herseth Sandlin deserves great credit for introducing this bill to improve sanctions, and particularly injunctive relief.

In regard to governmental institutions, one of the worst violators of USERRA is State and local and county governments all across the Nation. In regard to the Paralympics, we share with one codicil. We fully support this bill. And that is that it be specifically written in either to the Black Letter Law or to the Committee report that anything that is done with this program be congruent and complimentary and not, in any way, deleterious to the current winner games or to the wheelchair games currently under operation by VA.

Last, but by no means least, has to do with H.R. 6272. And I thank Mr. Welch for introducing this legislation. It is a much needed tool. And the only thing I can suggest, though, is that we change the name of it to warrior opportunity conversion, something other than SMOCTA. "Schmata" is a Yiddish word that means something unclean. And in certain parts of the country, it was met with ridicule by employers. And being from New York, you know exactly what I mean, Mr. Hall.

When we first got SMOCTA through, that acronym came out of nowhere and it didn't help us, let us put it that way, market the program, but it is an important program. And in this room in 1982, I testified on behalf of what became the Emergency Veterans Job Training Act, which essentially was the same program. And that later, the emergency was dropped later in the eighties and it became the Veterans Job Training Act. And then that expired. And due to the military conversion or downsizing subsequent to the Cold war in the first Gulf war, we got the servicemembers through. And we did get that renewed several years later, but we didn't get any funding for it and, therefore, the program died.

This program, particularly when used in conjunction with the opportunity tax credit for disabled vets that Mr. Rangel got through Ways and Means in 2006, December 2006, proved to be very important marketing tools that can be used by disabled veteran outreach program workers, local veterans' employment representatives (LVERs) and others.

For the record, since Labor has not publicized these two documents implementing that Work Opportunity Tax Credit (WOTC) for disabled vets, which is a very important tool, I would, with permission of the Chair, submit these to be included with the record, so at least the Congress can start to do what the Department of Labor is not doing.

Last, but by no means least, I would be remiss if I didn't say that the Department of Labor and the service delivery mechanism that will use these tools, or theoretically use these tools, is severely compromised if indeed not broken. I would point out to the distinguished members of the panel here that conspicuously absent is any senior representative from the Veterans' Employment and Training Service of the United States Department of Labor here this afternoon to listen to what could be the essential tool that

their people will pick up and use out in the field in order to get jobs for those young men and women returning.

If it sounds like we are somewhat angry at this lack of diligence and this lack of passion for the job to be done, it is because it is justifiable. I have gone overtime, and I thank you very much for your indulgence Mr. Chairman and I would be happy to answer any questions.

[The prepared statement of Mr. Weidman, and referenced attachments, appears on p. 50.]

Mr. HALL. Thank you, Mr. Weidman. Are you suggesting that I should not say SMOCTA in front of my Slovak Catholic mother?

Mr. WEIDMAN. Yes, sir, I am. And I am not going to go into the exact translation, but it is not something you want to say in front of your mom.

Mr. HALL. Do you believe, Mr. Weidman, that under H.R. 2721, a CD with veterans information is a good way to bridge the outreach gap between Federal agencies and veterans? You are talking about these information—the data sticks. There also are some that are transponders for Internet receivers and senders that are also doubled as data sticks. These sticks would enable the veteran to not only download or open up files that are in storage on the device, but also connect directly to a VA Web site. Would that strike you as a good idea?

Mr. WEIDMAN. The hot links are important. And the one thing that we spend a lot of time—the more time I spend with these young folks, the more I realize—find out what works, including in gifts that we give them. And it needs to be cool and it needs to be portable. Particularly for those in the combat arms. They like things that they can carry with them. That is why I suggest even in addition to that electronic device you do something that is a tri-fold or a quad-fold card that is die cut the same size as a credit card they can stick in their wallet.

If you give that to them at the Transition Assistance Program or at the military hospital where they are recuperating from wounds, they will take that and stick it in their wallet, and you have all the key links in the Web sites of all the agencies on there. And they will pull it out when they need it. They are never going to find that tri-fold brochure that is 5 by 11, they are never going to find a thick booklet. But this they will find and they will pull it out of their wallet or they will use the electronic device.

Mr. HALL. Mr. Daley, would that address your concern about veterans from rural areas?

Mr. DALEY. Sure. The word has to get out there in the smaller towns, the rural areas. And I think that would really, really help. And, of course, we have the veterans one-stop locations there that they can go for information. So the more information we give them, the better.

Mr. HALL. Absolutely. And sir, do you believe that if VA formalizes their agreements to work with the USOC that the VA will no longer support the national veterans wheelchair games or other similar events?

Mr. DALEY. That was a concern. But after talking with Mr. Huebner, that is not his goal at all. Everything that we have done in the past we will keep doing the same way. He has a broader in-

terest to reach out into the communities, as he said, to get more people involved in activities and more veterans involved in activities of recreation and sports. So yeah, I think it is going to be a good situation.

Mr. HALL. Thank you. Mr. Baker, DAV concerns on H.R. 2721 are that the VA is not conducting outreach efforts to older groups of veterans, and you suggest disseminating this information to this group. Do you think a compact disk is not the most effective tool for this population? And what would you suggest? For instance, is this generation of veterans going to benefit from electronic media like a CD or would a pamphlet or reading material be more effective?

Mr. BAKER. I think the answer to that is mixed. Some of them are going to benefit. Some obviously aren't that computer literate. And that is certainly not the catchall answer to the older group. I believe the testimony we presented back in May on the older vets addressed some laws that are currently in existence that Congress has implemented in the past years that is meant to address older vets, and the VA just hasn't complied with. That is one avenue. This information or in written format is possibly one avenue to go about complying with that. First, they have to be identified, which is one of the requirements of the previous laws, and then it has to be assessed as to what they know and don't know about their benefits. But this could be certainly a potential mechanism for delivering that information.

Mr. HALL. Thank you. And Mr. Sharpe, should the SMOCTA just be reauthorized or is there room for improvement?

Mr. SHARPE. Both.

Mr. HALL. Or would you also suggest another name?

Mr. SHARPE. That is not an issue for us. But it is a concern that we do have a training program that meets the demands for today's employers and what is going on tomorrow. And if we can improve it more, the better.

Mr. HALL. Thank you, sir. My time has expired, I will recognize Ranking Member Boozman for 5 minutes.

Mr. BOOZMAN. Thank you, Mr. Chairman. Again, I appreciate the testimony. We would like perhaps to submit some questions as they come up as we work with these things. As always I appreciate your testimony. You have really given us some good thoughts as to the different areas. On the Paralympic Committee, we have a little difference of opinion, but I think all of us agree that the primary thing that we are trying to do with all of these things is to serve the entire population. And that means guys that are just wanting to play pick-up all the way up to competing at a very, you know, at the top level.

So I think I would really like to work with you and get that done, but I think we can get that done. Rick, the things about trying to get the information out, you know, what is the most valuable tool of doing that, I agree, and that might change. So you might want to look at maybe working with the author about maybe giving a range or something. But again, working with you guys, working with everybody to try and figure out how we can get the information out, that is a challenge. And I have been to many TAP programs and stuff, and I think the want to is there. I don't have any

doubts in my mind. It is just difficult when you are dealing with people that are sometimes seriously injured, sometimes they are home, and I have been to the ceremonies when they come home, and they have their minds seeing a kid sometimes that they have never seen before.

So you just have the whole gamut. But trying to use the technology that we have to get the message out so that they can keep it, and more importantly, have something to rely on or somebody to rely on in the future to get the information. So again, thank you all very much for your testimony and taking the time to be here today. It is very helpful.

Mr. HALL. Thank you, Mr. Boozman. And if I may just follow up with Mr. Sharpe. You alluded to improvements in SMOCTA. Could you please elaborate on that?

Mr. SHARPE. Again, our biggest concern is that with any training program, that the servicemembers are given the skills that will help them for today's economy. In many cases, many of the training programs that are currently in existence do not do that. Employers are looking elsewhere for skilled employees, and there is no need for that. There is no need for them to have to look overseas. We feel that our veterans should be trained with all up-to-date technology that will meet today's demands and plus in the future. So that is the kind of training program we are looking for.

Mr. HALL. Under H.R. 6224 you state that veterans should be permitted to participate as VA work study students in Federal agencies. Do you propose that veterans be given internships at Federal agencies?

Mr. SHARPE. Yes.

Mr. HALL. And do you think that the requirements stated under H.R. 6221 should be extended to all Federal agencies, not just VA?

Mr. SHARPE. Yes.

Mr. HALL. Thank you. And last Mr. Baker, regarding H.R. 4255 again, should not the veteran be able to decide whether he or she would like to compete? It would be beneficial if we had both competitive and recreational noncompetitive programs available.

Mr. BAKER. I agree 100 percent. I completely agree with that I should probably clarify something after speaking with Mr. Huebner during the break as well as listening to his statement. There is a chance we might be mistaken or misinterpreting the intent of the legislation. And we only want to make sure that the winter sports clinic in Snowmass doesn't become a competitive environment. Because that is literally the first time a lot of these people get on some of these devices, and it is strictly rehabilitation. That is not to say this law wouldn't promote some competitive nature elsewhere throughout the country. That is our only concern, is to shield that from becoming a competitive event.

Mr. Huebner assures me that that is not the aim. I will certainly bring that message to our people in the DAV that run that program. Maybe they can get together to work out any differences or get a better understanding of the intent of the law. But I don't want to give that impression that we are against any competitive nature in the whole arena.

Mr. HALL. Thanks for the clarification. I would say that the same thing applies to children and to nonveterans. There are some peo-

ple who, by temperament, take well to competition and thrive in it. Yet, there are others who like to just compete against themselves, if you will, or try to get pleasure and improve their performance in whatever sport it is, be it adaptive or not.

I think that making the whole range seems like a good thing to me. Mr. Boozman, do you have any more questions?

Mr. BOOZMAN. No, I don't.

Mr. HALL. Well, thank you to our third panel for testifying before the Subcommittee. Thank you for your patience and your continued dedication to our Nation's veterans. You are now excused.

And we invite our fourth panel to the witness table. Joining us on the fourth panel is Mr. Keith Pedigo, Associate Deputy Under Secretary for Policy and Program Management for the U.S. Department of Veterans Affairs, accompanied by Ms. Diane Hartmann, Director of National Programs and Special Events for the U.S. Department of Veterans Affairs. Welcome. Thank you for being here and thank you for your patience. As usual, your full written statement will be entered into the hearing record. Feel free to adjust it, shorten it, or elaborate on it.

Mr. HALL. Mr. Pedigo, you are now recognized.

STATEMENT OF R. KEITH PEDIGO, ASSOCIATE DEPUTY UNDER SECRETARY FOR POLICY AND PROGRAM MANAGEMENT, VETERANS BENEFITS ADMINISTRATION, U.S. DEPARTMENT OF VETERANS AFFAIRS; ACCOMPANIED BY DIANE HARTMANN, DIRECTOR, NATIONAL PROGRAMS AND SPECIAL EVENTS, VETERANS BENEFITS ADMINISTRATION, U.S. DEPARTMENT OF VETERANS AFFAIRS

Mr. PEDIGO. Mr. Hall and Members of the Subcommittee, I am pleased to be here today to provide the Department of Veteran Affairs' views on pending legislation. Accompanying me is Diane Hartmann, Director of National Programs and Special Events. VA is still reviewing H.R. 6221, H.R. 6225, and H.R. 6272 and will provide views on those bills in a subsequent views letter.

[The Administration views from VA for H.R. 6221, H.R. 6225, and H.R. 6272 appear on p. 65.]

H.R. 2721 would require VA to develop and the Secretary of Defense to distribute to members of the Armed Forces, upon their discharge or release from active duty, a compact disk containing information that VA determines would help veterans. That information would include the benefits for which veterans may be eligible under the laws administered by VA, and a comprehensive explanation of how to apply for benefits and a list of all VA facilities.

The bill would also require VA and DoD to maintain an Internet Web site with information clearly explaining VA benefits and other things. VA supports this bill. It would clearly enhance VA's already rigorous outreach and information dissemination efforts. H.R. 3786, the "Servicemembers Telecom Contract Relief Act," and H.R. 6070, the "Military Spouses Residency Relief Act," if enacted, would affect servicemembers.

Therefore, VA defers to the Department of Defense regarding the merits of these bills. H.R. 4255, the "United States Olympic Committee Paralympic Program Act of 2007" would authorize VA to make a grant to the U.S. Olympic Committee to plan, develop,

manage and implement the Paralympic Program for veterans and members of the Armed Forces. It also would require VA to inform all veterans with physical disabilities of the Paralympic Program, encourage their participation and require that VA ensure access to and appropriate use of facilities by program participants. VA opposes this bill because it is unnecessary, would divert funds intended for veterans care to nonveterans and would benefit only a limited number of veterans.

VA has an established office of national programs and special events that oversees highly successful and well-attended rehabilitative programs for disabled veterans. This office works with the USOC to help elite level athletes to compete in their Paralympic Programs. That office currently oversees four national events; the National Disabled Veterans Winter Sports Clinic, the National Veterans Wheelchair Games, the National Veterans Golden Age Games and the National Veterans Creative Arts Festival. Also, a pilot summer sports clinic scheduled for later this year in San Diego, California, is specifically designed for veterans with serious disabilities.

Each year, thousands of disabled veterans have the opportunity for self-development through participation in these events. Among other things, a bill would require VA to notify and encourage participation of catastrophically injured veterans, many of whom would not be able to participate in these events. VA currently allows the USOC to distribute materials about the Paralympic Program at any of VA's offices of national programs and special events. Additional notification is unnecessary. Although we applaud the USOC's efforts to bring more veterans into their elite athletic competitions, we believe the VA's events are much more suited to providing the services veterans need. VA's goal is to introduce sports and other recreation to disabled veterans and make it a part of their daily lives. Our existing partnership with the USOC allows those who rise to elite athletic performance to take their training to the next level through the USOC Paralympic Program. We are in the process of estimating the costs that would be associated with enactment of this bill and will provide them for the record.

[The Committee did not receive the costs for H.R. 4255, as introduced, since the provisions of that bill were included in S. 2162, which became Public Law 110–387 on October 10, 2008.]

H.R. 6224, the "Pilot College Work Study Programs for Veterans Act of 2008," would require the VA to conduct a five-year pilot project to test the feasibility and advisability of expanding the scope of certain work study-related activities to include work study positions available on-site at educational institutions.

These positions in the program may include those in academic departments and in student services. The bill would require VA personnel to supervise veterans in these positions. While VA supports the principle of exploring possible expansion of the work study allowances under the current statute, we do not support this bill because the activities now described in that section relate primarily to activities that support VA's mission of services and assistance to veterans and their dependants, whereas the types of activities proposed would not relate to that mission.

In addition, VA's supervision of the work study participants would be administratively burdensome given the range of activities that would be involved throughout the university. This concludes my statement, Mr. Hall. I would be happy to entertain any questions that you or Members of the Subcommittee may have.

[The prepared statement of Mr. Pedigo appears on p. 58.]

Mr. HALL. Thank you, Mr. Pedigo. And we look forward to the view's letter on H.R. 6221, H.R. 6225, H.R. 6272 and the cost estimate of the other bill, H.R. 4255.

In the report from the Office of the Inspector General for VA, it seems that VA makes purchases for the Department of Defense. Yet, the VA has a memorandum of agreement with the Department of the Army to have the Army do purchases for the VA. Why is that?

Mr. PEDIGO. Mr. Hall, I am not at all familiar with that issue. But I would be happy to try to get you a response for the record.

[The answer is included in the response to Question 1 of the Post-Hearing Questions and Responses for the Record, which appears on p. 64.]

Mr. HALL. Thank you. You can add that to the package of things you are sending us. Under H.R. 6224, you state that it would be administratively burdensome for the VA to supervise work study participants as outlined in the bill. Could the VA delegate supervisory duties to the university?

Mr. PEDIGO. I believe that would be a possibility. We do have some programs that we administer where we do delegate responsibility. And if given the statutory authority to do that, I think that that would be an improvement to that proposal.

Mr. HALL. Is the Office of National Programs and Special Events (ONPSE) a permanent office?

Mr. PEDIGO. Mr. Hall, I am going to ask Ms. Diane Hartmann to respond to that question.

Ms. HARTMANN. Thank you, sir. The Office of National Programs and Special Events was formed in 2001. It is a permanent office.

Mr. HALL. Thank you, Ms. Hartmann. And what is the current budget of ONPSE?

