

**LEGISLATIVE HEARING ON H.R. 114, H.R. 3685,  
H.R. 4319, H.R. 4635, H.R. 4664, H.R. 4765,  
H.R. 5360, AND H.R. 5484**

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**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY  
OF THE  
COMMITTEE ON VETERANS' AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES  
ONE HUNDRED ELEVENTH CONGRESS  
SECOND SESSION

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JUNE 10, 2010  
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**Serial No. 111-84**

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**THURSDAY, JUNE 10, 2010**

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

The Subcommittee met, pursuant to notice, at 1:00 p.m., in Room 334, Cannon House Office Building, Hon. Stephanie Herseth Sandlin [Chairwoman of the Subcommittee] presiding.

Present: Representatives Herseth Sandlin, Adler, Kirkpatrick, Teague, and Boozman.

**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 attention to the fact that the Honorable Frank Kratovil and American Veterans (AMVETS) have asked to submit written testimony for the record. I ask unanimous consent that their statements be entered into the record.

Hearing no objection so ordered.

I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and that written statements be made part of the record. Hearing no objection, so ordered.

I am going to forego my opening statement and ask the Ranking Member to do as well.

We will go right to our first panel and recognize our colleagues in support of their bills being considered before our Subcommittee here today. So Mr. DeFazio, you are now recognized to speak on H.R. 4765.

[The prepared statement of Chairwoman. Herseth Sandlin appears on p. 24.]

**STATEMENTS OF HON. PETER A. DEFAZIO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON; HON. CLIFF STEARNS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA; AND HON. JEFF FORTENBERRY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEBRASKA**

**STATEMENT OF HON. PETER A. DEFAZIO**

Mr. DEFAZIO. Thank you, Madam Chair and Ranking Member Boozman, who I sat in another hearing with earlier today. I appreciate your consideration and the Subcommittee's consideration of H.R. 4765.

Very quickly, the history is for more than 30 years, Oregon Congressional offices have utilized U.S. Department of Veterans Affairs (VA) work-studies. I have had work studies for 23 years. A number of my VA work-studies have gone on to work at the Veterans Administration, at the Pentagon. A number of our county veteran service officers during their training and their work-study, they have helped thousands of veterans get benefits that they earned and deserve. Unfortunately, someone, somewhere in the bowels of the VA, decided that this was not an authorized program and has moved to terminate the eligibility of Congressional offices.

Senator Wyden and I and the entire Oregon delegation are respectfully requesting that we give explicit authorization, as part of your legislation on work-studies, to allow VA workspace to work in Congressional offices. It is incredibly valuable for the veterans themselves for getting the work-study experience. It often opens up career opportunities for them and it helps America's veterans get their benefits. So with that I would yield back the balance of my time.

[The prepared statement of Congressman DeFazio appears appears on p. 25.]

Ms. HERSETH SANDLIN. Thank you, Mr. DeFazio. It is a very important bill that we will consider further. We appreciate your testimony. The Ranking Member and I were ourselves many years ago—well, a few years back, both of us were work-study students ourselves. So we appreciate you bringing this to our attention.

Mr. BOOZMAN. Some fewer than others.

Ms. HERSETH SANDLIN. But you and Senator Wyden and others have benefited from these students in your Congressional district offices, and so we look forward to working with you to move the bill forward.

Mr. DEFAZIO. Thank you very much.

Ms. HERSETH SANDLIN. Mr. Stearns, welcome to our Subcommittee. Mr. Stearns is also a Member of our full Committee. I appreciate you being here, and you are recognized to speak to your legislation.

**STATEMENT OF THE HON. CLIFF STEARNS**

Mr. STEARNS. Thank you Madam Chair, and thank you Ranking Member Boozman. I ask unanimous consent that my opening statement or my statement be part of the record.

Ms. HERSETH SANDLIN. Hearing no objection, so ordered.

Mr. STEARNS. The bill we are talking about, H.R. 3685, would simply require the Department of Veterans Affairs to have a drop-down menu titled "Veterans Employment" on its home page. If you go to the home page of the Veterans Affairs, there is, in the lower right hand side, there is a category for Federal jobs, but it is not linked to private-sector jobs. You have to go up to the top of the page, and then you hit a pull-down menu, and within that pull-down menu is something called VetSuccess. Now, within VetSuccess you have to go through all kinds of—in fact, if you are a veteran looking for a job it is a daunting task. Even when you look for Federal jobs, it is difficult. But to get the private jobs you have to click on a veteran service drop-down menu and navigate 28 possible links. When you go to Monster.com, you can quickly put in a zip code and get all the jobs in your area. You can't do that. And they have separated the Federal jobs from the private jobs.

I think you could have one drop-down menu that would include all the jobs for veterans in the private and Federal Government all in one site and make it easier.

So I think my suggestion with this bill is that to make it easier, tell the Veterans Affairs that the word "VetSuccess" does not even imply private sector jobs. So in the long-term, you know, the veteran who is coming back and looking for a job is having a hard time finding it in the Federal Government, in the private sector, why not have it reconfigured so that everything is together and that it is easy for the veteran to determine what jobs in his areas are available.

Now, I finally went through and did it. I put in my zip code and I came up with 14 jobs but they were an hour and a half to 2 hours away. So there has to be some discernment here so the veteran can't look for a job that is 2 hours away. He is looking for that area. If you wanted it 2 hours away, you would put in a different zip code. So if there is nobody in that zip code and there is no job, it should say "zero" and not refer you to other zip codes that are 2 hours away.

So I am just asking that we take some of the private-sector Monster.com approach, which is easy. I went in there and found 237 jobs in my local town. So I think my bill should be carefully looked at and work with the Veterans Affairs so we can get it expedited for our veterans. Thank you Madam Chair.

[The prepared statement of Congressman Stearns appears on p. 27.]

Ms. HERSETH SANDLIN. Thank you Mr. Stearns.

Mr. Fortenberry, you are now recognized to speak on your bill, H.R. 114.

#### **STATEMENT OF HON. JEFF FORTENBERRY**

Mr. FORTENBERRY. Thank you, Madam Chair and Ranking Member Boozman, Members of the Subcommittee, for allowing me to testify today on the "Veterans Entrepreneurial Transition Business Benefit Act of 2009."

