

**Testimony**

**Of**

**John K. Lopez, SDV, Chairman  
Association for Service Disabled Veterans**

**To**

**The Subcommittee on Economic Opportunity**

**of**

**The Committee on Veterans' Affairs**

**U.S. House of Representatives**

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**334 Cannon House Office Building**

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## **Executive Summary**

The intent of the provisions of H.R. 3082 is absolutely needed by the service disabled veterans (SDV) of the United States and their families.

The proposed amendment are also necessary, to clarify and more clearly focus on the complexity and practice of procurement awards by the U.S. Department of Veterans Affairs.

Each of the H.R. 3082 provisions and amendments address a real and specific experience or concern of SDV in pursuing and maintaining their rehabilitation practices.

This unique and most deserving of populations requires a complete and total commitment of our nations resources and the support of our U.S. Congress.

Good morning Mr. Chairman, Ranking Member and Members of the Committee.

Thank you for your attention and without objection, I shall submit a written statement for the record and summarize my testimony for the Committee.

Since the beginnings of our nation, the people of the United States of America have placed great confidence in that interpretation of the United States Constitution that permits our government to conscript or seduce our citizens to be killed, disabled and tortured in military service, for the security and prosperity of the total population.

Complicit in that application, has been the presumption that our nation, thru its government, would provide rehabilitation for our service disabled veteran (SDV) survivors of the resulting horror.

This has not been the case when SDV have attempted to maintain their rehabilitation as owners and operators of smaller businesses (SDVOB).

It has been nearly six (6) years since the U.S. Congress first provided support for the service disabled and prisoner of war veteran enterprise initiatives, by enacting P.L. 106-50 and P.L. 108-183.

The Administration followed that direction by invoking President Executive Order 13360, directing aggressive and immediate implementation of those laws and specifying actions to be taken.

Those activities took place in October 2004 and since that time frustration has continued and subsequently, **the legislated intent of the U.S. Congress has been variously interpreted by regulators; due to the necessity for inserting and parsing of the required language, statements and reference to existing regulations and laws.**

This bureaucratic abuse has had the effect of confusing and impeding the effort to increase the participation of the service disabled veteran (SDV) in government procurement and contracting opportunities.

The policy of the nation and the intent of the government has been ignored and the Congressional compact for our security has been violated.

Consequently, it is imperative that the Congress enact H.R. 3082 “The Veteran Owned Small Business Promotion Act” and amendments which clarify and reemphasize the intent of the U.S. Congress. The intent is a splendid example of the concern, focus and Congressional response to the veteran’s need for rehabilitation and transition assistance.

H.R. 3082 gives specific authority to the Department of Veterans Affairs (USDVA) to confirm the eligibility of service disabled veteran businesses and to accept direct responsibility for the provision of benefit to the veteran. Especially, the service disabled veteran. It puts the task to that agency specifically established, for the purpose of serving “those who have borne the battle”.

The amendments are necessary because the focus must be placed on those persons that actually make procurement awards, not on the readily manipulated regulations.

**H.R. 3082 also clarifies the misconception that Veterans Entrepreneurship, and the proposed act, are a socioeconomic development initiative or a cultural inequity panacea.**

H.R. 3082 is a specified contribution to that continuing obligation of our nation to **REHABILITATE** those veterans that sacrifice for our nations security and prosperity.

**THE SERVICE DISABLED VETERANS GOVERNMENT SERVICE INCURRED MISERY, IS UNIQUE!**

There is no justification for requiring that service disabled veteran indemnification and rehabilitation be adjusted to the conduct of any other socio-economic program. The neglect to support the rehabilitation of service disabled veteran businesses has also placed unnecessary stress on the family of the SDV.

The age old adage that; "BESIDE EVERY SUCCESSFUL MAN STANDS A WOMAN"; pales in significance when compared to the role of the wives', mothers', sisters' and daughters' who care for those service disabled and prisoner of war veterans (SDV) that are enhancing their **REHABILITATION** through the ownership and management of a smaller business (SDVE).

Besides, the enormous burden of caring for the SDV's life long disabilities, incurred in sacrifice for the well being of all the free world, these women are vested participants in the daily management of the SDV enterprise. Without their participation the SDVE is surely doomed to failure.

For too long, this extraordinary contribution has gone unrecognized and the unique investment of Vested Women (VW) uncompensated.

Present legal application states that the legal entitlement of the SDV business ceases when the SDV owner dies or is incapacitated, leaving the significantly invested VW with a practically totally devalued business. The actual VW role as a defacto partner and enabling force in the enterprise, is discarded.

This is an unacceptable disposition of the accomplishments of the SDV and the sacrifice of the VW. Disgracing the responsibility of the nation for the sacrifices of the veterans' families unique initiative. H.R. 3082 will alleviate this injustice and provide for SDV business succession.

In the words of one Vested Woman (VW); **"WOMEN HAVE STOOD BY TOO LONG WHILE OUR DISABLED VETERAN LOVED ONES HAVE TAKEN ABUSE AND DISRESPECT FOR THEIR SACRIFICE FOR THIS NATION EVEN WHILE THEY STRUGGLE WITH REHABILITATION.**

It is estimated that over 2,500,000 women are integral in the operation of SDVE and over 15,000,000 in all veteran owned business.

Future generations of American military heroes will be forever indebted to the Congress, and especially the 109th Congress, for their commitment to honor and support those killed, maimed, and tortured in the continuing struggle to provide security and prosperity for the people of the world.

Those Iraqi-Afghanistan veterans returning from harms way are experiencing a far different outreach from others who have served, and that is a tribute to the conscience of the Members of the U.S. Congress.

The 25 million military veterans of our nation thank the Chairman and Ranking Members of the Committee and Subcommittees, **the 500 thousand grandmothers, 12 million wives and 6 million granddaughters that are direct stakeholders and beneficiaries of veteran's entrepreneurial investment and the 30 million employees of veteran enterprises (SDVE)**, thank the U.S. Congress for the compassionate and responsible leadership that they have demonstrated in the development of veterans entrepreneurship.

However, H.R. 3082 only addresses the symptoms of the governments neglect of responsibility for our nations disabled veteran. To finally and accurately respond to that responsibility, the U.S. Congress is urged to amend the Small Business Act by added a new section: **“THE SERVICE DISABLED VETERAN COMPREHENSIVE ELIGIBILITY”** amendment as follows;

“The U.S. Congress hereby authorizes businesses owned and operated by veterans with service connected disabilities (SDVOB), adjudicated by the United States Department of Veterans Affairs (DVA), to enter into contracts with the United States Government and any department, agency, officer or government contractor, thereof having procurement powers obligating the entity to furnish articles, equipment, supplies, services, or materials to the Government or to perform construction work for the Government. In any case in which the procurement officers certify to any officer of the Government having procurement powers, that the SDVOB is competent and responsible to perform any specific

Government procurement contract to be let by any such officer, such officer shall be authorized and directed in his discretion to let such procurement contract to the SDVOB upon such terms and conditions as may be agreed upon between the SDVOB and the procurement officer. Whenever the procurement officers and the SDVOB disagree on the basis for not awarding a contract to the SDVOB, the resolution of the disagreement and the actual award of the contract shall be determined by the Secretary of the Department of Veterans Affairs.

Thank you for your attention, I would be pleased to answer any questions the Members may ask.