Ms. HARTMANN. I am sorry.

Mr. HALL. The current budget of the Office of National Programs and Special Events.

Ms. HARTMANN. Right now the budget is $4.6 million. That includes the operational costs of the events as well as staff.

Mr. HALL. Thank you. And last, to Mr. Pedigo, thank you for taking part in our round table discussion on outreach. Regarding H.R. 2721, I would assume and encourage you to coordinate with the outreach effort that we discussed with the Ad Council, and to make it as holistic as possible, as you develop this concept of whether it is a compact disk or a memory stick or whatever device seems to be most widely accepted among our veterans in different age groups. I am sure you are thinking that way, but I just wanted to mention that because some of us in this room maybe weren't at the round table discussion. And that is all the questions I have. I will turn now to Ranking Member Boozman for his questions.

Mr. BOOZMAN. Thank you Chairman Hall. First of all thank you all so much for your hard work for veterans and we really do ap-

preciate you Mr. Pedigo and Ms. Hartmann for all that you do. I am a little confused about the recreational therapy programs. Let me just read this, and then I will follow up. The Committee staff Members have attended several of the Paralympic Military Sports summits, and that means held their significant resistance at the VA Medical Center level defending recreational therapy programs.

Please describe who has overall responsibility for the recreational therapy program of VA and is there a budget line item for the program. I think earlier we heard testimony to the effect that when you actually go out and talk to these men and women, there is a problem in the sense they don't want to be at the hospital their whole life or that kind of situation, you know, playing basketball or whatever they are doing. So can you address that for me.

Ms. HARTMANN. Yes, sir, I can. First of all, the Recreation Therapy Program is part of patient care service, which is under the Veterans Health Administration. The National Programs Office is separate from that. Originally all of our national programs started in recreation therapy and they were separated and elevated to a higher level. As far as the——

Mr. BOOZMAN. And are they on-site?

Ms. HARTMANN. Yes, sir. Well, the national office is, but our planning staff is around the country because our events move from one location, one Medical Center to another year to year. So I have staff in the field that it is constantly working on events. We usually work 3 years of programs during the year. As far as the question about the difficulty of staff getting to these programs, that is true. About 8 years ago, it was very difficult for recreation therapists and caregivers as well as veterans to have funding to get to these events. Once this program was elevated, there was quite a bit of policy developed and consistency put together among the programs so that these programs would be recognized as part of medical care and part of recreation therapy. That our veterans who are attending would be given caregivers when necessary to go with them. And those caregivers would be given official travel and administrative leave. There still are issues that the funding to get the participants as well as the VA staff to these programs is not always part of the budget of the Medical Center. A lot of the money is fundraised at a local level. And a lot of the money that gets the participants there are raised by our service organizations.

Mr. BOOZMAN. Can you—I guess I would really like to know what kind of money that we are talking about how much that budget item would be to fully fund that.

Ms. HARTMANN. To fund staff and participants.

Mr. BOOZMAN. Yes ma'am.

Ms. HARTMANN. Sir, we can work out, those numbers.

[The answer is included in the response to Question 3 of the Post-Hearing Questions and Responses for the Record, which appears on p. 64.]

Mr. BOOZMAN. Again, I really feel strongly that for certain individuals, and the Chairman addressed it. There are individuals that want to exercise and compete at all different levels. But I really do think part of the healing process, part of the rehabilitation, this stuff really can be very, very important, for certain individuals. Not necessarily for everybody, although there probably is something for

everybody if we can find it. But the ability to actually access it is real important. Now, I have been pleased because it seems like my experience has gotten a little bit better in some locations. But I would like to know again what kind of money that we are talking about. And so how would you address the problem, the criticism of people not wanting to be in that setting all the time, the guy that gets out of the hospital—do you see what I mean?

Ms. HARTMANN. I understand. I don't believe that I am the appropriate person to address that. I do not have a clinical background so it would be inappropriate for me to say that. As an observer, truly nonclinician I see very positive aspects just from the first time someone is introduced to a new activity or sport to when the end of the day after they have had a lesson.

Mr. BOOZMAN. But if that were a concern, if you were able to say yeah, this is a positive thing, if the clinicians told you that, would you agree that we are not funding that like we should based on if it was a very positive thing?

Ms. HARTMANN. Yes, I would. I think that the recreation therapy programs at VA could absolutely benefit, and our veterans would definitely benefit by additional funding.

Mr. BOOZMAN. Good. That is very helpful. I mean you all, you know you all work with the money that you are given and we ask a lot of you. But like I said that is very helpful. Thank you Mr. Chairman.

Mr. HALL. Thank you, Mr. Boozman. I also am curious, Ms. Hartmann, about the noncompetitive programs and special events. If you are not the person to describe them, or if you are, would you do that a little bit? If not, maybe you could send us a summary of what they are. If it is a separate budget that the Office of National Programs and Special Events has, I am curious about the statement that it would benefit only a limited number of veterans I think if it were structured, as we see it being structured in terms of applying to all competitive and noncompetitive individuals, it should benefit a great number of veterans. Certainly considering the number of serious injuries that we are seeing in Operation Iraqi Freedom, it would be good if Operation Enduring Freedom returnees today it have these kinds of recreational and/or competitive programs available to as many of them as possible.

Ms. HARTMANN. I will be happy to try to clarify the competitive and noncompetitive. We have two programs now, our winter sports clinic and our summer sports clinic which are noncompetitive. They are clinics. They are an introduction to sports and leisure activities. The winter sports, of course, having the key basis around winter activities, and the summer will be summer sports.

In addition to those two components of both summer and winter, we also introduced the leisure activities, which are activities that the veterans can take home and do that they don't need a mountain for, such as scuba diving or trap shooting or rock climbing. Those types of things where they can go home to their local community and do it; cycling, kayaking for the summer games. They don't have to have an ocean to kayak or to do cycling. So additionally we will do golf, which we have already in two of our programs.

So those are the noncompetitive. The wheelchair games, the golden age games and the creative arts festival are all competitive.

They are competitive locally where through the recreational therapy programs they are introduced to these activities, and then the therapists work with them. And of course, we have the organizations like PVA who have the local chapters who do a lot of local programs for the veterans to get involved and to learn—I mean to really develop the competitive skills. Then they come to the national program to compete. In the national program with our partnership through the Paralympics, we have been able to identify some veterans that have the elite level potential. And they have gone on to both the Paralympic Military Program. And as Mr. Huebner said, this year we have six veterans who are part of the Paralympic team. Four of those individuals actually rehabbed at VA Medical Centers and were introduced to sports through VA recreation therapy programs and participate at our national programs.

I have to tell you that I think the concept is extremely supported by VA, and especially by I know my staff, the concept. Because we have no way of knowing where the funding will come from, we have to assume that it is going to come from existing dollars. And therefore, we strongly feel that if we are going to put the existing dollars into recreation therapy, it should be within VA's programs that exist already instead of out into the community. Therefore, more veterans would be able to benefit by the use of that money.

Mr. HALL. Thank you. And just lastly, could I ask if you have a rough number of disabled veterans who are taking advantage of these programs and approximately what percentage that might be of the total number of disabled veterans?

Ms. HARTMANN. I can tell you that this past year at the national events, we had 1,638 veterans. I do not know the percentage versus the number of disabled veterans, but I will be happy to find that number for you.

[The answer is included in the response to Question 2 of the Post-Hearing Questions and Responses for the Record, which appears on p. 64.]

Mr. HALL. Thank you very much. Ms. Hartmann, Mr. Pedigo, thank you for the work that you are doing and for testifying before the Subcommittee today. It is very important that we in Congress continue to reevaluate existing laws and review legislative proposals so that we may provide our men and women in uniform, and our veterans and their dependants the benefits and safeguards that they need to reintegrate back to civilian life. This hearing has provided us with good feedback and I look forward to continuing this important dialogue. Again, thank you for your patience and the work that you do. Thank you to all of our panelists for participating in today's legislative hearing. This hearing now stands adjourned.

[Whereupon, at 4:05 p.m., the Subcommittee was adjourned.]

APPENDIX

Prepared Statement of Hon. Stephanie Herseth Sandlin, Chairwoman, Subcommittee on Economic Opportunity

Today we have eight bills before us that seek to: authorize the VA to make a grant to the United States Olympic Committee to provide and develop activities for servicemembers and veterans with physical disabilities; allow military servicemembers to terminate certain contracts when called to active duty service or ordered to change permanent duty assignment; require the VA to develop and DoD to distribute a compact disk of benefits information to servicemembers preparing to depart from the military; amend the Servicemembers Civil Relief Act to allow a military spouse to claim the same state as the servicemember in regards to state and property taxes, and voter registration; and reauthorize the Service Members Occupational Conversion and Training Act of 1992.

Some of you might recall that on February 13, of this year, we conducted a hearing on expiring programs. In this hearing, we received recommendations on ways to improve on the programs and expand on veterans rights. One such recommendation came from Mr. Matthew Tully of Tully and Rinckey LLC who specializes in law under the Uniformed Services Employment and Reemployment Rights Act, also known as USERRA.

Mr. Tully brought up an example of how a servicemember who had sought injunctive relief from his employer but the court denied his request. Mr. Tully recommended that the Subcommittee consider amending USERRA to allow servicemembers, such as the one that was cited, to ensure equitable relief is available to USERRA victims when the courts decide it's appropriate.

I share the concerns expressed by Mr. Tully and recently introduced H.R. 6225, Injunctive Relief for Veterans Act of 2008. This bill will amend Title 38 by changing "may" to "shall" and it is our expectation that more courts will use this remedy when deemed appropriate that equitable relief is warranted. This legislation is a step in the right direction to providing greater protections and safeguards to those that have answered the call to duty.

A second bill that I recently introduced is H.R. 6224, the Pilot College Work Study Programs for Veterans Act of 2008. This bill contains similar language that I proposed in H.R. 5684, the Veterans Education Improvement Act of 2008, which would improve on existing educational entitlements for our veterans.

H.R. 6224 would direct the Secretary of the Department of Veterans Affairs to conduct a 5-year pilot project to expand on existing work-study activities for veterans. Currently, veterans that qualify for work-study would be limited to working on VA related work. My bill would allow those veterans the option of working in academic departments and student services. This change would put them at par with students that qualify for a work-study position under programs not administered by the VA.

Furthermore, this bill would conform to existing paygo rules by funding this pilot program from discretionary appropriations.

I look forward to working with Ranking Member Boozman and other Members of the Committee to discussing my two legislative proposals and those being considered in today's legislative hearing.

It is very important that Congress continue to reevaluate existing laws and review legislative proposals so that we may provide our men and women in uniform, our veterans and their dependents the benefits and safeguards they need to reintegrate back to civilian life. This hearing has provided us with good feedback and I look forward to continuing this important dialog.

Prepared Statement of Hon. John Boozman, Ranking Republican Member, Subcommittee on Economic Opportunity

Thank you Madame Chair.

Today, we will hear testimony on eight bills covering diverse issues facing veterans and their families. I am especially pleased that you have included my bill, H.R. 6221, a bill to close a possible loophole in VA's disabled veteran business contracting and acquisition programs. I am also very pleased that you are an original cosponsor of H.R. 6221 and I look forward to working with you on this wide range of bills.

I would offer one thought on the bill to reauthorize the long-expired Servicemembers' Occupational Training Act or SMOCTA. The goal of SMOCTA was to retrain veterans with few or no transferable military skills in skills better-suited to today's job market. This is a worthy goal and I support it and commend our colleague from Vermont for bringing this issue to us.

There are several ways to offer retraining and I would like to explore with you whether it would be more effective to reauthorize SMOCTA or take several SMOCTA concepts and use them to expand VA's existing On-the-Job-Training (OJT) and apprenticeship programs for both recently discharged veterans and those who have passed their eligibility date for GI Bill benefits.

Given the current awareness of education and training for veterans, we may have an opportunity here to put more veterans into good jobs. I know you share that goal and I look forward to working with you, Mr. Welch and our colleagues on the Committee to make that happen.

I yield back.

Prepared Statement of Hon. Bob Filner, Chairman, Committee on Veterans' Affairs, and a Representative in Congress from the State of California

I appreciate the opportunity to speak on *H.R. 4255, the United States Olympic Committee Paralympics Program Act of 2007, which I introduced earlier this Congress*.

For many servicemembers and veterans who have been severely injured from service to our country, their rehabilitation can be a disheartening experience. Many become concerned about having the same quality of life that they had prior to their injuries.

Programs administered by the U.S. Olympic Committee (USOC) Paralympic Military Program can enhance and improve the quality of life for these men and women by introducing them to an active lifestyle while they heal from their wounds.

Today, the USOC programs have been providing support for severely injured military servicemembers and veterans since 2003, introducing them to adaptive sport techniques. These opportunities will enable our veterans to face their new physical realities and to continue living an active lifestyle through adaptive sports.

We know that there is a growing population of veterans that have survived serious injuries that would benefit from the good work being done by the USOC. This is why I have introduced *H.R. 4255, the United States Olympic Committee Paralympic Program Act of 2007*, to support our heroic men and women as they transition through this difficult phase in their lives.

H.R. 4255, will authorize the Secretary of Veterans Affairs to make a grant to the USOC to provide: paralympic instruction, competition activities, and training program development activities for servicemembers and veterans with physical disabilities.

The purpose of the program in my bill is to enhance the rehabilitation and quality of life of current severely injured servicemembers and veterans and to reduce the chance of secondary medical conditions.

To date, more than 1,200 injured veterans have been introduced to paralympic sports as a result of these training programs, but much more needs to be done in order to continue to provide this dynamic rehabilitative environment.

I ask all my colleagues to join me in supporting my bill H.R. 4255 and our nation's severely injured veterans.

Prepared Statement of Hon. Zoe Lofgren,
a Representative in Congress from the State of California

Chairwoman Herseth Sandlin, Ranking Member Boozman, and distinguished colleagues, thank you for the opportunity to testify today in support of my bill H.R. 3786, The Servicemembers Telecom Contract Relief Act.

As the Committee on Veterans' Affairs observed in the report accompanying the Servicemembers Civil Relief Act, "Congress has long recognized that the men and women of our military services should have legal protections so they can devote their entire energy to the defense needs of the Nation." The bill I offer today for your consideration is but a modest step in providing those legal protections, but it is an important one.

A constituent call first led me to examine this issue, but further research and discussions disclosed other instances in which servicemembers had difficulties suspending or terminating contracts for telecommunication services after receiving orders for overseas deployment. Although many service providers have express policies for suspension or termination of telecommunication contracts for those called to active service, those policies weren't always followed. Some degree of certainty regarding the rights and obligations of servicemembers is therefore necessary.

H.R. 3786 provides that certainty. The bill allows members of the armed services to suspend or terminate contracts for telecommunications services when those services are no longer of any use to them because of a call to active duty, an involuntary extension of the period of military service, or deployment overseas to locations where those services are not available. In so doing, the bill tracks similar provisions in the Servicemembers Civil Relief Act that allow someone called to active service to terminate leases for a house, apartment, or automobile.

Extending this relief to telecommunication services makes sense. At a time when soldiers must concentrate on their mission and their safety, they shouldn't be worrying about bills for their cell phones, cable, or Internet service back home. As the mother of one soldier serving in Iraq put it, her son "is over there risking his neck, and he shouldn't have to deal with a cell phone company."

In no way do I mean to suggest that this bill is in response to widespread negligence or malfeasance by telecommunication service providers. In the overwhelming majority of cases, those providers have demonstrated their commitment to our troops and have been flexible in dealing with contract disputes. Indeed, most service providers adhere to the letter and spirit of their policies providing for contract cancellations or suspensions for servicemembers put on active duty.

This legislation merely provides additional recourse—and peace of mind—in the handful of cases in which there is uncertainty about a servicemember's obligations after being called to active duty. At that time, the cable bill should be the furthest thing from the mind of someone charged with defending our country.

Representatives of the telecommunications industry have reached out to my office to recommend changes to harmonize this legislation with the Communications Act and to refine certain other provisions. I appreciate the cooperative spirit in which those suggestions have been made and intend to adopt many of them should this bill proceed to markup.

Finally, I wish to clarify that while my bill is narrower than H.R. 3298, introduced by Mr. Murphy of Pennsylvania, I do support his bill, which I have cosponsored. I chose to focus exclusively on telecommunications services because of the unique importance of those services to my constituents in Silicon Valley. We are acutely aware of the growing role that telecommunications play in keeping us connected to one another. Advances in telecommunications technology have extraordinarily enhanced the ability of our active servicemembers abroad to stay in touch with loved ones back home. My bill ensures that telecommunication services remain a benefit rather than a burden to those servicemembers.