I do want to begin by commending the Subcommittee on its work to provide economic opportunities for our Nation's finest, particularly after their service. Encouraging entrepreneurship among our veterans should be, I believe, a high legislative priority. While the

GI Bill, and especially the Post-9/11 GI Bill, provide outstanding educational opportunities to veterans, not all veterans undertake a path of higher education after their military service. According to the Department of Veterans Affairs those eligible for the Post-9/11 GI Bill, 41 percent have not used any of their benefits. Those eligible for the Montgomery GI Bill, about 30 percent have not used any of those benefits. And even larger numbers of veterans, Madam Chair, have used some benefits but have not completed a degree.

Many of my own constituents have informed me that they would like to see greater entrepreneurial opportunities available to them as a way of augmenting traditional educational opportunities after their service.

In addition, as you know from recent hearings, unemployment figures for our Nation's newest veterans are very troubling, with 21.6 percent of 18- to 24-year-old male veterans from the Post-9/11 era unemployed in 2009. Nearly 22 percent of that age group unemployed.

Many of our veterans do possess the drive and skills to become successful entrepreneurs but simply lack adequate capital to get there. They have learned important marketable skills during their time in service and often want to use that acquired expertise as a springboard to small business ownership.

And so to address these issues, I introduced H.R. 114, the "Veterans Entrepreneurial Transition Business Benefit Act," to permit veterans eligible for assistance under the Montgomery GI Bill to elect to use those benefits to establish and operate a business that they own as a primary source of income. Allowing veterans to use their educational benefits as capital to start a business, combined with the exceptional counseling and training programs for veterans in small business that already exist within the Department of Veterans Affairs and the Small Business Administration would, I believe, propel many veterans to economic independence.

My bill is deliberately brief in order to allow the Secretary operational flexibility in implementing and managing this program. I believe it is another step toward increasing the diversity of opportunities for veterans to use their earned benefits while strengthening the small business economy, creating jobs, as well as encouraging innovation. And I would appreciate your consideration.

[The prepared statement of Congressman Fortenberry appears on p. 27.]

Ms. HERSETH SANDLIN. Thank you, Mr. Fortenberry. We appreciate your testimony.

Our second and third panels are all going to be providing their perspectives on the various bills pending today. We look forward to working with you and appreciate the work that you have done, the bill that you have introduced, and we will work closely with you moving forward. Thank you.

We now have a pending series of votes, nine votes, so it will take us some time to return. I will consult with the Ranking Member to determine if there is a chance we may come back during the motion to recommit if we feel we can get through some additional testimony and matters before the Subcommittee today. Otherwise, it may take a bit of time for us to return. We apologize, but we will see you as soon as we can. The hearing is now recessed.



[Recess.]

Mr. TEAGUE [presiding]. Can we now invite Panel 2 to the witness panel. Joining us on our second panel of witnesses is Mr. Richard Daley, Associate Legislation Director to the Paralyzed Veterans of America (PVA); Ms. Catherine A. Trombley, Assistant Director of the National Economic Commission for the American Legion; Mr. Eric Hilleman, Director of the National Legislative Service for the Veterans of Foreign Wars of the United States (VFW); Dr. Thomas Zampieri, Director of Government Relations for the Blinded Veterans of America (BVA); and Dr. Michael Duenas, Associate Director for Health, Science and Policy at the American Optometric Association (AOA).

In the interest of time and courtesy to all the panelists here today, we ask that you limit your testimony to 5 minutes focusing on your comments and recommendations. Your entire written statement has been entered into the Committee record. Welcome to the Subcommittee.

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

**STATEMENTS OF RICHARD DALEY, ASSOCIATE LEGISLATION DIRECTOR, PARALYZED VETERANS OF AMERICA; CATHERINE A. TROMBLEY, ASSISTANT DIRECTOR, NATIONAL ECONOMIC COMMISSION, AMERICAN LEGION; ERIC A. HILLEMANN, DIRECTOR, NATIONAL LEGISLATIVE SERVICE, VETERANS OF FOREIGN WARS OF THE UNITED STATES; THOMAS ZAMPIERI, PH.D., DIRECTOR OF GOVERNMENT RELATIONS, BLINDED VETERANS ASSOCIATION; AND MICHAEL R. DUENAS, O.D., ASSOCIATE DIRECTOR, HEALTH SCIENCES AND POLICY, AMERICAN OPTOMETRIC ASSOCIATION**

**STATEMENT OF RICHARD DALEY**

Mr. DALEY. Thank you, Chairman Teague, Ranking Member Boozman, Members of the Subcommittee. PVA is honored to participate in the hearing today to share our views on this proposed legislation. I have submitted our written testimony for the record and in the interest of time will review only a few of the bills. But let me say that as I did review the bills, that they are all good, positive things and they are designed to help the veterans, and I am sure they will be—those that did pass will be appreciated by the veterans of your State and the veterans throughout the country.

Legislation such as H.R. 114, the “Veterans Entrepreneurial Transition Business Benefits Act,” will be very important to some veterans. This will allow the benefits earned under the new GI Bill to be used to help establish and operate a business that the veteran will operate as their primary source of income. Every veteran does not want to attend college for 4 years, and for those few that have the desire, ambition and other funding available, this will help them achieve their dream; that is, the dream of owning a business. PVA supports this legislation.

The bill, H.R. 3685, would combine various existing veterans employment Web sites that are currently available into one Web site. These employment sites would be placed under one location on the VA’s main page. What a great idea. Why didn’t we do this several

years ago? It will certainly help make it easier for veterans as they search for employment.

H.R. 4319 is the "Specially Adapted Housing Assistance Enhancement Act of 2009," another great idea. It was the 109th Congress that passed the legislation to create the temporary resident assistance adaptation grant to better accommodate seriously injured veterans during the rehabilitation or transition back to the civilian world. After several years, very few veterans applied for the grant. The U.S. Government Accountability Office report told us why. That is because the money for the grant is subtracted from the original grant totals that the veterans would some day need for their permanent housing. That total amount for the specially adapted housing grant of \$63,700 is inadequate to make any modifications or to build a totally accessible home today anyway, and to subtract from that total doesn't benefit the veteran at all for a house that he is only going to live in for maybe 6 months or a year.

So H.R. 4319 fixes that problem, but H.R. 4319 is a 1-year pilot. PVA has concerns that it only fixes the problem until September 30th of 2012. PVA believes this should be a permanent grant, not a pilot.

The "Blinded Veterans Adaptation Housing Improvement Act of 2010," PVA supports H.R. 5360 since it would be difficult to contradict the years of knowledge of my colleague, Mr. Tom Zampieri of the Blinded Veterans Association. I understand that he also has received advice from Dr. John Boozman, who is also an expert in this field.