Thank you for the opportunity to testify today about this important legislation.

Prepared Statement of Hon. Dennis A. Cardoza,
a Representative in Congress from the State of California

Madam Chair and Members of the Subcommittee,

Thank you for inviting me here today to testify on an issue that I'm sure we will all agree will make life just a little bit easier for our Nation's veterans.

We continue to owe a debt of gratitude to our brave servicemen and women for their sacrifices to support and defend our great nation. This Congress is working tirelessly to ensure our veterans are afforded the honorable treatment and benefits that they deserve. But beyond providing benefits for our brave servicemen and

women when they return home, we must ensure our veterans are actually receiving the benefits they have earned.

In meeting with veterans throughout my district, time and time again I have heard about the difficulty of navigating the Veterans Administration bureaucracy, and I have heard about cases of incomplete or untimely submission of paperwork. However, I have also heard too many times that veterans simply are unaware of the benefits they are eligible for.

In several instances, veterans have told me that upon being discharged and returning to the U.S., they must sit through a transitional process meeting explaining some of their benefits programs immediately upon exiting the plane. Madam Chair, I'm sure you will agree that after fighting for our country and being away from loved ones for months at a time, that the last thing on our troops' minds is their benefits. They are tired from the battlefield. They are tired from an exhausting flight. They are longing to see their families and put their arms around a mother, a father, a wife, a husband, a daughter, or a son. This process meeting may be the only time some veterans hear about their benefits and more often than not this is a missed opportunity. There is a time and a place for this meeting to occur; when families and loved ones are waiting beyond the gates, that certainly is not the time.

Others have told me that in their briefings with a VA representative, they only have 5 minutes, with dozens of other veterans awaiting *their* 5-minute briefing. The veterans receive incomplete information, they are handed a few pamphlets, they feel rushed, and they are unable to ask any questions because of the time constraints. I respectfully ask the Subcommittee to consider for a moment how in the world can anyone explain *all* of the available benefits to which a veteran is entitled in 5 minutes—let alone answer any questions he or she may have.

Our Nation's veterans, many readjusting to civilian life after returning from combat, deserve the best treatment and care available. They are entitled to all the benefits they have earned. The last thing veterans deserve is to be given incomplete information or the run-around by governmental red tape.

Madam Chair, my bill, H.R. 2721, is quite simple. It would require the Secretary of the VA to issue comprehensive CD–ROMs to returning veterans that clearly explain the benefits to which they are entitled. The CD would inform returning veterans and their families in plain English about how to access and navigate the VA so they know about all the benefits they have earned, and how to go about receiving them.

This would provide a one-stop source for veterans where they can simply pop a CD into their computer whenever they wish to look up information so no benefit slips through the bureaucratic cracks. I understand that the VA currently outlines some information on their website; this information is not comprehensive. My bill also requires full, complete, and updated information to be provided on the VA website. However, a CD is still necessary and would benefit districts like mine with large rural areas where access to the Internet may not always be reliable.

This bill only fixes the process, not the symptoms, and is just one small step in the right direction to ensure our veterans who served so honorably receive the benefits they have earned. But I believe that if we fix the broken informational process, we are going a long way toward solving the benefits problem. Our veterans should be able to depend on our country, just as our country depended on them, and I believe that giving troops the informational tools they need to ensure they receive their well-deserved benefits is the least we can do on behalf of a grateful Nation.

Thank you again for allowing me to be here, and I would be happy to answer any questions you may have.

Prepared Statement of Hon. John R. Carter,
a Representative in Congress from the State of Texas

Section 1: Short Title

- Names the bill the "Military Spouses Residency Relief Act."

Section 2: Guarantee of Residency for Spouses of Military Personnel

- Amends section 705 of the Servicemember's Civil Relief Act to state that the spouse of an active duty servicemember may maintain his or her voter registration in the same state as the servicemember regardless of where military orders send them.

Section 3: Residency for tax purposes

- Amends section 511 of the Servicemember's Civil Relief Act to state that a spouse of an active duty servicemember may maintain the same state of residency as the servicemember for state taxation. The section specifically states that personal property and income taxes shall be taxed by the state of domicile, not the state where they live due to military orders.

Madame Chairwoman and Members of the Committee, good morning. First, I would like to thank you for your commitment to our veterans and servicemembers. It has been an honor to work hand-in-hand with you as a member of the Military Quality of Life and Veterans Affairs Appropriations Subcommittee in an effort to improve the lives of those that have given so much for our Nation's freedom. I am honored to be here and happy to discuss H.R. 6070, the Military Spouses Residency Relief Act with you.

As you are all aware, the Servicemember's Civil Relief Act (SCRA) provides basic civil relief to our men and women in the Armed Services in exchange for their voluntary service. These range from relief from adjudication while deployed in combat to maintaining a single state of domicile regardless of where their military orders may send them. This state of domicile provides an important stability for our soldiers, airmen, and marines. Though their orders may send them to Texas, Virginia, and California, they are able to simplify their state income tax requirements, maintain property titles and driver's license in a single state, and continue to vote for the elected officials from their hometown. Without the SCRA protections, the servicemember would see all of these concerns change every time they move to a military installation located in a different state.

However, the composition of the military has changed since SCRA was first written. It is no longer enough for this Committee, the Congress, and the Department of Defense to provide relief to just the men and women that have volunteered to protect us. We no longer deal with a primarily unmarried fighting force. The saying "We recruit a soldier but retain a family" could not be any more accurate. While our servicemembers receive this important civil relief, we do not offer the same protections to those that bear the same stress and responsibility as the member—their spouse. Over the course of their spouse's career, they face multiple changes of voter registration and drivers' licenses, will pay income tax to a state they never intended to live in, and likely not have their name on any property titles leading to a feeling that they are second class citizens.

My bill would amend the SCRA to allow a military spouse to claim the same state of domicile as the servicemember for the purposes of state income and property taxes as well as voter registration. This policy would prevent a military family from suddenly losing up to 9.3 percent of their income if they were to be restationed from Fort Hood to Fort Irwin, up to 8.25 percent if they were to move from Fort Bliss to Schofield Barracks, or up to 8.97 percent if they were to go from Lackland Air Force Base to McGuire Air Force Base. This is a significant loss of income that occurs only because of government orders.

H.R. 6070 also affords legal protections to spouses that they do not currently have because they do not have their names on deeds and titles. While this may not seem a pressing issue, consider the legal ramifications should a servicemember and his or her spouse decide to end their marriage. While this is a worst case scenario that I would hope as few of our men and women in uniform must endure, it is a realistic situation that this Congress should address.

In closing, in a time when retention and recruitment is so important, we must take every opportunity to remove potential disincentives to serving in our Nation's military. While you and I may not think of this as one of the most pressing issues for our servicemembers, for these husbands and wives, it is one more stressful change they have to deal with as they help lead their families through restationing and deployment. I urge the Committee to join myself and 68 other Members of Congress in support of this important change to the Servicemember's Civil Relief Act.

Prepared Statement of Hon. Peter Welch,
a Representative in Congress from the State of Vermont

Thank you Chairwoman Herseth Sandlin, Ranking Member Boozman, and Members of the Subcommittee for the opportunity to testify on behalf of H.R. 6272, the SMOCTA Reauthorization Act, authorizing discretionary appropriations to carry out the Service Members Occupational Conversion and Training Act of 1992.

The SMOCTA program was authorized throughout the nineties to assist veterans in finding employment after their military careers. Our veterans deserve this program today.

This important program was originally established to respond to the needs of veterans who had been hurt by the downsizing of the military, especially personnel whose specialty did not have direct applicability in the civilian employment market. Specifically, veterans eligible for assistance were those with military occupations that were not transferable into the private sector; those that were unemployed for a long period of time; and those with a 30 percent or greater service-connected disability.

SMOCTA reimbursed employers to offset their cost of training recently separated servicemembers for stable and permanent positions that involve significant training, usually lasting between 6 and 18 months. Besides the reimbursements to employers, SMOCTA provided funds for assessments, development of training plans, and supportive services for the trainee. In exchange for this assistance, employers guaranteed jobs for veterans.

According to the Paralyzed Veterans of America, SMOCTA was considered one of the better programs to serve transitioning military personnel.

Today, with a tough economy and the high demands we place on our veterans, the rational for reestablishing SMOCTA is stronger than ever.

According to a May, 2008 Bureau of Labor Statistics report, Gulf War-era II veterans aged 18 to 54 years had a higher unemployment rate (6.5 percent) than did non-veterans (4.7 percent) in 2006. In addition, at 7.5 percent in 2006, the unemployment rate of Gulf War-era II veterans aged 25 to 34 years was higher than the 2006 unemployment rate of non-veterans in the same age group (4.6 percent).

As disturbing as those figures are, the situation will likely only become more dire for new veterans. More and more of those who have served in Iraq and Afghanistan will return home as civilians, and they will find an economy that is on the brink—an economy that just experienced its sharpest 1-month increase in unemployment in 22 years, to 5.5 percent in May from 5 percent in April.

If you serve your country in the military, you should have the opportunity to return home, find a job, have a career, and support your family. Our brave men and women in uniform have given us so much. They deserve to come home with the support necessary to provide for themselves and for their families that have already sacrificed so much.

It is our job, as Members of Congress, to make sure that our Nation lives up to its commitment to our veterans. It is a simple pact we have made with our troops—and one we are obligated to fulfill: After they have sacrificed to serve our country on the battlefield, we must do all we can to serve them here at home.

A reauthorization of SMOCTA could not be more timely. Simply put, more troops are coming home from battle at a time when there are fewer jobs for American workers. In addition, the global economy is becoming more and more complex and demanding of new skills. We know our troops possess the work ethic, the intelligence, and the discipline to succeed in any environment, from the battlefield to the boardroom. As Members of Congress, we need to ensure that veterans are as equipped to compete for jobs in the economy as they were trained to defeat our adversaries in combat.

SMOCTA reauthorization has the support of many of the Veteran Service Organizations (VSOs), including the American Legion and Paralyzed Veterans of America, and the National Association of State Workforce Agencies.

I thank the Subcommittee for your consideration of this important legislation and am happy to answer any questions you may have.

Prepared Statement of Charles Huebner,
Chief of Paralympics, United States Olympic Committee

1. Paralympic Sport, which is sport for physically disabled individuals, began as a rehabilitative tool for injured World War II service personnel.
2. In 1998 Congress mandated that the USOC should serve as the National Paralympic Committee for the U.S.
3. Since that time the USOC has grown its Paralympic division and today spends more than $12 million on Paralympic programs.
4. In recognition of a need coupled with the USOC's expertise, U.S. Paralympics has launched programs that introduce Paralympic sport to injured active duty and veteran servicemen and women as a tool for their rehabilitation and a vehicle for a return to an active lifestyle.

5. While the USOC is pleased that some of these programs have so far produced five individuals who will represent the U.S. at the Paralympic Games in Beijing this summer, the principal purpose of these programs is to bring the USOC's experience and expertise to bear in this area in order to serve a deserving population.
6. The USOC intends to partner with a number of community-based and veterans service organizations to create Paralympic programs in communities across the nation.
7. The bill under consideration, "the United States Olympic Committee Paralympic Program Act of 2007," (HR 4255) will serve to expedite the creation of these programs and, therefore, enable the USOC to serve more members of this deserving population more effectively.

Good afternoon Madam Chairwoman and Members of the Subcommittee. My name is Charles Huebner and I am the Chief of Paralympics, for the United States Olympic Committee. I appreciate the opportunity to testify on HR 4255, the "United States Olympic Committee Paralympic Program Act of 2007," that would create an opportunity for the U.S. Olympic Committee, in collaboration with Veterans, Paralympic, and community-based organizations, to serve as an extension to the Department of Veterans Affairs in providing programs and mentors to disabled Veterans in communities throughout the United States.

By way of a brief background, the USOC is an organization chartered by Congress through what was formally known as the Ted Stevens Olympic and Amateur Sports Act. In amendments to the Act in 1998 the USOC was given the additional responsibility of serving as the National Paralympic Committee for the United States, a function that in most other countries is governed by a separate organization. Paralympic activity is sports for physically disabled athletes, and the Paralympic Games are held approximately 2 weeks after the Olympic Games and at the same Olympic venues.

The Paralympic Movement began shortly after World War II, utilizing sports as a means of rehabilitation for injured military personnel returning from combat. The Paralympic Games have become the second largest global sporting event behind the Olympic Games, with more than 180 Countries and 4,000 physically disabled athletes expected to participate in the 2008 Paralympic Games in Beijing.

The USOC today spends more than $12 million dollars annually on Paralympic programs, all of these funds, of course, from private sources. And Paralympic organizations throughout the U.S. spend an additional $30 million dollars at the local level to provide sports and physical activity programs for persons with physical disabilities.

The Paralympic movement today exists because of the needs of injured veterans. And when I speak of the Paralympic movement, I am not talking about a small number of persons that will make future Paralympic teams, I am speaking of a movement and individuals with physical disabilities that are using the simple platform of sports to re-enter life. I'm talking about a population that is educated, employed, is active in their communities, promotes excellence and inspires Americans to achieve and overcome obstacles. Let me give you a few examples.

Veteran Kortney Clemons, who currently resides in Chula Vista, California, was injured in Iraq in 2003. In 2004 Kortney participated in a Paralympic Military Sport Camp conducted at the Olympic Training Center in Colorado Springs, Colorado. Last month he graduated from Penn State University. Last week he started an internship at San Diego Adaptive Sports and is pursuing his career interest of being a Therapuetic Recreation Specialist in the Paralympic movement.

Veteran Scott Winkler of Augusta, Georgia, was injured in Iraq. Last Saturday in Tempe, Arizona, Scott earned the honor of representing his country again, this time at the Paralympic Games. More importantly, Scott founded a local program in Augusta to provide physical activity for injured military personnel and persons with physical disabilities.

In the past 2 weeks, the USOC and our partners accomplished the following:

- Twenty Veterans participated in a Paralympic Veterans program in Alabama led by Marine Veteran and Paralympic mentor Carlos Leon;
- More than 18 veterans participated in a Paralympic veterans program in Oklahoma led by Army Veteran, Paralympic mentor and University of Arkansas graduate John Register, and;

- The USOC launched a pilot program at Ft. Lewis, Washington, focused on providing program support and mentors for the more than 700 individuals currently in the Warrior Transition Unit at that base.

In 2008, the USOC and our partners will provide ongoing programming at the community-level for more than 2,000 Veterans. We expect to increase this number significantly in 2009.

In 2008 we will also celebrate as five former members of the United States military who were injured in defense of their country again don a uniform, but this time the uniform of Team USA, to represent their country at the 2008 Paralympic Games. This is a great story for America, and the American people.

By utilizing our experience, expertise and understanding of the impact of sport on the physical and mental and emotional rehabilitation process for young men and women that are newly disabled, the USOC Paralympic Military and Veterans Program that introduced Paralympic sport to these men and women is serving as an effective vehicle for their return to an active lifestyle. Components of the Paralympic Military and Veterans Program include national training of community leaders to implement Paralympic sport; clinics and mentor visits at military and VA installations; development of local community-based programs in targeted markets that have military or VA installations; and "Paralympic Military Sports Camps," conducted at our Olympic Training Centers in Colorado Springs and Chula Vista, California. These Military Sports Camps provide an introduction to Paralympic Sport, and also the introduction of Paralympians that serve as mentors to injured military personnel and veterans. We would like to invite members of this Committee to attend our sport camp scheduled for Oct. 27–November 2, 2008 at the U.S. Olympic Training Center in Chula Vista, California.

Despite the success of this and similar programs directed at injured and disabled active duty and veteran military personnel, we recognize that there is much more that we can and should do. As successful as the Paralympic Military and Veterans Program has been, we have only scratched the surface and intend to do more. Currently there is a significant lack of Paralympic community-based programs throughout the United States. We have been most fortunate in developing a very positive and productive working relationship with the Department of Veterans Affairs. Since then we have collaborated on certain activities but have been limited financially and programmatically. We believe that this legislative proposal, accompanied by supportive funding, would serve as a vehicle for the VA and USOC and our partners like the Paralyzed Veterans of America and National Recreation and Parks Association which has programs in 6,000 U.S. communities, to cost efficiently serve a significantly larger universe of veterans for whom Paralympic sport would serve as a valuable rehabilitation activity to reintegrate into communities with family members and friends. We would envision an expansion of Paralympic Community-Based programs to target a larger number of veterans and their families, and create similar programs at community facilities of some of our Paralympic partners such as the Lakeshore Foundation in Birmingham, Alabama, and in the City of Colorado Springs, Colorado, the home of Fort Carson, where a Paralympic Community-based program does not exist today. These programs would be community extensions of VA programs that are identified in collaboration with our partners at the Department of Veterans Affairs.

This legislation, and the interest of this Subcommittee that is giving this proposal a hearing, is testimony to the need of veterans for activities and programs that enable them to return to a full and active life. The United States Olympic Committee, through its Paralympic Division, wants to be an active participant in serving a most deserving segment of our population. We have learned that these various Paralympic sport programs, whether they be the USOC's, the Department of Veterans Affairs', or those of Paralympic organizations, make a positive difference in the lives of those who are being served. We are confident that the expertise that we have developed in Paralympic programs, and in collaboration with numerous agencies like DSUSA, PVA, DAV, and the American Legion, can and will have a significant impact on veterans that are newly disabled to re-enter their communities as active members.

Thank you for your consideration of this important piece of legislation and for your ongoing concern for and support of our Nation's veterans.

Prepared Statement of Bobby Franklin,
Executive Vice President, CTIA—The Wireless Association

Madame Chairwoman and Members of the Subcommittee, thank you for the opportunity to appear today to testify on H.R. 3786, the *Servicemembers Telecom Relief Act*.

My name is Bobby Franklin, and I serve as the Executive Vice President for CTIA—"The Wireless Association® ("CTIA"). The Association I represent is proud to count among its members wireless carriers, equipment providers, and applications developers. CTIA's carrier members collectively serve 95 percent of America's approximately 260 million wireless consumers. Our members provide consumers with a wide array of services, equipment, and applications that permit Americans to stay connected to their families, friends, and businesses no matter where they go.

CTIA's carrier members, as a matter of their respective corporate policies, permit members of the U.S. armed forces facing deployment to terminate contract-based service without penalty. Additionally, many carriers (including the six largest, representing nearly 93 percent of "post-paid" consumers) have policies regarding contract suspension which offer a servicemember the ability to stop service and reserve his or her existing telephone number for a set period of time. Our members take these obligations seriously, and they train their customer service representatives to implement these policies with care and consistency.

Notwithstanding these efforts, unverified reports have circulated here and in many state capitals suggesting that wireless carriers have not released from contracts servicemen and servicewomen who are serving in military units posted overseas or in locations within the U.S. where they cannot use their wireless phones. These reports have generated a variety of legislative proposals both in Congress and in state legislatures. While CTIA has determined that these unverified reports are contrary to the policies of our member companies, and while we generally oppose Federal mandates of any sort, we want to put an end to these suggestions. For that reason, CTIA's Board of Directors has authorized us to support Federal legislation that would amend the *Servicemembers Civil Relief Act* to address these well-intentioned but unjustified concerns at both the Federal and state level.

While we support enactment of legislation to provide a template for when and how contracts may be terminated when a servicemember receives deployment orders, CTIA has several suggestions for how to improve H.R. 3786. These suggestions are consistent with the recommendations we offered the Subcommittee when it held a hearing in April on H.R. 3298, Representative Patrick Murphy's *21st Century Servicemembers Protection Act*. CTIA's suggestions fall into three categories.

First, the descriptions of the covered services in the "Covered Contract" portions of the bill should be amended to conform to the definitions used for these services in the Communications Act. This will eliminate any potential for confusion regarding what services are intended to be covered by the regime imposed by the legislation.

Second, we propose a clarification of the bill's provisions on "Arrearages and Other Obligations and Liabilities" to better reflect the way that wireless service is purchased. The vast majority of the more than 260 million wireless subscribers in the United States purchase service on a "post-paid" (as opposed to "pre-paid") basis, and nearly all "post-paid" consumers subscribe to flat-rate "bucket" plans that allow them to use a fixed number of minutes per billing cycle for a flat fee. These flat fee plans have been an overwhelming consumer and competitive success and allow consumers a broad choice of plans to suit their widely varying calling needs. These plans do not make any distinction regarding whether the consumer uses all of the covered minutes on the first day or last day of the billing cycle, or whether the consumer distributes the minutes equally over all days covered in a particular billing cycle, and carriers employing this business model do not pro-rate a flat fee if a consumer deactivates service in the middle of a billing cycle. Accommodating a pro-rating requirement would require an industrywide expenditure of millions of dollars for billing system modification and customer care retraining. Because of the magnitude of the compliance costs associated with this type of pro-rating, and the relatively small number of service termination requests, CTIA recommends modifying the legislation to better accommodate existing industry practices.

Third, while CTIA's carrier members have individual corporate policies that provide for contract termination without penalty when a servicemember provides appropriate deployment orders, and while our carriers train their customer service representatives to follow these policies, errors can happen. In the event of such a mistake, the limit of any customer harm is the imposition of an early termination fee, which generally is less than $200 (and increasingly is being pro-rated so as to

decline across the term of the contract). Given this, the penalty provisions in the bill should be clarified and narrowed to cap fines at no more than $10,000. Additionally, CTIA asks that any legislative history accompanying the bill clarify that fines at that level should only be levied in cases where there is knowing and repeated violation of the law.

The wireless industry recognizes the dedication of members of the U.S. armed forces and is pleased to work toward enactment of appropriate legislation to benefit servicemen and servicewomen facing deployment. CTIA and its members look forward to working with the Subcommittee and sponsors of both H.R. 3786 and H.R. 3298 to ensure that this issue is addressed during the remaining days of the 110th Congress.

Thank you again for the opportunity to appear today, and I would be pleased to answer any questions you may have.

Prepared Statement of Kerry Baker,
Associate National Legislative Director, Disabled American Veterans

Mr. Chairman and Members of the Subcommittee:

On behalf of the 1.3 million members of the Disabled American Veterans (DAV), I am honored to present this testimony to address various bills before the Subcommittee today. In accordance with our congressional charter, the DAV's mission is to "advance the interests, and work for the betterment, of all wounded, injured, and disabled American veterans." We are therefore pleased to support various measures insofar as they fall within that scope.

H.R. 2721

Congressman Cardoza introduced H.R. 2721 in June 2007. This bill would amend title 10, United States Code, to require the Secretary of Veterans Affairs (Secretary) to develop, and the Secretary of Defense to distribute to members of the Armed Forces upon their discharge or release from active duty, information in a compact disc read-only memory format that lists and explains the health, education, and other benefits for which veterans are eligible under the laws administered by the Secretary. The DAV does not have a resolution on this issue; however, this legislation would improve outreach services and is therefore deserving of DAV's support.

The DAV believes the information contained on such a disc should be all-inclusive in regards to both the Department of Veterans Affairs benefits and military benefits. Further, considering the lack of effective outreach in relation to older groups of veterans, Congress should consider whether this type of information should be disseminated to older groups of veterans in addition to discharging servicemembers.

The DAV presented testimony to the House Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs on May 22, 2008, regarding the issue of outreach. In that hearing, the DAV outlined serious flaws in VA's outreach efforts in relation to older groups of veterans. Although, this initiative could not correct such flaws, this legislation could easily serve as a vessel to improve those outreach flaws in a cost-effective manner.

H.R. 3786

The Servicemembers Telecom Contract Relief Act, H.R. 3786, introduced by Congresswoman Zoe Lofgren in October 2007, would amend the Servicemembers Civil Relief Act to allow individuals called to military service to terminate telecommunications contracts entered into before the individual receives notice of a permanent change of station or deployment orders. The DAV has no resolution on this issue. Additionally, this legislation is outside the scope of DAV's mission. We nonetheless have no opposition to its favorable consideration.

H.R. 4255

The United States Olympic Committee Paralympic Program Act of 2007, H.R. 4255, introduced by Chairman Filner in December 2007, would amend title 38, United States Code, to authorize the Secretary to provide assistance to the Paralympic Program of the United States Olympic Committee. The DAV has concerns regarding this bill.

Since 1991, the DAV and the VA have co-hosted the National Disabled Veterans Winter Sports Clinic in Snowmass Village, Colorado. Known as the "Miracles on a Mountainside," the Winter Sports Clinic is the world leader in promoting rehabilita-

tion. The sole purpose of this program is to promote rehabilitation by instructing severely disabled veterans in adaptive Alpine and Nordic skiing, and to provide an introduction to other adaptive activities and sports.

The Winter Sports Clinic provides profoundly disabled veterans opportunities for self-development and challenge. Participants have an opportunity to develop winter sports skills and take part in a variety of adaptive workshops. These activities include: Adaptive skiing in sit-skis, mono-skis, and bi-skis; instruction in adaptive Alpine and Nordic skiing for stand-up skiers; alternate activities include scuba diving, rock climbing, wheelchair self-defense, sled hockey, horseback riding, target shooting, snowmobiling, and various additional programs, seminars and activities.

This event evolved from the pioneering efforts of the VA in rehabilitation and adaptive sports. Mr. Sandy Trombetta, founder and director of the Winter Sports Clinic, began bringing VA patients to a nearby mountain resort to participate in disabled ski programs in the early 1980s. As a recreation therapist at the VA Medical Center in Grand Junction, Colorado, he recognized the physical and mental healing that skiing and other winter sports can provide to veterans with disabilities. Just a few years after the first Winter Sports Clinic held in 1987 with 20 staff members and about 90 veterans, it became apparent more support was needed due to the therapeutic benefits and popularity of the Clinic. The DAV answered that call and has become a co-sponsor of the event since 1991.

Last year, 391 veterans participated in the event, which is further broken down as follows: 133 new veterans; 30 new OIF veterans; 49 female veterans; 44 states represented; and 88 VA medical facilities represented. The youngest participant was 20 years old and the oldest was 85. The breakdown by periods of war was as follows: 6 World War II veterans; 13 Korean war veterans; 96 Vietnam War veterans; 42 Gulf War veterans; 51 Operation Iraqi Freedom veterans; and 18 Operation Enduring Freedom veterans.

It should be noted that the Winter Sports Clinic hosted by DAV and VA is purely for rehabilitative purposes, and is in no way competitive in nature. As written, this bill has the potential to change that, something that both DAV and VA opposes. Many disabled veterans that participate in the winter sports clinic have never before attempted such sports activities. Bringing a competitive atmosphere into that clinic we believe would do more harm than good.

Section 3, paragraph (c) of the bill states, amongst other things, that a program under that section includes a program that "promotes . . . competition." The activities described in that same section are, among others, instruction and "competition in paralympic sports."

This bill is obviously well-intended and therefore the DAV does not wish to stand in its way. However, we also cannot allow unintended consequences to occur that may jeopardize the two decades of success in helping to rehabilitate severely disabled veterans that the winter sports clinic has achieved.

Therefore, rather than opposing this legislation, we ask that it be amended to exclude "competitive" sports from being injected into the DAV and VA's Winter Sports Clinic in Snowmass Village, Colorado.

H.R. 6070

The Military Spouses Residency Relief Act, H.R. 6070, introduced by Congressman Carter in May 2008, would amend the Servicemembers Civil Relief Act to guarantee the residency of spouses of military personnel. The DAV has no resolution on this issue. Additionally, this legislation is outside the scope of DAV's mission statement. We nonetheless have no opposition to its favorable consideration.

H.R. 6221

The Veteran-Owned Small Business Protection and Clarification Act of 2008, H.R. 6221, introduced by Congressman Boozman in June 2008, would amend title 38, United States Code, to require the Secretary to include in each contract in which he enters for the acquisition of goods and services a provision that requires the contractee to comply with the contracting goals and preferences for small business concerns owned or controlled by veterans. Essentially, this legislation would require compliance with title 38, United States Code, section 8127 when the Secretary enters into a contract, memorandum, agreement, or other arrangement applicable thereto. The DAV has a standing resolution to support legislative measures that assist service-disabled veteran-owned small businesses. Although this legislation supports both veteran-owned and service-disabled veteran-owned businesses, it is nonetheless in compliance with our resolution. The DAV therefore supports this legislation.

H.R. 6224

The Pilot College Work Study Programs for Veterans Act of 2008, H.R. 6224, introduced by Congresswoman Herseth Sandlin in June 2008, would direct the Secretary to conduct a 5-year pilot project to test the feasibility and advisability of expanding the scope of certain qualifying work-study activities under title 38, United States Code. The DAV has no resolution on this issue. Additionally, this legislation is outside the scope of DAV's mission. We nonetheless have no opposition to its favorable consideration.

H.R. 6225

The Injunctive Relief for Veterans Act of 2008, H.R. 6225, introduced by Congresswoman Herseth Sandlin in June 2008, would amend title 38, United States Code, relating to equitable relief with respect to a State or private employer. By changing title 38, United States Code, section 4323(e), from, "[t]he court 'may use' its full equity powers . . ." to, "[t]he court 'shall use' its full equity powers . . .," applicable courts will no longer be able to use discretion in determining whether to use their power to vindicate the rights of those individuals entitled to the enforcement of such rights with respect to state and private employers.

This legislation could have direct effect on service-connected disabled veterans because many obtain employment due to their service-connected disabilities. Those same individuals have enforceable rights of employment or reemployment. When those rights are violated, the victims of such violations should not be subject to the whims of discretion that some courts may choose to abuse. The DAV therefore supports this legislation.

H.R. 6272

The SMOCTA Reauthorization Act of 2008, H.R. 6272, introduced by Congressman Welch in June 2008, would authorize discretionary appropriations to carry out the Service Members Occupational Conversion and Training Act 1992. In addition to the amounts authorized under 4495 of the Service Members Occupational Conversion and Training Act 1992, this bill would authorize $60 million per fiscal year for years 2009 through 2018.

Under this law, title 10, United States Code, section 1143, the Secretary of Defense is required to carry out a program to assist eligible persons in obtaining employment through participation in programs of significant training for employment in stable and permanent positions. Those entitled to this program are, among others, members separated involuntarily and who have a service-connected disability rated at least 30 percent by VA.

This bill has obvious beneficial effects regarding employment opportunities for service-connected disabled veterans. The DAV therefore supports this bill.

Mr. Chairman, this concludes my testimony on behalf of DAV. We hope you will consider our recommendations.

Prepared Statement of Joseph C. Sharpe, Jr.,
Deputy Director, National Economic Commission, American Legion

Mr. Chairman and Members of the Subcommittee:

Thank you for this opportunity to present The American Legion's views on the legislation being considered today. The American Legion commends the Committee for holding a hearing to discuss these important issues.

H.R. 4255, United States Olympic Committee Paralympic Program Act of 2007

This bill seeks to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide assistance to the Paralympic Program of the United States Olympic Committee.

The purpose of this bill is to provide support to the United States Olympic Committee (USOC) for the Paralympic Program; to increase the participation of physically disabled members of the Armed Forces and veterans with service-connected disabilities, through regular participation in physical activity and sports; to promote lifelong health of members of the Armed Forces and veterans with service-connected disabilities through regular participation in physical activity and sports; and to provide training to physically disabled members of the Armed Forces and veterans in their communities.

The U.S. Olympic Committee Paralympic Division was formed in 2001 to increase support for Paralympic sport in the United States. The USOC Paralympic Division coordinates the preparation and selection of athletes to U.S. Paralympic Teams, for both summer and winter games. The U.S. Paralympic Military Program provides post-rehabilitative support and mentoring to American servicemen and women who have sustained physical injuries. Veterans are introduced to adaptive sport techniques and opportunities through clinics and camps, and are also connected with ongoing Paralympic sports programs in their hometowns. The Veterans Paralympic Performance Program (VP3) supports Paralympic-eligible military veterans in their efforts to represent the USA at upcoming Paralympic Games.

Through its Paralympic Military Program, the USOC looks to channel America's returning wounded servicemembers into adaptive sports programs. USOC is partnering with the Office of the Secretary of Defense and the National Recreation and Park Association to promote adaptive sports to wounded servicemembers through the DoD's Heroes to Hometowns program. The American Legion supports such programs of the United States Olympic Committee that promote Americanism, and facilitate the rehabilitation and reintegration of our disabled veterans and servicemembers. This funded program will extend more opportunities for disabled veterans, who in turn will provide them the opportunity to achieve and maintain an improved quality of life, and once again experience the pride of being a United States citizen representing their community and nation. In turn, The American Legion also supports the United States Olympic Committee Paralympic Program Act of 2007.