As we approach the end of the session of 111th Congress, we hope that many of these issues discussed today, along with past issues, will become part of public law. We are thankful that this Subcommittee, along with its Members, have worked so hard to ensure that veterans of the current conflict, as well as veterans from conflicts of the past, will receive the support that they deserve.

Chairman Teague, that concludes my testimony. I will be available for questions.

[The prepared statement of Mr. Daley appears on p. 28.]

Mr. TEAGUE. Thank you very much.

Ms. Trombley, you are recognized to speak for 5 minutes.

#### **STATEMENT OF CATHERINE A. TROMBLEY**

Ms. TROMBLEY. Mr. Chairman, Ranking Member and distinguished Members of the Subcommittee, thank you for the opportunity to present the American Legion's views on several pieces of legislation being considered today.

H.R. 3685 requires the Department of Veterans Affairs to put a link to VetSuccess.com on its Web site, as well as a drop-down menu of job sites that encourage hiring veterans. The bill also calls for funds for national advertising of VetSuccess. VetSuccess is a comprehensive Web site that is designed to allow veterans to find information they need to be successful after service. The site has links to VANE and other job sites to include the Department of Labor (DOL), America's Job Banks, USA Jobs, and Monster.com. The VA already has VetSuccess on its Web site, but once a veteran clicks on VetSuccess, there is a jobs menu to include the other job sites. Unfortunately, to get to those other job sites the veteran

must first know what VetSuccess is. If the veteran is unaware what VetSuccess is, he or she will never get to the jobs menu from the main page.

However, to regulate how the VA designs its Web site could essentially bind the VA's Web designers to a drop-down menu even as technology and design elements evolve. For this reason the American Legion does not support this part of the legislation. However, we do fully support funding for outreach through national advertising of VetSuccess. The American Legion believes this Web site is a great resource for veterans, but veterans have to know what it is and where to find it in order to take full advantage of all it offers. Therefore, the American Legion does support the part of the legislation that designates funds for national advertising.

The American Legion supports measures that encourage employers to hire veterans. We know veterans make great employees because the discipline learned in military service transfers to the civilian workforce. Veterans typically show up to work on time. They not only understand what it is to be a good leader but how to be a good follower. They are mission-focused, used to being challenged, and have a strong work ethic and valuable training.

Despite all this, Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF) veterans between the ages of 18 and 24 have a jobless rate of 21.1 percent in 2009. Numerous national publications have reported veterans have a difficult time finding jobs due to physical and mental disabilities, multiple deployments and problems translating military skills into the civilian workforce language.

The Veteran Friendly Business Act mandates VA to establish an awards program for companies that hire veterans and keep them gainfully employed. We fully support this proposed legislation as it will encourage companies to hire veterans and acknowledge those that already do so.

H.R. 4765 seeks to amend title 38 U.S.C. to authorize veterans enrolled in VA educational programs, and thus eligible for work-study, to receive work-study allowances for outreach services in Congressional district offices. These services include distributing information to members of the Armed Forces, veterans and their dependents, about the benefits and services administered by the VA. Work-study veterans will also prepare and process papers and other documents, including documents to assist in the presentation of claims for benefits.

The American Legion believes serving in a Congressional district office would be a beneficial experience for any veteran. However, we have concerns about the type of work proposed. It is true veterans are comfortable talking to other veterans as we all share a common bond. But in order to give any proper claims assistance or advice on benefits, a person should be accredited by the VA. We believe a work-study veteran who processes materials for claims could be mistaken as a subject matter expert by another veteran. This could put both veterans at risk. The work-study veteran who gave advice could be held liable for presenting himself as a subject matter expert, and the veteran seeking assistance could jeopardize his or her claim. Therefore, the American Legion's request of this legislation includes strict guidelines to ensure work-study veterans

do not give benefits advice to veterans seeking help with their VA claims.

The American Legion appreciates the opportunity to comment on the bills being considered today by the Subcommittee, and I would be happy to answer any questions. Thank you.

[The prepared statement of Ms. Trombley appears on p. 30.]

Mr. TEAGUE. Thank you.

Mr. Hilleman, your testimony is now recognized for 5 minutes.

#### STATEMENT OF ERIC A. HILLEMAN

Mr. HILLEMAN. Thank you Congressman Teague, Ranking Member Boozman. On behalf of the 2.1 million members of the Veterans of Foreign Wars and our auxiliaries, the VFW would like to thank you today for the opportunity to present our views on today's pending legislation. Given the number of bills pending before this Subcommittee today, I will limit my remarks to three.

H.R. 114, the "Veterans Entrepreneurial Transition Business Benefit Act." This legislation seeks to allow veterans to utilize chapter 30 Montgomery GI Bill benefits for business startup, expenses and/or operations as determined by the Secretary of Veterans Affairs. The VFW opposes this legislation. The intent of the GI Bill is to provide training and education. The GI Bill is a unique program where veterans may attend business school, or take a class to strengthen their business aspirations, yet the sole purpose of the GI Bill is to provide education, training and the skills to help veterans succeed, not provide startup money for a business.

The Small Business Administration has programs, which address the specific needs of business startups. The SBA provides opportunities for loan guarantees and business development to help veterans start and grow their own business. Any veteran wishing to venture into entrepreneurship should be referred to these organizations and opportunities, not the VA. The VFW strongly supports improving SBA services for veterans whenever possible. This proposed shift may result in duplicative efforts between VA and SBA. We oppose shifting the purpose of the GI Bill and charging VA with managing business programs, which it has not historically managed.

H.R. 4765, we support this legislation which would allow individuals who are pursuing programs of rehabilitation, education and training with VA to pursue work-study in Congressional offices. The VFW believes the experience gained through work-study exposes a veteran to potential career tracks and helps them get a jump start on their career. As the Subcommittee is well aware, other such work-study programs for veterans are fast approaching a sunset date of June 30th of 2010. Areas impacted will be outreach domiciliary care and cemeteries, to name a few. Currently this work-study extension is tied up in a benefits bill, H.R. 1037, that has yet to be completed from last year. The VFW would like to stress the importance of work-study programs and the offices that rely on these talented veterans for their ambition, their drive, and their hard work. We can attest to the education and professional development that these young people receive, as we have had interns in similar situations in our own office.

We look toward to continue to work with both the House and the Senate Veterans' Affairs Committee to advance the benefits legislation and ensure that veterans continue to have the opportunities to develop professionally while pursuing an education.