H.R. 2721, To amend title 10, United States Code, to require the Secretary of Veterans Affairs to develop, and the Secretary of Defense to distribute to members of the armed forces upon their discharge or release from active duty, information in a compact disk read-only memory format that lists and explains the health, education, and other benefits for which veterans are eligible under the laws administered by the Secretary of Veterans Affairs.

Since 1919, The American Legion has been advocating for returning servicemembers and providing them with assistance in understanding and accessing their benefits. The American Legion supports the distribution of benefit information on compact disk. Additionally, we offer a few suggestions:

1. Any comprehensive benefits information package should include a comprehensive reference guide of available veteran service organizations (VSOs) with a detailed description of what services they offer transitioning servicemembers.
2. Digital information should complement, rather than replace, a paper manual or guide to veterans' benefits.
3. Any comprehensive guide should also include Department of Defense (DoD) assistance information.
4. A system to update information must be in place to ensure the accuracy of the information being distributed.
5. The information should be available to download free of charge from Department of Veterans Affairs and DoD websites.

H.R. 6070, Military Spouses Residency Relief Act

This legislation seeks to amend the Servicemembers Civil Relief Act to guarantee the residency of spouses of military personnel.

The American Legion supports this legislation as it will help to ensure that the spouses of military personnel are indeed able to effectively participate in the democratic process.

The American Legion also recommends:

1. That appropriate laws and guidelines be developed at Federal, state and local levels with the intent that all military absentee voters and their families will have their votes counted in every applicable election.
2. That the sending and receiving of blank and completed military absentee ballots be accomplished electronically as much as possible.

H.R. 6272, The SMOCTA Reauthorization Act of 2008

This proposed legislation would authorize discretionary appropriations to carry out the Service Members Occupational Conversion and Training Act 1992 (SMOCTA). SMOCTA was developed as a transitional tool designed to provide job training and employment to eligible veterans discharged after August 1, 1990. When created, SMOCTA was the only Federal job training program available strictly for veterans and the only Federal job training program specifically designed for use by state veterans' employment personnel to assist veterans with barriers to employment. Veterans eligible for assistance under SMOCTA were those with a primary or secondary military occupational specialty that DoD determined was not readily

transferable to the civilian workforce or those veterans with a service-connected disability rating of 30 percent or higher. SMOCTA is a unique job-training program because it successfully returned veterans to the civilian workforce.

The American Legion strongly endorses this bill along with the proposed funding request.

H.R. 6224, The Pilot College Work Study Programs for Veterans Act of 2008

This legislation would direct the Secretary of Veterans Affairs to conduct a five-year pilot project to test the feasibility and advisability of expanding the scope of certain qualifying work-study activities under title 38, United States Code. The bill refers to work study positions on college campuses to include positions as "tutors, research, teaching, and lab assistants." The American Legion recommends that students should also be allowed and encouraged to participate as a VA Work Study student at veteran offices within the Small Business Administration (SBA), the Department of Labor (DoL), Department of Defense, (DoD) and Department of State. The College Work Study Program could also include veteran service organizations (VSOs) and military family support offices and other offices that focus on the reintegration of returning Reserve and Guard members as well.

The American Legion endorses this bill to include the $10 million funding authorization.

H.R. 6221, Veteran-Owned Small Business Protection and Clarification Act of 2008

H.R. 6221 seeks to amend Title 38, United States Code, to require the VA Secretary to include in each contract the Secretary enters for the acquisition of goods and services a provision that requires the contractee to comply with the contracting goals and preferences for small business concerns owned or controlled by veterans, and for other purposes.

The American Legion has urged Congress to require reasonable set-asides of Federal procurements and contracts for businesses owned and operated by veterans. The American Legion supported legislation in the past that sought to add service-connected disabled veterans to the list of specified small business categories receiving 3 percent set-asides. Despite enactment of Public Law 106–50, the "Veteran Entrepreneurship and Small Business Development Act of 1999," agency compliance has been minimal; however, VA has sought to raise their veteran procurement goals to 9 percent. Therefore, The American Legion supports H.R. 6221 which is intended to assist VA in reaching their new goals by ensuring that every contract up for bid be considered for a service disabled owned company.

H.R. 6225, to amend title 38, United States Code, relating to equitable relief with respect to a State or private employer

The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects civilian job rights and benefits of veterans and members of the armed forces, including National Guard and Reserve members. USERRA also prohibits employer discrimination due to military obligations and provides reemployment rights to returning servicemembers.

Since September 11, 2001, nearly 600,000 National Guard and Reserve members have been activated for military duty. During this same period, the Veterans Employment and Training Service of the Department of Labor has provided USERRA assistance to well over 400,000 employers and servicemembers. Therefore, The American Legion supports this legislation that would greatly increase the authority of the courts to use its full equity powers to "administer temporary or permanent injunctions, temporary restraining orders, and contempt orders, to vindicate fully the rights or benefits of persons under this chapter, 4323 Title 38."

Again, thank you Mr. Chairman for allowing The American Legion this opportunity to present its views on the aforementioned issues. We look forward to working with the Committee to help increase the earned benefits for our Nation's veterans.

Prepared Statement of Richard Daley,
Associate Legislation Director, Paralyzed Veterans of America

Chairwoman Herseth Sandlin, Ranking Member Boozman, Members of the Subcommittee, Paralyzed Veterans of America (PVA) would like to thank you for the opportunity to testify today on the various bills that have been introduced. We appreciate the efforts of this Subcommittee to address the different needs of the men

and women who are currently serving in the War on Terror and those men and women who served during past conflicts.

H.R. 2721, BENEFITS INFORMATION ON COMPACT DISK

PVA supports H.R. 2721, a bill that will require the Department of Veterans Affairs (VA) to develop and the Department of Defense to distribute to all servicemembers upon discharge a compact disk (CD) that explains all healthcare, compensation, education, and other benefits and services available from the VA. This initiative would seem to support the idea of greater outreach that PVA and all other veterans' service organizations have been advocating for the VA to conduct. Furthermore, it reinforces the fact that this newest generation of veterans is very much in tune with the information age. The only caution we would offer is that this initiative still may not benefit a great many veterans who may live in highly rural areas, or may have limited or no access to computer and Internet services.

H.R. 3786, THE "SERVICEMEMBERS TELECOM CONTRACT RELIEF ACT"

PVA fully supports the provisions of this proposed legislation. Just as we testified in 2003, when motor vehicle leases were added to the Servicemembers Civil Relief Act, it makes no sense to require a servicemember to maintain a cellular phone, cable or satellite television, or Internet contract when they will have no opportunity to use it while on active duty and deployed. The inability of the servicemember to take advantage of the service should preclude his or her requirement to pay for that service.

H.R. 4255, THE "UNITED STATES OLYMPIC COMMITTEE PARALYMPIC PROGRAM ACT"

While we generally supported this legislation in the past, we now have serious concerns about the long-term impact that this association between the VA and the USOC could have on the programs that the veterans service organizations have developed with VA that serve a similar purpose. To this point, the USOC has not been completely open and forthright with any of the veterans' service organizations who have longstanding partnerships with the VA to conduct the National Veterans Wheelchair Games, the Winter Sports Clinic, and similar sports and recreation programs. We believe that there needs to be assurances that VA continues to have independence administering sports and recreational activities for disabled veterans, assurances that the USOC has yet to provide. We also believe separate funding should be provided outside of the direct healthcare dollars appropriated to the VA. Ultimately, the concepts outlined in this legislation are what need to be reinforced—that sports and recreation programs are about improved health and rehabilitation, not elite competition.

PVA became aware of the VA–United States Olympic Committee (USOC) Military Paralympic Program by its association with VA, as co-presenter of the National Veterans Wheelchair Games. The NVWG, established in 1981 by VA, is a week-long, multi-sport event designed to introduce the newly injured veteran to a variety of wheelchair sports and recreation activities in hopes that this participation will lead to a healthy lifestyle. PVA's involvement began in 1985 due to its unique expertise in sports and recreation programs for our members and other severely disabled veterans. We have contributed countless financial and personnel resources throughout the years to these types of programs. Moreover, approximately 80 percent of the 550 total average participants at the Games each year are PVA members. As a result, PVA has a vested interest and commitment to the Games and we are seriously concerned with this new relationship that the VA is developing with the USOC.

H.R. 6070, THE "MILITARY SPOUSES RESIDENCY RELIEF ACT"

PVA supports the "Military Spouses Residency Relief Act." This legislation would amend the Servicemember's Civil Relief Act (SCRA) to state that a military spouse who moves out of state because of the servicemember's military orders would have the same option to claim one state of domicile regardless of where they are stationed.

This logical correction in the law will ease transition for military families from one location to another. Both parties in a marriage should be able to file taxes together paying to one state, own property together claiming the same residence, vote at the same location, and have their driver's licenses from the same state.

H.R. 6221, THE "VETERAN-OWNED SMALL BUSINESS PROTECTION AND CLARIFICATION ACT"

PVA supports H.R. 6221, the "Veteran-Owned Small Business Protection and Clarification Act." Almost universally, Federal agencies are not living up to standards established for initiating contracts with veteran-owned businesses and disabled veteran-owned small businesses. Public Law 106–50 originally outlined the responsibility of Federal agencies to provide at least 3 percent of contracts with veteran-owned small businesses and 3 percent of contracts with disabled veteran-owned small businesses. Due to the intransigence of Federal procurement officers, new legislation was passed in 2003—P.L. 108–183—that made 3 percent a mandatory Federal procurement policy.

This bill will clarify the process of placing contracts for the VA. If the VA places a contract with any government entity for goods or services and that entity contracts for those goods or services, then the requirement for using a veteran-owned business will apply. This will help veteran-owned businesses receive their share of Federal contracts from VA, as Congress has intended all along.

H.R. 6224, THE "PILOT COLLEGE WORK STUDY PROGRAMS FOR VETERANS ACT"

As we stated in testimony on similar legislation earlier this year, PVA supports the provisions of H.R. 6224, the "Pilot College Work Study Programs for Veterans Act." This legislation would create a 5-year pilot program for on-campus work-study positions that may include work in academic departments serving as tutors, research assistants, teaching assistants, and lab assistants or work in student services including positions in career centers and financial aid, campus orientation, cashiers, admissions, records, and registration offices. We believe this work-study program can be very beneficial for many students.

H.R. 6225, THE "INJUNCTIVE RELIEF FOR VETERANS ACT"

PVA fully supports the language change to the section of Title 38 that governs enforcement of employment of reemployment rights with respect to state or private employers. The War on Terror has provided unexpected hardship for many National Guardsmen and Reservists seeking employment or a return to a previous job. This simple language change from "may" to "shall" will give the servicemember a greater hope that a meaningful decision will be made when it comes to his or her employment or reemployment following military service. PVA appreciates the efforts of this Subcommittee, and Ms. Herseth Sandlin in particular, to ensure that servicemembers are not punished by a state or private employer with loss of a job when they are called to serve.

THE "SMOCTA REAUTHORIZATION ACT"

PVA supports the "SMOCTA Reauthorization Act." We recommended the reauthorization of the Service Members Occupational Conversion and Training Act (SMOCTA) program, or a program similar to that at a hearing before this Subcommittee last October. SMOCTA was established during the downsizing of the military for veterans discharged after August 1, 1990, to help those veterans that had limited transferable job skills. This program was a cooperative venture funded by the Department of Defense and administered by the VA and the Department of Labor. This was considered one of the better programs to serve transitioning military personnel.

This program provided assistance in the form of reimbursements to employers who provided training for veterans that led to permanent employment. The program also included funds for assessments, development of training plans, and supportive services for the trainee. The Disabled Veterans Outreach Program (DVOP) specialists and Local Veterans Employment Representatives (LVER) staff developed the employment and training plans. Veterans eligible for assistance were those with military occupations that were not transferable; those that were unemployed for a long period of time; and those with a 30 percent or greater service-connected disability.

At this time we are facing a similar situation with a large number of young men and women leaving the military, many of whom will not have transferable job skills. A similar program would help these men and women transitioning from the military today, and those Reserve and Guard members reentering the workforce.

Chairwoman Herseth Sandlin and Ranking Member Boozman, we appreciate the emphasis you have placed on providing for the needs of the men and women who

have served and continue to serve in harm's way. We look forward to working with you to ensure that the best benefits and services are made available to them.

Thank you again for the opportunity to testify. I would be happy to answer any questions that you might have.

Prepared Statement of Richard F. Weidman,
Executive Director for Policy and Government Affairs,
Vietnam Veterans of America

Good afternoon, Madam Chairwoman. On behalf of VVA National President John Rowan and all of our officers and members we thank you for the opportunity for Vietnam Veterans of America (VVA) to appear here today to share our views on several items of pending legislation. I will briefly summarize the most important points of our statement.

H.R. 2721, ***Directs: (1) the Secretary of Veterans Affairs (Secretary) to develop and maintain, in a compact disk (CD) read-only memory format, information that lists and explains the health, education, and other benefits for which veterans are eligible through the Department of Veterans Affairs (VA); (2) that a copy of such CD be included as part of the preseparation counseling provided to each member of the Armed Forces being discharged or released from duty; and (3) the Secretary, Secretary of Defense, and head of any other relevant government agency to each maintain an Internet website containing an explanation of the benefits administered by that Secretary or agency head to which veterans are entitled, and how veterans can secure those benefits.***

The concept behind this bill is sound in that depriving veterans of the knowledge and existence of services, entitlements, and benefits is tantamount to denying the benefits. Several years ago, VVA joined with then Congressman Ted Strickland in suing VA to force them to start doing outreach to veterans again. This suit was precipitated by the infamous Laura Miller memo in the Veterans Health Administration (VHA) ordering the end to marketing and outreach events. In many cases this memo even led to the denial of VA participation in "Stand Down" events for homeless veterans, as well as the severe curtailing of any efforts to educate veterans as to their earned rights. In the days leading up to actual filing, I asked the VISN Directors at a so-called Leadership Board for a show of hands as to how many were doing significantly less outreach than a year before, and about seven raised their hands. I then asked how many were doing somewhat less, and 8 raised their hands. I asked how many were doing about the same, and three raised their hands. Only one felt he was doing more (and it turned out later that this person was confused by the question). So, we filed suit.

VVA won that suit. The Federal Court held that VVA had standing to sue the VA, that VVA was correct that Title 38 compelled an affirmative responsibility on VA to do outreach to inform veterans of the rights, benefits, and services they have earned by virtue of military service to country, and that VA needed to do more. It was therefore no accident that the "theme" of the 75th Anniversary of the VA was officially stated as "to inform every veteran in America of their rights and benefits." (Of course that did not happen.)

In preparation for this hearing, VVA asked the Secretary's office what was the aggregate budget for outreach in the current Fiscal Year, and the two previous Fiscal Years, and how it was apportioned. The answer was that they did not have such a figure, as each and every little program and local facility had their own funds for marketing, education, and outreach as part of their budget allocation, but that it was not tracked centrally, and apparently it is not centrally coordinated or directed either. This is a case of how to ensure that the whole is far less than the sum of the parts.

The idea of giving servicemembers the information in an electronic format at separation or demobilization is a good one, but it must be highly portable, and not necessarily a CD–ROM. (For instance, a "memory stick" containing the information that is also a key chain might work better, and be more likely not to be lost or tossed.)

A supplement to this would be a card that contains all of the key Web sites which is the size and shape of a credit card, and so can be put in the separating servicemember's wallet and kept until they feel they have a need to use it would be a very inexpensive supplement to this electronic device.

VVA favors this proposal, with a bit of modification, and the addition of a reporting mechanism to the Committee.

H.R. 3786, Servicemembers Telecom Contract Relief Act—*Allows a person in military service to terminate a telecommunications contract for cellular phone service, cable or satellite television service, or internet service at any time after: (1) entry into military service; or (2) the date of the station or deployment orders. Requires for termination that: (1) the contract is executed by or on behalf of a person who thereafter and during the term of the contract enters military service (or receives order to enter military service) under an order specifying a period of not less than 90 days (or who enters military service under an order specifying a period of 90 days or less and who, without a break in service, receives orders extending the period of military service to a period of not less than 90 days); or (2) the person enters into the contract while in military service and thereafter receives military orders for a permanent change of station outside of the continental United States, or to deploy with a military unit for a period of not less than 90 days, to a location that does not support continuation of the service under the contract.*

This is an important update of protections and relief to our servicemembers, and VVA favors passage. Cell phone contracts can be very difficult to break, and are the most common communication device of choice, along with e-mail, of our young servicemembers.

H.R. 6070, Military Spouses Residency Relief Act, *amends the Servicemembers Civil Relief Act to guarantee the residency of spouses of military personnel.*

As this is apparently a problem for some spouses, VVA generally favors the concept of this proposed legislation. Anything and everything that can be done to make the life and lot of military spouses a bit easier is something that VVA strongly favors, and the spouses (and the children and parents) also sacrifice much for our country.

H.R. 4255, United States Olympic Committee Paralympics Program Act of 2007, *Authorizes the Secretary of Veterans Affairs to make a grant to the U.S. Olympic Committee (USOC) to plan, develop, manage, and implement the Paralympics Program for veterans and members of the Armed Forces. Directs the USOC to use a grant to recruit, support, encourage, schedule, facilitate, supervise, and implement paralympic instruction and competition activities, training and technical assistance, and coordination and program development activities for veterans and members of the Armed Forces with physical disabilities. Sets forth outreach, coordination, application, and memorandum of understanding requirements.*

Regaining a sense of physical prowess has been proven to often carryover to all areas of one's life for significantly disabled individuals, so investing in this sort of programs can increase the success of other programmatic programs for disabled veterans. Therefore VVA generally supports this bill, but as always, we believe that even in this case there must be built in accountability mechanisms to ensure that the intent is carried out effectively and efficiently, and that proper fiscal accounting is ensured.

H.R. 6221, Veteran-Owned Small Business Protection and Clarification Act of 2008, *amends title 38, United States Code, requiring the Secretary of Veterans Affairs to include in each contract the Secretary enters for the acquisition of goods and services a provision that requires the contractee to comply with the contracting minimums and preferences for small business concerns owned or controlled by veterans, and for other purposes.*

Vietnam Veterans of America (VVA) strongly favors this bill. We also urge that it be made clear to VA, and therefore to very large contractors like McKesson (which currently has a $3 Billion plus contract with VA with no or virtually no veteran or service disabled veteran owned subcontractors) that failure to comply will result in prohibiting the contractor from bidding on future contracts. Heretofore there has been little or no effort to monitor or ensure compliance with the 3 percent minimum sub-contracting requirement at VA (or elsewhere, for that matter).

Further, it needs to be made explicit in Title 38 and elsewhere in Federal law that information on sub-contracting is public information, and cannot under any circumstances be considered to be private, privileged, or proprietary information of prime contractors. This ruse has been used in the past to deny information on subcontracting by major Federal contractors to the service disabled veterans business

owner community. After all, this is the public's money, and the public has a right to know how, and with whom, it is spent.

H.R. 6224, Pilot College Work Study Programs for Veterans Act of 2008, ***directs the Secretary of Veterans Affairs to conduct a 5-year pilot project to test the feasibility and advisability of expanding the scope of certain qualifying work-study activities under title 38, United States Code.***

VVA favors this so-called pilot, as long as there is no "match" that has to be provided by the sponsoring academic or research entity, which would then allow the veteran to market themselves to the type of entity that will give them the best experience toward eventually reaching their career goals irrespective of ready "match" funds, usually one that is complementary to their course of study. The requirement under Federal Work Study Programs for an up to 25 percent match often serves as an impediment to the student securing the best possible assignment to further their future success.

Further, VVA can see no reason why this program cannot be taken nationwide after the first 2 years of successful operation. Lastly, there needs to be strict reporting guidelines so that the Congress can successfully fulfill your all-important oversight function expeditiously.

H.R. 6225, Injunctive Relief for Veterans Act of 2008, ***amends title 38, United States Code, relating to equitable relief with respect to a State or private employer.***

VVA salutes you, Madam Chairwoman, for moving to strengthen protections of employment for mobilized servicemembers. While incentives and education of employers has proven to be the best strategy for gaining general compliance, the lack real sanction measures that will be respected by recalcitrant or unscrupulous employers has long been a significant weakness in the law. You are to be congratulated for taking action to "put more teeth" into enforcement of this vital program.

Having noted that we favor this initiative, VVA also suggests to the Committee that there is not enough staff at the Veterans Employment & Training Service (VETS) of the United States Department of Labor (USDoL) who are adequately trained and supervised to do proper investigations regarding re-employment. VVA would hope that the Appropriations Committee would add to the number of VETS staff and to the VETS training budget enough additional resources to close this gap between what needs to be done and what is now happening in many states.

VVA further suggests that a very small percentage of businesses are bearing a disproportionate share of the burden of paying for these wars in which we are currently engaged, in that they are the ones who DO support their employees who are also Guard and Reserve members when they are deployed. These employers pay the cost of lost productivity, the cost of hiring and training a temporary employee while the Guard member or reservist is on active duty, and in many cases the cost of retraining the returning servicemember whose skills have become outdated and the cost of helping that person readjust to civilian life again.

Therefore, VVA strongly urges the Congress to consider two options: First, to provide tax incentives for those employers who have Guard and Reservists on their payroll who are activated for the proportional number of months in a given year that their employee was away; and, two, to make available training dollars through USDoL to both train the temporary replacement worker and the returning servicemember when they come back to the job. These two measures together would materially strengthen the support for the National Guard and Reserves from the employer community, but we believe it would greatly reduce the number of problems with re-employment rights, therefore reducing the number of complaints dramatically.

What we are really suggesting is that we look to better educate the employers as to what is their responsibility under the USERRA law *BEFORE* there is a problem and everyone gets emotional, but also that the employers' perspective and needs should be taken into account. Frankly, VVA believes that providing real incentive for voluntary compliance will prove to be far more effective than any or all enforcement efforts.

Essentially we are urging that at the same time as you move to "strengthen the stick" to try and ensure better compliance, VVA thinks that much more needs to be done to "sweeten the carrot" that will provide real incentives for private sector employers to comply.

H.R. 6272, SMOCTA Reauthorization Act of 2008, ***authorizes discretionary appropriations to carry out the Service Members Occupational Conversion and Training Act 1992.***

Although this is the last bill on which we comment in this statement, this is one of the most important bills to assist disabled and separating veterans that Congress will consider this year. VVA has held for thirty years that the nexus or central event in the readjustment process is assisting veterans to come to the point where each can obtain and sustain meaningful employment at a living wage. While a decent job will not solve their PTSD or TBI or blindness or other problems stemming directly from their service to country in the military, it will go a long way toward ameliorating those problems and making them more likely to be overcome.

In 1982 this Committee created what was then known as the "Emergency Veterans Job Training Act" (EVJTA) as a tool to assist Vietnam and disabled veterans to obtain employment. It was created largely in response to very high unemployment rates of veterans in the recession 1982–83. While there were some significant problems with initial implementation (caused mostly by David Stockman and the Office of Management & Budget trying to sabotage the program), the program created a significant tool that was utilized by Disabled Veteran Outreach Program (DVOP) personnel and others to create job positions for veterans that would not have otherwise existed. The program was so successful that it was renewed several years later. And the term "emergency" was dropped, making it the Veterans Job Training Act (VJTA).

The VJTA was also a very successful program, and was highly valued by both employers and by veteran advocates who were able to use it to "get their foot through the door" to speak with employers regarding strong candidates whom they were trying to "market" to employers. Unfortunately, this program was allowed to lapse to the dismay of veteran advocates and many in the employment placement community.

There was enough of a clamor for a VJTA type of placement tool during the downsizing of the military following the victory of the United States in the Cold War and the dissolution of the Soviet empire that the Congress created the Service Members Occupational Conversion & Training Act (SMOCTA). Essentially SMOCTA was a re-packaged version of the earlier VJTA program. Despite the unfortunate acronym, this program was very successful and resulted in many veterans obtaining decent jobs that led into successful careers. Once again, after the perceived crisis had passed the veterans community and our advocates on this distinguished Committee were successful in securing the renewal of the authority for the program, but never succeeded in obtaining the appropriations necessary to operate this worthy employer incentive program.

Today there is another perceived crisis in regard to the difficulties of returning Global War on Terror (GWOT) warriors in obtaining decent jobs. This problem is real for many, especially those who return disabled, those in combat arms with no immediately convertible secondary MOS or prior civilian credentialed skills, and those from very rural or other areas where job opportunities are few. While VVA strongly favors early enactment of H.R. 6272 and immediate full funding of this program, VVA does urge that this not be another "flash in the pan" that will disappear after the perceived immediate crisis no longer is in the media headlines. Such a tool is something that is needed to assist many veterans to get the type of work that will sustain these veterans and their families, and in more cases than not turn into viable careers for these individuals.

I would be remiss if I did not note that the primary service delivery mechanism for ensuring widespread usage of this important tool is still significantly compromised, if indeed not broken. There simply must be significantly greater and much more meaningful accountability measures imposed on the state workforce development systems regarding the DVOP and the Local Veterans Employment Representative (LVER) grants programs, or the entire structure needs to be Federalized and the DVOP/LVER staff put under direct and immediate control of the USDoL–VETS state directors. And then those state directors held accountable for overall performance in each state.) We hope that even at this late date in the 110th Congress that you and your distinguished colleagues will embark on a serious dialog with all stakeholders concerned in order to take meaningful action in this regard, this year.

Vietnam Veterans of America (VVA) thanks you for the opportunity to appear here to today to offer our thoughts and views on these vital veterans' issues. I will be pleased to answer any questions that the Committee may have.

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	**CLASSIFICATION** WOTC
	CORRESPONDENCE SYMBOL OWI
	DATE April 3, 2007

TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 20–06

TO: ALL STATE WORKFORCE AGENCIES
ALL STATE WORKFORCE LIAISONS

FROM: EMILY STOVER DeROCCO /s/ Assistant Secretary

SUBJECT: Reauthorization of the Work Opportunity Tax Credit and Other Program Changes

1. **Purpose.** To announce the reauthorization of the Work Opportunity Tax Credit Program under the Tax Relief and Health Care Act of 2006 (P.L. 109–432) and provide procedural guidance to the states for processing requests for certification under the amended program.

2. **References.** The Tax Relief and Health Care Act of 2006 (P.L. 109–432); Working Families Tax Relief Act of 2004 (P.L. 108–311); Training and Employment Guidance Letter (TEGL) No. 14–05, dated February 9, 2006; Internal Revenue Code (IRC) of 1986, Sections 51 and 51A, as amended; Employment and Training Administration (ETA) Handbook No. 408, Third Edition, November 2002 (the Handbook); and the May 2005 Addendum to the Handbook.

3. **Background.** Legislative authority for the WOTC program and the Welfare-to-Work Tax Credit (WtWTC) expired December 31, 2005. Congress has reauthorized and extended the WOTC program through December 31, 2007. Congress has also modified certain provisions with respect to individuals who begin work for an employer after December 31, 2006.

4. **Authorization.** The Tax Relief and Health Care Act of 2006 (P.L. 109–432) was signed into law on December 20, 2006. Section 105 of the Act provides a 2-year extension of the WOTC program through December 31, 2007, effective retroactively to January 1, 2006.

   In addition, the following statutory changes apply with respect to individuals who begin work for employers on or after January 1, 2007:

   - The earnings test for ex-felons is eliminated;
   - The maximum age for food stamp recipients is increased;
   - The certification request filing deadline is increased; and
   - The WtWTC provisions are merged into the WOTC

   Explanation of Specific Statutory Amendments and Provisions. Section 105 of the Act:

   a. Amends the statutory definitions of two WOTC target groups in IRC Section 51 as follows:
      1. Ex-Felons—removes economic eligibility determination based on family income.
      2. Food Stamp Recipients—increases eligibility age from 18–25 to 18–40.

   b. Extends the certification request filing date from 21 to 28 days after the new hire begins work for the employer.

   c. Repeals IRC Section 51A by merging the WtWTC into the WOTC and creating a new WOTC target group I, entitled "Long-term family assistance recipient." The new target group retains the statutory definition and the more generous tax credit provisions over a 2-year period of the former WtWTC. With respect to this target group only:
      - First-year WOTC is increased from 35 to 40 percent of qualified first-year wages, which are capped at $10,000.
      - Second-year WOTC is retained at 50 percent of qualified second-year wages, again capped at $10,000 for a maximum 2-year credit of $9,000.

- Wages taken into consideration are calculated in the same manner as for the other WOTC target groups. Therefore, wages no longer include certain amounts excludable from the recipient's gross income.
- The minimum employment or retention period is calculated in the same manner as for the WOTC. Therefore, the 180 days of service formerly required for certified WtWTC employees no longer applies to this target group under the consolidated WOTC. *Note:* For the other adult target groups (except Summer Youth), "the 40-percent rate applies to qualified first-year wages only if the employee works at least 400 hours or more. If the employee works at least 120 hours, but fewer than 400 hours, the credit is 25 percent of qualified first-year wages capped at $6,000 ($3,000 for Summer Youth)."

5. **Program Administration.** Under the reauthorizing legislation, state workforce agencies' (SW As) certification and program operation responsibilities for the consolidated WOTC program remain the same as those described in the Handbook and the May 2005 Addendum to the Handbook. These include procedures for: (a) determining target group eligibility and issuing certifications and denials; (b) establishing working partnerships with different participating agencies at the state and local levels for resolving technical issues and issuing conditional certifications; (c) conducting verification activities; (d) complying with quarterly report responsibilities; and (e) records retention.

6. **IRS Form 8850.** IRS Form 8850, *Pre-Screening Notice and Certification Request for the Work Opportunity Credit,* and the instructions for Form 8850 have been revised. The February 2007 revised form and instructions are available at www.irs.gov.

   SW As are reminded of the guidance provided in Announcement 2002–44, "Electronic Submission of Form 8850," contained in the IRS' Internal Revenue Bulletin (IRB) No. 2002–17, published on April 29, 2002. This announcement describes the requirements that must be met should SW As choose to establish systems to accept electronic submission of IRS Form 8850. The text of Announcement 2002–44 is available at http://www.uses.doleta.gov/pdf/Appendix IV/Appendix_IV_3_Announcement 2002-44.pdf.

7. **Reporting Authority.** Pursuant to the Paperwork Reduction Act, the Office of Management and Budget (OMB) has extended the information collection requested for the *WOTC/WtWTC* administrative and streamlined reporting form without changes. ETA Form 9058—Report 1 and ETA administrative forms 9057, 9059, 9061–9063, and 9065 are approved under OMB No. 1205–0371 through August 31, 2009. SW As should continue to use the current certification and reporting forms until further notice. A package including revised reporting and administrative forms, updates to the May 2005, Addendum to the Handbook, a new Fourth Edition of ETA Handbook 408, a Fact Sheet "Employers: 9 ways to Earn Federal Income Tax Credits for Your Company," and a revised Technical Assistance and Compliance Review Guide will be submitted to OMB for clearance. Training on WOTC program amendments, provisions, and new reporting and administrative forms is being planned and will be provided through webinars.

8. **Action Required.** SW A administrators are requested to:

   a. Provide this information to appropriate program staff, employers and their representatives, participating agencies, and other interested partners. They are to ensure that the SW As and participating agencies administer the WOTC in accordance with the guidance provided in the Handbook; the May 2005 Addendum to the Handbook; and the Internal Revenue Code 1986, Section 51, as amended.
   b. Ensure that State WOTC Coordinators receive a copy of the new legislation. Title I, Section 105 of the Tax Relief and Health Care Act of 2006 (P.L. 109–432) is available at http://thomas.1oc.gov/home/thomas2.html.

9. **Inquiries.** Direct all questions to the appropriate Regional WOTC Coordinator.

RESCISSIONS	EXPIRATION DATE:
None	Continuing

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	**CLASSIFICATION** WOTC
	CORRESPONDENCE SYMBOL OWI
	DATE September 11, 2007

TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 5–7

TO: ALL STATE WORKFORCE AGENCIES
ALL STATE WORKFORCE LIAISONS

FROM: EMILY STOVER DeROCCO /s/ Assistant Secretary

SUBJECT: Reauthorization of the Work Opportunity Tax Credit and Other Program Changes

1. **Purpose.** The purpose of this guidance is to announce the reauthorization of the Work Opportunity Tax Credit (WOTC) Program under the Small Business and Work Opportunity Tax Act of 2007 (P.L. 110–28) and provide procedural guidance to the states for processing requests for certifications under the consolidated program.