Finally, H.R. 5484, the "Veterans-Friendly Business Act of 2010." The VFW strongly supports this legislation. This legislation, under the direction of the Secretary of Veterans Affairs, establishes an annual reward program for businesses that dramatically contribute to veterans employment. This bill will help raise awareness and stress the value of veterans in the workplace.

The VFW applauds businesses who lead in this field. They deserve their due recognition for setting an example to all employers. The VFW encourages Congress to consider adding accolades from the Secretary of Labor to this award. In adding DOL, the government has the opportunity to elevate veterans employment among the two agencies that are charged with addressing this issue. We feel employers would be further rewarded by the due recognition from both Secretaries.

Thank you, Madam Chairwoman. This concludes my testimony. And I would be happy to answer any questions that you or this Subcommittee may have.

[The prepared statement of Mr. Hilleman appears on p. 33.]

Ms. HERSETH SANDLIN [presiding]. Thank you, Mr. Hilleman.

Dr. Zampieri, you are now recognized.

#### **STATEMENT OF THOMAS ZAMPIERI, PH.D.**

Mr. ZAMPIERI. On behalf of the Blinded Veterans Association, we appreciate the invitation today to address the bills that are before the Subcommittee. In order to save time, I won't go through all the various bills. I wanted to restrict comments to thanking you and Ranking Member Boozman for introducing H.R. 5360, the "Blind Veterans Adaptive Housing Improvement Act." This came out of the hearing that we had last fall on different changes that could possibly be made in regards to the Adaptive Housing Grant Program.

We had had problems with the restrictive language that was currently in place of 5200 being used as the definition for being eligible for this grant. The standards for blindness is 2200, or 20 degrees or less of peripheral field loss, and we would ask that this be changed for several reasons. One is that a lot of individuals who are at the accepted standard of 2200 are legally blind and they need to be able to access the adaptive housing grant in order to make changes so that they can live independently in their own homes. And this would also be consistent with what Public Law 110-157, which was H.R. 797, which passed back in December 2007, which corrected another problem in VBA where they were using a 5200 standard in order to—for a paired organ. I would point out that it was sort of interesting that when that originally came up, there was a lot of concern that we were going to be opening up the system for—one estimate was like 45,000 veterans. And since that change the actual number of veterans that have applied under the paired organ thing, using the 2200 standard, is less than 500.

So it is difficult when you get into these things, I think sometimes, to determine exactly the numbers that may fall out; because when you are talking about clinical standards versus the service-connected numbers of veterans who are all service-connected for vision problems, you may be led down the path of thinking that this is a lot more veterans than what our experience has been. So we appreciate that you have introduced this.

As I have testified before, there are tremendous numbers of OIF and OEF servicemembers coming back with a variety of traumatic brain injuries (TBIs), with vision problems and impairments, and they are falling into this problem of not meeting this criteria in order to be able to have the grants.

So I appreciate being able to testify today and will be happy to answer any questions and refer to my testimony about the other bills that are pending today. Thank you very much.

[The prepared statement of Dr. Zampieri appears on p. 35.]

Ms. HERSETH SANDLIN. Thank you, Doctor.

Dr. Duenas, am I pronouncing that correctly?

Dr. DUENAS. Yes you did.

Ms. HERSETH SANDLIN. Thank you.

#### **STATEMENT OF MICHAEL R. DUENAS, O.D.**

Dr. DUENAS. I am a licensed doctor of optometry in the States of Florida, Georgia, and Connecticut, and I have served patients in north Florida and southern Georgia for more than 23 years. I currently serve as Associate Director of Health Sciences and Policy for the American Optometric Association. I most recently served at the U.S. Centers for Disease Control and Prevention and have been a key player in the blind community and low-vision rehabilitation sector, serving as Director at Lighthouse International.

The AOA appreciates this opportunity to testify today. We commend you, Madam Chairwoman and Ranking Member Boozman, our esteemed optometric colleague, and Members of the Subcommittee for the leadership and vision that you have demonstrated through your continuing work to make certain that America fulfills her promise to all veterans, including ensuring full and complete access to vision and eye health care services they both need and deserve.

The AOA, with more than 36,000 members in over 6,500 communities nationwide, shares your commitment to serving America's veterans, including those blinded and vision disabled. In fact, many years ago the AOA proudly supported the creation of the Veterans Health Administration Optometry Service, and during the more than a quarter of a century since its inception, the Optometry Service has evolved into providing a majority of primary eye care and low-vision rehabilitation services to our Nation's veterans.

Today we proudly offer our support for H.R. 5360. This act is much needed in the Specially Adaptive Housing Program. We believe that it is an important program that provides a vital link for our disabled veterans and helps them gain a sense of normalcy as they adjust to civilian life and a new disability.

The AOA shares the Committee's concern that the currently used visual acuity standard is in need of refinement. And today I would like to make three points regarding those refinements.

First, as you know, the current law excludes coverage for many disabled veterans who are legally blind, because it sets the threshold four times higher than the legal definition of blindness. H.R. 5360 will fix this lasting problem and will ultimately help our wounded warriors. The AOA, as such, supports the proposed modified standard visual acuity eligibility to include visual acuity of 2200 as opposed to a four-times worse requirement of 5200.

Secondly, through the VA Optometry Service hundreds of highly trained doctors of optometry provide a critical array of high-quality care, prevention, treatment and rehabilitation. So as not to deny benefits for blind and disabled veterans that use assisted medical technologies, the AOA believes that the qualifying statement of “best corrected” needs further refinement. Without an additional modification, the act could exclude legally blinded veterans using special medical-prescribed low-vision devices such as mounted telescopes, reverse telescopes and other special medical equipment. These devices are not considered standard glasses and are not standard correcting lenses.

Third, the AOA believes that the current definition of blindness contained in H.R. 5360 may not fully relate field loss to the equivalency of visual acuity loss in each eye. This determination of functional equivalency is important, and as such, the AOA recommends that the language defining legal blindness should be consistent with the commonly used and recognized definition of legal blindness, which is referenced in our written statement. Therefore, the AOA recommends that the final language of the Veterans Adapted Housing Improvement Act of 2010 read as proposed in our statement submitted for the record today.

And in conclusion, the AOA truly appreciates this opportunity to testify today. We are thankful for the hard work of your Subcommittee, and as doctors of optometry around the country we remain committed to serving America’s wounded warriors. We look forward to translating the benefits of this Act into even more—to more deserving veterans.

We look forward to working with this Subcommittee to advance H.R. 5360, as well as on other veterans issues in the future. Together we can work to make certain that America fulfills her promise to all veterans, including ensuring full and complete access to vision and eye health care services they both need and deserve. Thank you.