2. **References.** The Small Business and Work Opportunity Tax Act of 2007 (P.L. 110–28); Tax Relief and Health Care Act of 2006 (P.L. 109–432); Working Families Tax Relief Act of 2004 (P.L. 108–311); Training and Employment Guidance Letter (TEGL) No. 20–06, dated April 7, 2007; Internal Revenue Code (IRC) of 1986, section 51, as amended; Employment and Training Administration (ETA) Handbook No. 408, Third Edition, November 2002 (the Handbook); and the May 2005 Addendum to the Handbook.

3. **Background.** On December 20, 2006, the President signed into law the Tax Relief and Health Care Act of 2006 (P.L. 109–432). This legislation not only extended the WOTC Program (retroactively to January 1, 2006) through December 31, 2007, but also merged the Welfare-to-Work Tax Credit (WtWTC) into WOTC and repealed permanently section 51(A) of the IRC. Congress also amended certain statutory definitions with respect to new hires that began to work for an employer after December 31, 2006. For additional information, see TEGL No. 20–06, dated April 3, 2007.

4. **Authorization.** The Small Business and Work Opportunity Tax Act of 2007 (P.L. 110–28) was signed into law on May 25, 2007. Section 8211 of the Act provides a 44-month extension of the WOTC Program through August 31, 2011.

   Explanation of Specific Statutory Amendments and Provisions. Section 8211 of the Act:

   a. Renames the High-Risk Youth group (D) and calls it *Designated Community Resident* (DCR).

   b. Amends the statutory definition of a DCR to mean an individual certified by the state workforce agency (SWA) as having:

      - attained age 18 but not 40 on the hiring date, and
      - his/her principal place of abode within an Empowerment Zone (EZ), Renewal Community (RC), or Rural Renewal County (RRC).

   Eligibility Determination of DCRs. Eligibility determination of a new hire as a member of the DCR target group involves verification of the following two requirements: 1) age; and 2) location of the individual's principal place of abode [residence] in an EZ, RC, or RRC. Age should be verified by looking at documents submitted by the employers/consultants with the request or requiring from employers one or several of the recommended documents in section E.

   Examples of Documentary Evidence., p. VII–32 of the November 2002, Third Edition, ETA Handbook 408. Verifying the residential location of a potential DCR as in an EZ, RC, or RRC requires reviewing the instructions for IRS Form 8850. EZs, RCs and RRCs are all listed in these IRS instructions. SWAs

can verify whether a DCR's address is located in a Rural Renewal County online by visiting the following Web site at: *www.usps.gov* and following these simple steps: 1) click on *Find a ZIP Code;* 2) enter and submit the *Address and ZIP Code;* and 3) click on Mailing Industry Information. SWAs should download and print the U.S. Postal Service (USPS) *Mailing Industry Information* sheet, and keep a copy in the case file of the new hire, employer, or consultant.

c. Limits "qualified wages" for *Designated Community Residents* to those paid for services performed while the individual is residing in an EZ, RC, or RRC.

d. Defines a *Rural Renewal County* as a county that:

- is outside a metropolitan statistical area (MSA) as defined by the Office of Management and Budget (OMB); and
- during the 5-year periods, 1990 through 1994, and 1995 through 1999, had a net population loss.

e. Clarifies that "ticket holders" are included in the vocational rehabilitation referral target group by adding at the end of its statutory definition the following clause:

- an individual work plan developed and implemented by an Employment Network pursuant to Subsection (g) of section 1148 of the Social Security Act with respect to which the requirements of such Subsection are met.

f. Expands the definition of the "Qualified Veteran" target group to include "disabled veterans" who are entitled to compensation for a service-connected disability and:

- have a hiring date which is not more than 1 year after having been discharged or released from active duty in the Armed Forces of the United States; or
- have aggregate periods of unemployment during the 1-year period ending on the hiring date that equal or exceed 6 months.

g. Defines the terms "compensation" and "service connected" as having the meanings under Section 101 of Title 38 of the United States Code, pertaining to veterans benefits as follows:

- Section 101(13) defines "compensation" as a monthly payment made by the Secretary to a veteran because of a service-connected disability; and
- Section 101(16) defines "service-connected," with respect to a disability, as meaning that the disability was incurred or aggravated in the line of duty in the active military, naval, or air service.

h. Increases the amount of "qualified wages," for *disabled veterans* only, from $6,000 to $12,000.

5. **Program Administration.** Under the reauthorizing legislation, SWAs certification and program operation responsibilities for the consolidated WOTC program remain the same as those described in the November 2002, Third Edition of ETA Handbook 408 and the May 2005 Addendum. These include procedures for: a) determining target group eligibility and issuing certifications and denials; b) establishing working partnerships with different participating agencies at the state and local levels for resolving technical issues and issuing conditional certifications; c) conducting verification activities; d) complying with quarterly report responsibilities; and e) complying with records' retention time periods.

6. **IRS Form 8850.** IRS Form 8850, *Pre-Screening Notice (PSN) and Certification Request for the Work Opportunity Credit,* and the instructions for this form have been revised. The June 2007, PSN form and its instructions are available at *www.irs.gov*.

7. **Funding.** ETA issued Fiscal Year (FY) 2007 funding advances from Continuing Resolutions (CRs) to the SWAs for WOTC Program implementation and elimination of existing backlogs. The CR advances covered activities through February 15, 2007. Funding for the merged WOTC Program was passed as part of the FY 2007 funds appropriated in the *Revised Continuing Appropriations Resolution Act of 2007* (P.L. 110–5).

8. **Reporting Authority.** Pursuant to the Paperwork Reduction Act, OMB extended the information collection requested for the WOTC/WtWTC administrative and reporting forms without substantial changes. ETA Form 9058—Report 1 and administrative forms 9057, 9059, 9061–9063, and 9065 are approved under OMB No. 1205–0371 through August 31, 2009. SWAs should continue to use the current certification and reporting forms until further notice. A package including revised reporting and administrative forms, the Spanish versions of IRS Form 8850 and ETA Form 9061, the revised May 2005 Addendum to ETA Handbook 408 (the Handbook), and a revised Technical Assistance and Compliance Review Guide will be submitted to OMB for emergency clearance. Training on WOTC program amendments, provisions, and new reporting and administrative requirements is being planned and will be provided.

9. **Action Required.** SWA administrators are requested to:

   a. Provide this information to appropriate program staff, employers, and their representatives, participating agencies (PAs), and other interested partners. They are to ensure that the SWAs and PAs administer the WOTC in accordance with the guidance provided in this TEGL, the Handbook, the May 2005 Addendum to the Handbook, and the Internal Revenue Code 1986, Section 51, as amended; and

   b. Ensure that state coordinators receive a copy of the new legislation, Title VIII, Part I., Subpart A., section 8211 of the *Small Business and Work Opportunity Tax Act of 2007* (P.L. 110–28) available at *http://thomas.loc.gov/home/thomas2.html*.

10. **Inquiries.** Direct all questions to the appropriate Regional Coordinator.

RESCISSIONS	EXPIRATION DATE:
None	Continuing

Prepared Statement of R. Keith Pedigo,
Associate Deputy Under Secretary for Policy and Program Management, Veterans Benefits Administration,
U.S. Department of Veterans Affairs

Mr. Chairman and Members of the Subcommittee, I am pleased to be here today to provide the Department of Veterans Affairs' (VA) views on pending legislation. Accompanying me is Diane Hartmann, Director of National Programs and Special Events. VA is still reviewing H.R. 6221, H.R. 6225, and 6272 and will provide views on those bills in a subsequent views letter.

H.R. 2721

H.R. 2721, would require the Secretary of Veterans Affairs to develop, and the Secretary of Defense to distribute to members of the Armed Forces upon their discharge or release from active duty, in a compact disk read-only memory format, information that the Secretary of Veterans Affairs determines would help veterans. That information would include the benefits for which veterans may be eligible under the laws administered by the Secretary of Veterans Affairs, a comprehensive explanation of how to apply for benefits, and a list of all VA facilities and contact information for them. The bill would also require the secretaries of Veterans Affairs and of Defense, along with the head of any other relevant government agency, to maintain an Internet website with information clearly explaining VA benefits, how to secure those benefits, and how veterans' family members may request copies of the compact disk.

VA supports this bill. VA recognizes the importance of providing benefit information to separating servicemembers and their families. This bill would support expansion of VA's extensive outreach efforts.

We estimate at least 250,000 compact disks would be needed each year to provide one to every separating servicemember. An additional 50,000 copies would be needed to provide upon request. At an estimated cost of $1.00 per copy, which would include distribution costs to each service, the total cost for all copies would be $300,000 annually.

H.R. 3786

H.R. 3786, the "Servicemembers Telecom Contract Relief Act," would amend the Servicemembers Civil Relief Act to permit servicemembers to terminate certain telecommunications contracts before their expiration if the contract was entered before the servicemember entered service or received permanent change-of-station orders or deployment orders.

Because this bill if enacted would affect active-duty servicemembers, we defer to the Department of Defense (DoD) regarding the merits of H.R. 3786.

H.R. 4255

H.R. 4255, the "United States Olympic Committee Paralympic Program Act of 2007," would authorize the Secretary of Veterans Affairs to make a grant to the U.S. Olympic Committee (USOC) to plan, develop, manage, and implement the Paralympic program for veterans and members of the Armed Forces. It also would require the Secretary to inform all veterans with physical disabilities about the existence of the Paralympic program and to encourage their participation, as well as require the Secretary to ensure access to and appropriate use of VA facilities by program participants. VA opposes this bill because it is unnecessary, would divert funds intended for veterans' care to nonveterans, and would benefit only a limited number of veterans.

VA has an established Office of National Programs and Special Events (ONPSE) that oversees highly successful and well-attended national rehabilitative programs for disabled veterans. This office already works with the USOC to help elite-level athletes compete in their Paralympic programs. ONPSE currently oversees four national events: National Disabled Veterans Winter Sports Clinic, National Veterans Wheelchair Games, National Veterans Golden Age Games, and National Veterans Creative Arts Festival. Also, a pilot summer sports clinic, scheduled for September 28 through October 3 in San Diego, California, is specifically designed for veterans with amputations, traumatic brain injuries, burn injuries, or post-traumatic stress disorder. The goals of these events are to reach disabled veterans during their recovery from traumatic injury or disease, introduce them to adaptive recreational activities, and challenge them with activities that give them a sense of accomplishment and enable them to redefine their capabilities. Veterans service organizations support these events, which, although they are open to all disabled veterans who meet the eligibility criteria, are particularly geared toward first-time participants. Each year, thousands of disabled veterans have the opportunity for self-development through participation in these events.

Certain provisions in H.R. 4255 are prescriptive, such as requiring VA to notify all veterans with physical disabilities about the existence of the Paralympic program and to encourage their participation. Under this provision, VA would have to notify and encourage the participation of catastrophically injured veterans, who cannot participate in these events. VA currently allows the USOC to distribute materials about the Paralympic program at any of VA's ONPSE events. Additional notification is unnecessary.

VA is particularly concerned by the provision that would grant access to VA facilities to all individuals—not necessarily veterans or servicemembers—participating in the Paralympic program. VA's resources should be limited to the medical rehabilitation of eligible veterans and not diverted to provide access to facilities for non-veterans.

Further, H.R. 4255 would require VA to support a program that would benefit only a small number of elite athletes. Although we applaud the USOC's efforts to bring more veterans into their elite-athlete competitions, we believe VA's rehabilitative events are much better suited to providing the services veterans need. For example, last year, 28 veterans participated in USOC programs as opposed to over 1,500 veterans who participated in VA's Winter Sports Clinic, Wheelchair Games, or Golden Age Games. VA's programs are designed to include veterans of all ages and levels of impairment and are aimed primarily at medical rehabilitation.

VA's goal is to introduce sports and recreation to disabled veterans and make it a part of their daily lives. Our existing partnership with the USOC allows those who rise to elite athletic performance to take their training to the next level through the USOC Paralympic program.

We are in the process of estimating the costs that would be associated with enactment of this bill and will provide them for the record.

H.R. 6070

H.R. 6070, the "Military Spouses Residency Relief Act," would amend the Servicemembers Civil Relief Act to protect spouses of servicemembers from losing or acquiring domicile or residency for purposes of elections and taxation if the spouse is absent from a state because the spouse is accompanying a servicemember who is absent from the state in compliance with military orders.

Because this bill if enacted would affect active-duty servicemembers and their spouses, we defer to DoD regarding the merits of H.R. 6070.

H.R. 6224

H.R. 6224, the "Pilot College Work Study Programs for Veterans Act of 2008," would require the Secretary to conduct a 5-year pilot project to test the feasibility and advisability of expanding the scope of certain work-study activities, to include work-study positions available on site at educational institutions. The positions in this program may include those in academic departments (tutors or research, teaching, and lab assistants) and in student services (positions in career centers, financial aid, campus orientation, admissions, records, and registration offices). The bill would require the Secretary to issue regulations providing for the supervision by VA personnel of these positions.

While VA supports the principle of exploring the feasibility of expanding the scope of qualifying activities for the provision of work-study allowances under 38 U.S.C. § 3485, we do not support this bill because the types of activities now described in that section relate primarily to activities that support VA's mission of services and assistance to veterans and their dependents, whereas the types of activities proposed for evaluation apparently would not need to relate to that mission. In addition VA supervision of the work-study participants concerned would be administratively burdensome, given the breadth of the types of activities or functions that would be involved throughout a university.

This concludes my statement, Mr. Chairman. I would be happy to entertain any questions you or the other Members of the Subcommittee may have.

Prepared Statement of Hon. Michael L. Dominguez, Principal Deputy Under Secretary of Defense for Personnel and Readiness, U.S. Department of Defense

Mr. Chairman and Members of this distinguished Committee, thank you for the opportunity to provide views on draft legislation. Our comments on one of the bills is below.

H.R. 3786, the bill to amend the Servicemembers Civil Relief Act to allow individuals called to military service to terminate telecommunications contracts entered into before the individual receives notice of a permanent change of station or deployment orders.

While the Department generally supports this provision, it needs additional clarification with respect to whom it applies. Section (b)(1) talks about entering military service under a call or order specifying a period of not less than 90 days. It is unclear if this refers to someone with no military status, as opposed to a reservist, who enters active duty. Those having no military status are not usually considered to be under a call or order to active duty.

More importantly, this legislation is applicable to only those who receive orders for a permanent change of station (PCS) outside the continental United States or orders to deploy with a military unit for a period of 90 days to certain locations that do not support continued telecommunication service under contract. This excludes a person with a PCS move from Hawaii or Alaska into the Continental U.S. Also, the new legislation would not cover the PCS move from one point to another inside the Continental U.S., where the service could not be maintained.

On ***H.R. 2721***, we will submit a separate DoD–VA joint views letter. We are currently working with the VA in understanding the implication of this provision.

We do not have comments on any other DoD-related proposed legislation (including H.R. 6070) and for those legislation that are VA-related, we defer to the Department of Veterans Affairs.

Prepared Statement of Hon. Charles S. Ciccolella, Assistant Secretary for Veterans' Employment and Training, U.S. Department of Labor

Madam Chairwoman Herseth Sandlin, Ranking Member Boozman, and Members of the Subcommittee:

Thank you for the opportunity to submit for the record the following testimony to this Subcommittee on several bills and draft bills. I will address the bills in the order they are listed in your letter of invitation.

H.R. 4255, *United States Olympic Committee Paralympic Program Act of 2007*

This bill would authorize the Secretary of Veterans Affairs to provide assistance to the Paralympic Program of the United States Olympic Committee among other purposes. We defer to the Department of Veterans Affairs (VA).

H.R. 3786, *Servicemembers Telecom Contract Relief Act*

This bill amends the Servicemembers Civil Relief Act to allow individuals called to military service to terminate telecommunications contracts entered into before the individual receives notice of a permanent change of station or deployment orders. We defer to the Department of Defense (DoD) and the Federal Communications Commission.

H.R. 2721 *(no title)*

This bill amends title 10, United States Code, "to require the Secretary of Veterans Affairs to develop, and the Secretary of Defense to distribute to members of the Armed Forces upon their discharge or release from active duty, information in a compact disk read-only memory format that lists and explains the health, education, and other benefits for which veterans are eligible under the laws administered by the Secretary of Veterans Affairs." We defer to DoD and VA.

H.R. 6070, *Military Spouses Residency Relief Act*

This bill amends the Servicemembers Civil Relief Act to guarantee the residency of spouses of military personnel. We defer to DoD.

H.R. 6272, *SMOCTA Reauthorization Act of 2008*

This bill reauthorizes the Service Members Occupational Conversion and Training Act (SMOCTA) of 1992. In addition to the authorized funding levels contained in the original Act, the bill further authorizes appropriations in the amount of $60 million annually for fiscal years 2009 through 2018. This reauthorization impacts § 1143, title 10 U.S.C. SMOCTA was originally authorized by P.L. 102–484.