[The prepared statement of Mr. Duenas appears on p. 36.]

Ms. HERSETH SANDLIN. Thank you.

Dr. Zampieri, if we could start with you. Could you just explain in layman’s terms the difference between the 5200 standard and the 2200 standard?

Mr. ZAMPIERI. Yes. The 5200 is what a blind individual at 5 feet would be able to see versus a normal vision person would be able to see the same thing at 200 feet. And the 2200 is the accepted standard for legal blindness. And so at 20 feet a blind individual, for example, would be able to see something on the eye chart that, again, as somebody with normal vision at 200 feet would be able to see. And so all 50 States define legal blindness as 2200 and Social Security and, ironically, VBA’s 2200 for determination of 100 percent service-connected for blindness.

And so this would hopefully answer your question, but it would make it all standardized.

Ms. HERSETH SANDLIN. So you are not aware of anywhere else—so you have just indicated that even with other VA programs they are using the 2200 standard for purposes of calculating disability, service-connected disability?

Mr. ZAMPIERI. Correct.

Ms. HERSETH SANDLIN. But as far as you are aware, the only place where the 5200 standard is still being used within government, within the industry, within the profession, is within the Specially Adaptive Housing program?

Mr. ZAMPIERI. Right. In fact, ironically, when H.R. 797 was being worked on, I stumbled into the Senate version of that bill 4 years ago, actually, and tried to correct this 5200 in the adaptive housing. I am not sure how it got left out, but anyway. I think somebody on that side had realized that there was this other area, and I wish it had been fixed all at once. But this is the only place I know of in VA's regulations where 5200 is being applied.

Ms. HERSETH SANDLIN. And then, Dr. Duenas, you had suggested different language. Can you just explain again the difference that you see in the language or the potential difference in interpretation between your suggested language versus language already in the bill?

Dr. DUENAS. Absolutely. The language in the bill sets the standard at 2200 best corrected, which we believe is correct. The only thing with that is we have to realize that in some cases, through vision rehab, patients use telebinoculars, they use assisted devices for enhancing their vision for certain tasks. And sometimes there is a barrier set up to low-vision care because a patient may come in and say, "I am afraid. Right now I am 2200 and if I use the device you may improve me to 2070, let's say, in order to do a specific task. Would that disqualify me from the benefits that I am entitled to?" And under the current definition that is used here which is "best corrected," it would disqualify them because you would say they are best corrected to better than 2200.

So for vision rehab what we need to do is say that it is with standard correction, best corrected with standard correction. And then that way it will not set up a barrier to care for vision rehabilitation.

The other point is simply that the definition, the way it is designed in other statutes, including U.S. Code title 42 for disability, mentions that the visual field of 20 degrees or less, it takes that and equates that to a quality of 2200 or less acuity. So it is making an assessment of the quality of vision loss. And that quality determination is important because it sets the stage for other things when we start to look at quality-of-life issues and other issues. So I think that that other language that is used elsewhere is a little bit better in terms of its association to the field loss and visual acuity loss.

Ms. HERSETH SANDLIN. I will have a question or two for other witnesses on the panel, but I want to recognize Dr. Boozman for his questions.



Mr. BOOZMAN. Thank you, Madam Chair. Again, thank all of you for being here, and as always contributing so much as you help us sort these bills out.

I am particularly interested in the sense that my vocation is an optometrist. And I really do feel like, in fact I thank Chairwoman Herseth Sandlin for bringing this to our attention and getting it sorted out in the sense that I guess this is truly one of the few remaining areas where we have language like this that is so different than the standard method of doing things.

And as Dr. Zampieri alluded to, I think that probably changing it is not going to affect that many patients, because when you get in that gray zone where it is less than 2200, nobody has the equipment, the charts, probably, to even know. So you give people the benefit of the doubt and go ahead and certify it in that way. So I think it is something that we need to do.

And then I think that you make some really good points as far as the language. So I am sure we will be looking at that, envisioning as to how we need to clean that up. Again, thank you all for being here. And like I said, we will go from there.

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

A question for Mr. Daley, Ms. Trombley or Mr. Hilleman on Mr. Fortenberry's bill, H.R. 114. Just give me your general thoughts. I mean, are your organizations in agreement with the objective? Do you believe small business benefits should be included under the umbrella of education benefits? Any concerns or not about the appropriateness of having under chapter 30 business development benefits? I would just like to hear more of your thoughts, your organizations' thoughts on Mr. Fortenberry's bill.

Mr. DALEY. Well, if you are starting a small business or you want to do that, I said in the testimony that is only one piece of the puzzle. I mean you have to have the knowledge, you have to have the desire, and you have to want to work 7 days a week.

But if you have all that stuff, money is the hardest thing to come by. And although there is a Small Business Administration and some other programs, it is still difficult to borrow money. This will give that person that may have spent 10 years in the service, he feels like he earned that same amount of benefit that is in the GI Bill, but he doesn't want to go to college. Or maybe he has already gone to college on the side while he is in the service, and now he wants to start that business and doesn't have money.

So, you know, I am just thinking that it is just we hear so much about the lack of opportunity out there for the veterans and how difficult it is for the new veterans, and maybe this is just one more door that we can open. I mean it is not going to encourage somebody to go out and get into a business that they don't belong, just because they are going to get a few thousand dollars from the VA under the GI Bill. So I just think it is a way to help a veteran basically.

Ms. TROMBLEY. We agree. Not every veteran is destined for college. And when you start a small business it can often take many months before you even turn a profit. So adding an extra income to veterans, who oftentimes have family and have to sustain the family, is a good thing.

[The following was subsequently received from the American Legion:]

After further review, the American Legion does not have a position on this bill at this time.

Mr. HILLEMAN. Thank you for the question, Madam Chairwoman. I agree with my colleagues to my right. The issue of not every veteran being destined for college is true. But under the GI Bill, there are other programs for training and education. The VFW is opposing this legislation on the grounds that if a veteran seeks to start a small business, there are programs that exist under the Small Business Administration to help them do that, to help them formulate a business plan, to help them think intelligently about the risk they are about to assume. Asking VA to take on these efforts would be possibly duplicative.

The other concern and the primary concern that we have is that with the GI Bill, its intent is to educate and to train; it is not to be used for operating expenses for a business, for startup costs for a business or to pay business-related bills. We feel that if it is used in that manner, what is to stop it to be used for a whole host of other things that are not related to education or training.

We have no objection to an individual seeking business classes on the GI Bill or getting additional training in the community based on the GI Bill to help them grow their business. But to use it as direct access to capital, we feel that departs dramatically from the original intent of what the GI Bill was created for. Thank you.