The original version of SMOCTA was implemented jointly by DoD, VA, and the Department of Labor (DoL). The program was authorized in title 10 U.S.C. (DoD), and funded through DoD appropriations. SMOCTA was initiated during a time when the military was downsizing its active duty force. Military personnel who soon would be veterans as a result of this downsizing were targeted as the population to be served. Military personnel who had no readily transferable skills were the main focus.

SMOCTA established a veterans' job training program that became effective October 23, 1992. The program was carried out by payments to employers who employed and trained eligible persons. Employers had to apply to VA for approval of a training program. When a program was approved by the VA regional office of jurisdiction, that office furnished the employer an approval letter.

SMOCTA provided assistance in the form of reimbursements to employers with approved programs to offset the cost of training provided to recently separated servicemembers for stable and permanent positions that involved significant training (6–18 months). Besides the reimbursements to employers, SMOCTA provided funds for assessments, development of training plans and supportive services for the trainee. Disabled Veterans' Outreach Program Specialists and Local Veterans' Employment Representatives developed employment and training plans and assisted in the recruitment, referral and placement of those individuals.

DoL believes that this program has been superseded by other initiatives to provide employment and training assistance, such as the services offered by the Workforce Investment Act 1998 (WIA), and the Jobs for Veterans Act that mandates a

priority of service for veterans in WIA programs and in all other DoL funded employment and training programs.

WIA provides individuals more training choices and greater control over their training. WIA offers comprehensive employment services, including job counseling, job search and referrals, resume preparation, and other assistance. It also provides intensive training through community colleges and other training providers for those who need skills or need to change or upgrade their skills. These services are easily accessed through WIA's network of more than 3,000 One-Stop Career Centers operated by states and local governments nationwide. Innovative programs such as "Helmets to Hardhats" have been training returning veterans in skilled construction trades. Returning veterans are also eligible for VA veterans' education assistance.

The VETS Transition Assistance Program (TAP) provides information to veterans about these programs and resources prior to their discharge from the service.

Today's military is highly trained and skilled. Their overall lower than average unemployment rates are a testament to employers' positive attitudes toward employing this generation of veterans. We are hearing from employers that they want to hire today's veterans because they see them as a valuable resource to their enterprises.

H.R. 6221, *Veterans-Owned Small Business Protection and Clarification Act of 2008*

This bill would require the Secretary of Veterans Affairs to include in each contract entered into by the VA for the acquisition of goods and services a provision that requires the contractor to comply with the contracting goals and preferences for small business concerns owned or controlled by veterans. We defer to VA.

H.R. 6225, *Injunctive Relief for Veterans Act of 2008*

The bill amends section 4323(e) of title 38, U.S. Code, to require that injunctive relief and other equitable remedies under the Uniformed Services Employment and Reemployment Rights Act be granted by courts at their discretion in appropriate cases. The Department of Labor has no objection to the provisions of this bill.

H.R. ———, *Pilot College Work Study Programs for Veterans Act of 2008*

This bill directs the Secretary of the Department of Veterans Affairs to conduct a 5-year pilot project to test the feasibility and advisability of expanding the scope of certain qualifying work-study activities under title 38, United States Code. We defer to VA.

That completes my testimony, and I would be happy to provide responses to questions for the record.

Prepared Statement of Rebecca Noah Poynter, Owner, OnPoynt Communications, Dallas, TX, and Co-Founder, Military Spouse Business Association

I am Rebecca Noah Poynter, an Army wife, owner of OnPoynt Communications and a co-founder of the Military Spouse Business Association, www.milspousebiz.org. I am a writer and often address military family topics in national publications including The Washington Post and The Military Times.

Under the Soldiers' and Sailors' Relief Act which became Federal law in 1940, military members are allowed to declare a permanent state of residency while on active duty. Under the law, a servicemember can claim a single permanent state of residency or "home state" for the duration of his or her military service. The spouse who is not covered under this law, must change residency with each move to a new state. On average military families move every two to three years.

As the wife of a U.S. Army soldier, changing residency and not sharing a home state with my husband, has been an inconvenient, confusing and expensive burden. The total cost is being paid by nearly one million active duty military spouses in time, money and income. This is not by choice either, as it is our spouses, the servicemembers, who are ordered to move by the military. By constantly moving, military spouses regularly sacrifice personal choices and professional aspirations to achieve the mission assigned. In addition to these sacrifices, military spouses are unfairly and repeatedly penalized by having to comply with state residency and tax requirements.

Each time a military spouse moves to a new state she must obtain a driver's license at a cost, re-register her car for a couple of hundred dollars; and figure out how, when and for whom to vote in the new state. She is not able to have consistent Congressional representation nor is she likely to share the same representative as her spouse.

Additionally the majority of military spouses, nearly 70 percent, are employed or seeking employment (because of a move). If their next military assignment is to a high income tax state as compared to the last one, then income can be reduced by as much as 10 percent.

Through my association with Military Spouse Business Association, a nationwide networking organization established for military spouses who own their own and obviously portable businesses, I met several spouses including Navy spouse, Joanna Williamson, who were also frustrated with administrative and state tax burdens that accompanied every move. Hearing their stories and knowing my own, it was time as military spouses to engage in "a joint mission" for the betterment of our own lives.

We took the issue to Congressman John Carter who represents Fort Hood, the largest military installation in the United States. He said it was up to Congress to look after our military families and it just didn't sound fair for married couples to have to reside in different states nor did the administrative and financial burdens on military spouses seem necessary.

In May, Congressman Carter introduced the Military Spouses Residency Relief Act, H.R. 6070. The bill extends to spouses the option of a permanent state residency as provided to the servicemember, essentially offering us a home state too.

Military spouses bear the burden of handling the challenges associated with the constant moving of military life. Here are a few examples based on the 92 percent likelihood that the spouse is a female: While he can register the car in his home state, she can't. He votes in his home state, she votes in the one where they reside. She has a new congressman at each location; he keeps his familiar representative. He has one driver's license, which can be renewed by mail. She must stand in a long line at the state department of motor vehicles to obtain a new one and pay the fee. When the servicemember is deployed, the home front frustration amplifies. "Honey, next time you have a break there in Iraq, please send me a copy of your military orders and your driver's license. And where is the power of attorney? I have to register the car." The Military Spouses Residency Relief act can eliminate these hassles.

H.R. 6070 can also address the "camouflage barrier", my nickname for the financial strife the majority of us as employed spouses face with every move. A RAND Corp. study confirms the average spouse income shrinks by more than $5,500 annually as compared to a civilian counterpart because of moving. My encounter came on the last one; I was happily working for a big company when we got military assignment orders to relocate. I was thrilled to transfer my job at the same pay with the same employer to the new location. Then I discovered the new state has a high income tax and was shocked to find my income was more than $500 a month less. It really hurt our family's financial stability.

With a single permanent state, employed military spouses may protect their income if they are moved to a high income tax state. For those with portable businesses or professions, a growing and positive trend among military spouses, a single home state can lessen administrative and tax burdens.

Congressman Carter says of H.R. 6070, "We're making the inter-state moves easier on our military families since the reason they're moving is by order of the U.S. Government." Through the Military Spouses Residency Relief Act, Congress offers us the very things our Nation's military spouses have truly earned—equality, recognition, and common sense treatment.

Committee on Veterans' Affairs
Subcommittee on Economic Opportunity
Washington, DC.
June 23, 2008

Mr. R. Keith Pedigo
Associate Deputy Under Secretary
for Policy and Program Management
Veterans Benefits Administration
U.S. Department of Veterans of Affairs
810 Vermont Ave, NW
Washington, DC 20420

Dear Mr. Pedigo:

In reference to our House Committee on Veterans' Affairs Subcommittee on Economic Opportunity hearing on "Pending Legislation" on June 19, 2008, I would appreciate it if you could answer the enclosed hearing questions by no later then July 16, 2008.

In an effort to reduce printing costs, the Committee on Veterans' Affairs, in cooperation with the Joint Committee on Printing, is implementing some formatting changes for material for all Full Committee and Subcommittee hearings. Therefore, it would be appreciated if you could provide your answers consecutively on letter size paper, single-spaced. In addition, please restate the question in its entirety before the answer.

Due to the delay in receiving mail, please provide your response to Ms. Orfa Torres by fax at (202) 225–2034. If you have any questions, please call (202) 226–4150.

Sincerely,

Stephanie Herseth Sandlin
Chairwoman

Questions from the House Committee on Veterans' Affairs
Subcommittee on Economic Opportunity
Hearing on Pending Legislation
June 16, 2008

Question 1: In the report from the Office of Inspector General for VA, it seems that the VA makes purchases for the Department of Defense. Yet the VA has a memorandum of agreement with the Department of the Army to have the Army do purchases for the VA. Why is that?

Response: Additionally, VA has a need to obtain acquisition support for construction contracts at the field level. As a result, VA entered into an agreement with the Army Corps of Engineers to utilize their services at the discretion of the VA field activity. The need is based on the increased volume of construction projects and limited resources to support their development and completion.

Question 2: Do you have a rough number of disabled veterans who are taking advantage of these programs and approximately what percentage that might be of the total number of disabled veterans?

Response: The number of veterans that participated in the national programs in FY 2007 was 1,638. An additional 3,000 veterans participated at the local level festivals for the Creative Arts.

Veterans must be enrolled to participate in the national program; however, you do not need to have a disability to participate in the Golden Age Games or the Creative Arts Festival. As of January 2008, the total number of veterans receiving VA Disability Compensation is 2.9 million; however, not all of these veterans are enrolled in the VA Healthcare System.

Question 3: What is the travel cost for employees to attend recreational events?

Response: Estimated travel costs for VA employees attending the five National Rehabilitative Special Events are $684,000. This is for 360 employees who attend the five events as coaches and caregivers.

Estimated travel costs for veteran participants to attend the five National Rehabilitative Special Events are $3,230,000. This estimate is based on 1,750 veterans.

Question 4: What is the U.S. Department of Veterans Affairs' position on H.R. 6221, H.R. 6225, and H.R. 6272?

Response: The views are included in the attached letter from Secretary Peake to Chairwoman Herseth Sandlin dated August 18, 2008.

Question 5: In your written testimony you state that the U.S. Department of Veterans Affairs is currently in the process of estimating the cost for the enactment of H.R. 4255. Could you provide that cost estimate?

Response: The Committee did not receive the costs for H.R. 4255, as introduced, since the provisions of that bill were included in S. 2162, which became Public Law 110–387 on October 10, 2008.

The Secretary of Veterans Affairs
Washington, DC.
August 18, 2008

Hon. Stephanie Herseth Sandlin
Chairwoman
Subcommittee on Economic Opportunity
Committee on Veterans' Affairs
U.S. House of Representatives
Washington, DC 20515

Dear Madam Chairwoman:

When Department witnesses testified at the Subcommittee's June 19, 2008 hearing on eight bills, they promised to provide for the record VA's views on H.R. 6221, 6225, and 6272 as introduced. I do so in this letter.

H.R. 6225 would amend the law regarding enforcement of certain veterans' rights with respect to State or private employers. As this is a matter within the purview of the Department of Labor, we defer to the views of that department.

We defer to the views of the Departments of Labor and Defense with regard to H.R. 6272, which would authorize appropriations for the Service Members Occupational Conversion and Training Act of 1992. Those departments co-administer the "SMOCTA" program.

We understand the purpose of H.R. 6221 to be that where VA enters into interagency agreements to have other executive agencies perform contracting actions on behalf of VA, any such agency would be required to comply with the service-disabled veteran-owned small business (SDVOSB) and veteran-owned small business (VOSB) contracting requirements of section 8127 of title 38. The bill as currently drafted would fail to achieve this purpose. Specifically, while the bill would require VA to include a clause in such interagency agreements that other agencies shall comply with section 8127, it fails to provide sufficient authorization for the other executive agencies to act on such a requirement notwithstanding their own statutory procurement authorities.

Even if this were corrected, VA could not support this legislation for several reasons. First, it is unnecessary, because as documented by the Small Business Administration and VA's Office of Small and Disadvantaged Business Utilization, VA has achieved its SDVOSB and VOSB contracting goals this past fiscal year and has nearly reached them as of April 30, 2008, for the current fiscal year. Second, VA enters into such interagency agreements only when it lacks adequate acquisition staff to conduct needed procurements on a timely basis. VA is concerned that other agencies would balk at entering into interagency agreements with VA if they would be subject to VA-specific socio-economic requirements with which they lack familiarity. This could lead to situations where necessary VA contracts are not awarded or awards are delayed, negatively impacting VA's ability to administer its programs of benefits and service to veterans.

Third, enactment of this provision could increase the costs of such contracts by limiting the pool of competitors. Also, the language of the bill contains unclear language relating to "contracts" with "other persons" to acquire goods and services. VA is uncertain what this language is meant to address. As indicated above, VA enters into interagency agreements with other executive agencies to perform contract actions on behalf of the Department only when VA lacks sufficient acquisition capacity—it does not do so with individuals or private sector companies. Finally, VA is concerned with the retroactive nature of the bill that, if enacted, would apparently require pre-existing agreements to be amended to reflect the change in law. The cur-

rent text of the bill would require VA modify such agreements existing as of June 1, 2007, which is even prior to the effective date of section 8127 of title 38.

VA remains strongly committed to SDVOSBs and VOSBs and that commitment is reflected in VA's small business contracting achievements. However well-intended, H.R. 6221's enactment would impede VA's ability to procure goods and services in a timely and cost-efficient manner.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely yours,

James B. Peake, M.D.

Committee on Veterans' Affairs
Subcommittee on Economic Opportunity
Washington, DC.
July 1, 2008

Mr. Charles Huebner
Chief, U.S. Paralympics
1 Olympic Plaza
Colorado Springs, CO 80900

Dear Mr. Huebner:

Thank you for testifying before the house Veterans' Affairs Subcommittee on Economic Opportunity. As part of the hearing record, I am requesting your views on the following:

1. Please describe how the USOC/U.S. Paralympics intends to form partnerships with other organizations specializing in disabled sports. As part of your response, please include the names of organizations generally considered to be candidates for partnership.
2. Please expand on your statement regarding expanding Paralympic programs for disabled military personnel and disabled veterans. Would such an expansion include international events in which participation would be limited to disabled veterans and disabled military personnel? If so, what would be a nominal timeline and milestones to hold the first of such an event at the international level?

Thank you for your prompt attention to this request.

Sincerely,

John Boozman
Ranking Member

cc: Steve Bull

U.S. Paralympics
Colorado Springs, CO
October 24, 2008

The Honorable John Boozman
Congressman, The Great State of Arkansas
335 Cannon House Office Building
Washington, DC 20515

Dear Congressmen Boozman, Thank you for your letter requesting information on how the USOC Paralympic Veterans Program is forming partnerships with other organizations and what our plans are to expand programs to international events with participation by international veterans.

The U.S. Olympic Committee has built it's Military and Veterans program on the philosophy of partnership. This allows the USOC to collaborate with existing programs and develop new programs in areas of need. This is the most cost efficient model that will have the most impact in reaching a larger number of Veterans at the community level.

Organizations that we currently collaborate with in terms of sharing expertise, equipment, and resources include:

- The Paralyzed Veterans of America;
- Disabled Sports USA and it's more than 89 chapters;
- The Lakeshore Foundation;

- The Department of Veteran Affairs and regional VA facilities;
- Warrior Transition Units;
- The Semper Fi Fund;
- The American Legion;
- BlazeSports Clubs; and
- The National Recreation and Parks Association and it's 6,000 rec organizations.

We also are forging new partnerships with USOC member organizations such as the YMCA and Boys and Girls Clubs.

Each relationship is different based on opportunity and need.

Currently, we are developing the 2009 program calendar which includes numerous events. A draft of the calendar is attached. As we speak, the USOC is hosting an event at our training center in Chula Vista that has participation from six soldiers from the United Kingdoms Battle Back program. This is the first program that has included international participation. We are looking to expand those opportunities in 2009.

I hope this answers your questions. Again we appreciate your leadership in supporting veterans. The USOC and our partners are projected to provide services for more than 3,900 injured military personnel and veterans in 2008 with a focus on ensuring physical activity opportunities are available at the community level.

Amazing Awaits,

Charlie Huebner
Chief of Paralympics
Secretary General, Paralympics

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