Ms. HERSETH SANDLIN. Thank you, all of you, for your perspectives on that bill.

Let me ask just one final question to Ms. Trombley. Do you believe that forcing lenders to agree to mediation will have fewer lenders participate in the VA loan program?

Ms. TROMBLEY. I am sorry, could you repeat the question, Madam Chairwoman?

Ms. HERSETH SANDLIN. Do you believe that forcing lenders to agree to mediation will have fewer lenders participate in the VA loan program?

Ms. TROMBLEY. I don't. I think that, if anything, it is going to be an alternative mean. It is one more protection for a veteran to participate in the VA loan program. The VA already has programs set up so that if a veteran falls into financial trouble there are steps. This would just add another step to the process.

Ms. HERSETH SANDLIN. Any other thoughts on that question by either Mr. Daley or Mr. Hilleman? No? Okay.

Mr. BOOZMAN, do you have any other final questions?

Mr. BOOZMAN. I guess the only thing I would like to ask now, the language that you would like to be changed. So you would like to say instead of "best corrected," something to the effect of with a standard lens, correcting lens?

Dr. DUENAS. Right. We put the final in our written comment.

Mr. BOOZMAN. In the better eye with the use of a standard correcting lens.

Dr. DUENAS. Right.

Mr. BOOZMAN. Now, is that the language that is in most of these things? Does that really become a problem with low vision? I mean, I understand what you are saying.

Dr. DUENAS. It would set a new precedent by adding this additional qualifier, but it fixes a problem that is an ongoing problem. So, yes, again it would make it slightly different by one word. But again—

Mr. BOOZMAN. But it wouldn't really change it?

Dr. DUENAS. Not really.

Mr. BOOZMAN. You agree with that, Dr. Zampieri, don't you?

Mr. ZAMPIERI. Absolutely. You know, it is funny; as much as we have been involved with this, I think it is important, because I have had veterans who get some corrective devices and then suddenly they are told, well, you are all better. And I have some TBI patients from OIF who are functionally blind but in the exam room, you know, when you give them a corrective lens, all of a sudden they are not. And somebody is going to say, oh, okay, you know, you are not blind, you know, because your vision is corrected, you know, that way. Whereas that standard lens wouldn't be something that the individual would use out on the street for navigation and for mobility.

And so actually I appreciate that AOA made that recommendation, because I would predict that that creates, it is probably a small loophole, but it would certainly be one that somebody is going to get caught in. So I would recommend that one change.

Mr. BOOZMAN. I think where we saw it in reverse was that people would maybe use a small telescope and then try and qualify for their driver's license based on the ability to use the telescope versus the regular glasses, which isn't quite the same, you know, driving behind binoculars.

Dr. DUENAS. You are absolutely right.

Mr. BOOZMAN. And you made a change to the field language. How does that affect?

Dr. DUENAS. The field language just makes it a little bit more standard from other U.S. Code. I think the other U.S. Code that we quoted from there in the final language that we are proposing, I think it is better, again, because it sets a qualifier that the acuity of 20 degrees—I mean the visual field of 20 degrees or less is the same as a central acuity loss of 2200 or less. So it sets an equivalency standard for the two.

Rather than saying you are blind because of either A or B, what the other definition says is you are blind because of A, but B qualifies you as A. And it is a little bit different in its statement. And the difference comes when we start to look at things like, again, quality of life, a lot of different other ways in which we may eventually try to calculate cost and savings. So I think it is important to have it that way.

Mr. BOOZMAN. Dr. Zampieri, do you have a thought regarding the change in the field language?

Mr. ZAMPIERI. I agree. That is also a difficult area because you know it is hard for individuals to understand how peripheral field loss affects an individual. And there are even problems in the testing for that, because it is one of the things that is most commonly missed, especially with the traumatic brain injured patients.

I just talked to a young female OIF veteran 2 days ago, that that was the one thing that was missed out in California was the field loss. And it wasn't maybe as evident for that individual until she

got home and was having difficulty at work and doing other things that she found this low-vision optometrist who picked up on the level of the degree of field loss. And so, anyway, thank you.

Mr. BOOZMAN. Again, thank all of you very very much.

Ms. HERSETH SANDLIN. Thank you to all of our witnesses. We value your perspectives and insight into these bills that our colleagues and some of us on the Committee have introduced, and we look forward to continue to get your insight and input as we move forward. So thank you for your recommendations.

I would now invite the third panel to the witness table. Joining us on our third panel is Mr. Thomas Pamperin, Associate Deputy Under Secretary for Policy and Program Management at the Veterans Benefits Administration of the Department of Veterans Affairs. And Mr. Pamperin, Secretary Pamperin, is accompanied by Deputy Assistant General Counsel for U.S. Department of Veterans Affairs, John Brizzi, and Office of the General Counsel, Joseph Simpson.

We thank you all for being here. And I would now recognize Mr. Pamperin for his statement to the Subcommittee.

**STATEMENT OF THOMAS J. PAMPERIN, ASSOCIATE DEPUTY UNDER SECRETARY FOR POLICY AND PROGRAM MANAGEMENT, VETERANS BENEFITS ADMINISTRATION, U.S. DEPARTMENT OF VETERANS AFFAIRS; ACCOMPANIED BY JOHN BRIZZI, DEPUTY ASSISTANT GENERAL COUNSEL, OFFICE OF GENERAL COUNSEL, U.S. DEPARTMENT OF VETERANS AFFAIRS; AND JOSEPH E. SIMPSON, ATTORNEY, OFFICE OF GENERAL COUNSEL, U.S. DEPARTMENT OF VETERANS AFFAIRS**

Mr. PAMPERIN. Good afternoon, Madam Chairman, Ranking Member Boozman and other Members of the Subcommittee. I am pleased to be here to provide the Department of Veterans Affairs views on the pending legislation.

VA supports four of the bills on today's agenda. The first, Madam Chairman, is your bill H.R. 5360, the "Blinded Veterans Housing Improvement Act." The bill would expand special adapted housing for the visually impaired. Provided Congress identifies appropriate and acceptable offsetting PAYGO cost savings, VA supports this legislation. We estimate the enactment of H.R. 5360 will result in benefit costs of \$19.1 million over 10 years.

VA also supports H.R. 4765, which would authorize individuals pursuing programs of rehabilitation, education and training under chapters 30, 31, 32, 33 of title 38 and chapters 1606 and 1607 of title 10 to receive work-study allowances for certain activities conducted at the offices of Members of Congress.

VA has no objection to the enactment of H.R. 4765 subject to the identification of the appropriate and acceptable PAYGO offsets for any resulting additional cost. However, we believe some probably unintended drafting language in the last paragraph of the legislation would subject veterans in the program to certification and testing requirements found at 38 U.S.C., chapter 59. We would be happy to work with you to avoid this unintended consequence. VA estimates H.R. 4765 would result in benefit costs of \$7.3 million over 10 years.

H.R. 3685 would impose certain requirements on VA's main Internet Web site page to include a hyperlink with a drop-down menu and direct access to VetSuccess Internet, USA Jobs, Internet Web site Job Central and other employment Web sites that focus on jobs for veterans. It would also require the Secretary to provide the awareness of VetSuccess Internet Web site by advertising in national media and to inform OIF/OEF of that success.

Although VA is already substantially in compliance with the Web site requirement, we have heard the concerns about the fact that they are not integrated, and we will take that back and see what we can do.

Additionally, VA Vocational Rehabilitation and Employment (VR&E) Service currently conducts outreach to OIF/OEF veterans through their Coming Home to Work Initiative and through other avenues such as disabled transition assistance program presentations. We estimate that a one-time cost associated with advertising to be approximately \$900,000 during the 1st year. No additional costs are related to the conduct of outreach because this is currently being done by VR&E. No additional costs are associated with including the hyperlinks on the VA main Web page.

H.R. 5484, the "Veteran Family Business Act of 2010," would require the Secretary to establish an award program to recognize businesses for their contributions to veterans employment. VA supports this bill, and we do not believe that enactment would result in any significant cost.

VA does not support three of the bills on today's agenda, as currently written. We would be pleased to work with the Subcommittee staff to resolve our concerns.

The first of these three bills is H.R. 4319, the "Specially Adapted Housing Assistance Act." This bill would adjust the aggregate amount of special adaptive housing available to individuals residing temporarily with family members through fiscal year 2011. It would also add a new section to chapter 21 of the title 38 to define the term "loss of use."

VA cannot support the bill as drafted. For purposes of the chapter, loss of use would mean any loss of use for which the individual is entitled to receive compensation under chapter 11 of title 38.

Currently under 38 U.S.C. 2101, an individual may only receive special adapted housing if his or her injuries were permanent and totally service connected, and if they meet specific rating criteria. Because the provision in section 3 would not change those requirements, it is not clear how VA would apply the new definition of loss of use or whom it would benefit. Clearly, if the provision was enacted as written, it is likely to result in judicial interpretation. An example illustrating the point is included in my full statement. Without a clear understanding of the intent of section 3 of the bill, VA is unable to estimate the cost of enacting the proposal. Upon clarification VA will provide cost estimates for the record.

H.R. 4635, the "Foreclosure Mandatory Mediation Act," would require qualifying mortgagees, including lenders who hold Federally guaranteed or Federally insured loans, to consent to mandatory mediation before proceeding with foreclosure. The qualifying mortgagee would have to conduct, consistent with local applicable State requirements, a one-time mediation.

Although we agree that the communication between mortgagers and the veteran is a good thing should the veteran get financial difficulties, and although we recognize that the provisions similar to this have been and continue to be adopted by local jurisdictions, several provisions of the bill are unclear: What it means for a mortgagee to conduct a mediation; what expenses a qualified mortgagee could pay in connection with the mediation; the intent of the requirement for mediation when local jurisdictions don't require such mediations; whether the requirement to mediate is based upon the status of the qualified mortgagee or is based on the type of loan the lenders intended to foreclose. Without a clear understanding of the intent of these bills, we are unable to estimate the cost.

H.R. 114, the entrepreneurial transition benefit, would authorize veterans who are eligible to receive financial aid under the Montgomery GI Bill to elect to use that benefit, with the approval of VA, to establish it and own and operate its own business.

VA cannot support the legislation as drafted. VA believes the GI education benefits should be preserved and the program administered as currently established. Because the proposed process would require VA to include business plans which are not a current area of VA expertise, the Small Business Administration may be better suited to develop business plans and provide self-employment support. We would be pleased to work with the Subcommittee and SBA to identify a suitable alternative.

Finally, there is one bill that the VA respectfully defers to the Department of Defense. H.R. 4664 would amend the Servicemembers Civil Relief Act to provide a 1-year moratorium on the sale or foreclosure of property owned by surviving spouses of service persons killed in Operations Iraqi Freedom or Enduring Freedom. We would point out, however, that the language of the bill with respect to having been killed in Iraqi Freedom or Enduring Freedom is not used consistently in the bill, in that the eligibility requirement appeared to require that the servicemember only have died while in support of such operations. VA is unable to estimate a cost of the proposal as it would depend upon an interpretation from the Department of Defense.

Madam Chairman, this concludes my comments, and I would be happy to answer any questions you have.

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

Ms. HERSETH SANDLIN. Thank you for your testimony, and I will focus my initial questions on that part of your testimony where you mention that the VA's VR&E Services Program is conducting outreach through several means, including DTAP, Disabled Transition Assistance Program.

Mr. PAMPERIN. Yes.

Ms. HERSETH SANDLIN. And I am wondering if the VA is participating with the Department of Labor in its reforms and overhaul of DTAP and the Transition Assistance Program (TAP).

Mr. PAMPERIN. I am aware that the Department of Labor is revising those. We will—I would like to take that for the record to get back to you with the extent to which we are involved in it.

Ms. HERSETH SANDLIN. I would appreciate that. That came up at a roundtable that Chairman Filner hosted, and Mr. Jefferson's comments about some of what they are looking at for TAP was

more specific to TAP than DTAP. But I would appreciate if you could get back to us with more specifics about your involvement, sort of inner agency cooperation, coordination for sharing information with our veterans on their benefits.

[The VA subsequently provided the following information:]

The Department of Veterans Affairs (VA) is partnering with the Department of Defense (DoD) and the Department of Labor (DOL) to transform TAP into a 21st Century client-driven process to increase Servicemembers knowledge and understanding of benefits available through these agencies. The strategic goal is to increase program effectiveness and ensure separating Servicemembers and their families understand VA benefits and services through delivering the material in multiple modes, such as in-person briefings, virtual briefings, and on-line learning modules. Together, VA, DoD, and DOL will leverage advanced web technology through the eBenefits portal to improve delivery of benefits gained through their military service.

VA's Vocational Rehabilitation and Employment Program is in the process of significantly overhauling its Disabled Transition Assistance Program briefings and activities to modernize the delivery of information provided to exiting Servicemembers and Veterans who may have a service-related disability.

The need for DTAP briefings is expected to grow as a result of an increase in the number of Veterans found to have service-connected disabilities incurred during active duty while serving in the Overseas Contingency Operation. In fiscal year 2007, 18 percent or 30,264, of the 164,637 Servicemembers who received briefings through the Transition Assistance Program (TAP) also received a DTAP briefing. To increase participation, VR&E Service is undertaking an ambitious redesign of the DTAP program.

Due to the importance of the DTAP program, VR&E, with subject matter expertise from DOL, awarded a contract to Inverness Technologies in April 2010 to develop a modernized DTAP program and a plan for seamless implementation of the redesigned product. This process will involve new ways to fulfill the strategic objectives of the DTAP program. It is the goal of VR&E to transform DTAP into a world-class customer service program—one that is completely Veteran-centric. **The modernized DTAP program and plan for implementation are expected to be completed by December 2010.**

Ms. HERSETH SANDLIN. On Mr. Fortenberry's bill, H.R. 114, we all know that some veterans never use any portion of their GI Bill benefit. And I think that the intention of Mr. Fortenberry with this legislation is to identify the various needs, goals, aspirations of those who served and earned these benefits and how they might be utilized.

You heard from some of the veterans service organizations in the prior panel, some supportive, some with concerns about how the bill is currently drafted. More in a general sense, do you agree that we should explore all options including business development options for veterans as it relates to utilization of GI Bill benefits?

Mr. PAMPERIN. Please.

Mr. BRIZZI. If I may, certainly we are very willing to explore that, although I would think more in the context of our vocational rehabilitation programs than our education programs.

Ms. HERSETH SANDLIN. So you wouldn't—so it would be the benefit under vocational rehabilitation breaking down some agency barriers as to who is best suited to perform what functions, whether it is approval of business plans—you could see that—

Mr. BRIZZI. You can see that being more related, this bill being more related, to that function than the education.

Ms. HERSETH SANDLIN. Okay. Which would then relate to other legislative proposals we have had to modernize the benefit under vocational rehabilitation, as we did under the GI Bill.

Mr. BRIZZI. Yes, ma'am, yes.

Ms. HERSETH SANDLIN. Okay. Let us talk briefly about the VA's authority to conduct media campaigns for any benefit. Mr. Pamperin, what media campaigns is the VA currently working on, if any, and does the VA have money specifically set aside for media advertisement?

Mr. PAMPERIN. Ma'am, I would like to take that for the record, and I will get back to you.

Ms. HERSETH SANDLIN. Okay. I think it is important. I mean, we have authority that you currently have and we have pending legislation that is looking to enhance that authority, facilitate more of this advertising, recognizing the resource issues. You have already had that authority.

We know that a lot of our colleagues have good ideas coming from the experiences of their constituents on how to make information more readily available, and whether it is reforming TAP, whether it is how information is distributed versus Web sites, other bills and suggestions that we have taken, and we have tried to move forward again to most effectively communicate with veterans about their benefits.

So if you could get back to us on even what you have done in the past, if you have done any kind of evaluation of any media advertisements of particular benefits that the VA has deemed has been most effective in tracking either information sought or programs for which veterans enrolled or sought access to, I think that would be beneficial to the Subcommittee.

Mr. PAMPERIN. You are primarily speaking about print, radio and TV?

Ms. HERSETH SANDLIN. Primarily. But I think we all know whether policy or the other part of what we do up here is sort of all these new media networks. I would think that with media advertisements now, you have Google ads, for some of these OIF, OEF veterans. I mean, have you done any testing of how you target Google ads in a more cost-effective way than buying advertising with a broadcast network in certain media markets?

I would like to find out more what you are doing, if any, what you are thinking to do, how creatively people are thinking as it relates especially to the younger veterans. And the best thing we can all do is communicate with different constituencies through the medium they are most used to working with, how they are getting their information.

Mr. PAMPERIN. Well, I can tell you a couple of weeks ago when I was up here and I was talking to you about the new benefits assistance service that one of their organizational activities is the social media, and monitoring *Twitter* and *Facebook*, and responding to inquiries from people that way. So we will include all of that in the response.

Ms. HERSETH SANDLIN. Yes, very good, very good. But I think in your existing authority for media campaigns, whatever information you can provide us, you know, it would be nice for you to come back to us and say, yeah, we have been looking at all of these new social



networks and *Google* and all these other avenues. If you haven't yet, that is fine. I just would encourage some creative strategies within existing authority as we look to better communicate about the benefits.

[The VA subsequently provided the following information:]

VA desires to use media campaigns to ensure servicemembers and veterans understand their VA benefits and how to access these services. To enhance and promote VA's outreach and communication, the Office of Public and Intergovernmental Affairs (OPIA) is launching the *National Veterans Awareness Campaign*. In this campaign, OPIA will implement a two-phased approach to develop a national outreach strategy and execute a national media campaign. To be successful and effective, outreach and communication must be well planned, researched, executed, and measured. For Phase I, the Department will collect Veteran demographic data and research and analyze targeted audiences for effective media placement. It will also develop an outreach strategy and strategic media plans. Phase I will serve as the foundation for the advertising element of the national outreach campaign, which will primarily occur during Phase II. A contract for Phase I was awarded on July 15, 2010. Using the data, research and audience analysis, and metrics for success established during Phase I, Phase II will be implemented to conduct the *National Veterans Awareness Campaign* and produce, coordinate and place various national advertising pieces.

VA has funds in FY 2010 specifically allocated to support media and communications campaigns, including geographically targeted advertising at both the corporate and Administration levels. At the corporate level, the OPIA and VHA have entered into an MOU to enhance and promote VA's outreach and communication by setting aside \$30 million for the *National Veterans Awareness Campaign*, which will be targeted at non-clinical information to promote Veterans' understanding of VA. Within VBA, advertising in FY 2010 is primarily directed at informing Veterans about the Post-9/11 GI Bill and new innovative programs being tested to expedite disability claims processing. Such advertising is being examined for several geographic areas where pilot tests are underway or planned.

Ms. HERSETH SANDLIN. I have gone over my time. So let me thank you Mr. Pamperin.

I recognize Mr. Boozman.

Mr. BOOZMAN. You are the Chairman. You have no time limit.

I just want to ask a couple things. The work-study bill, can you tell me a little bit about if we were to go forward, how would you envision that work? Would that be something that you would want the office to select the people, or would you all do that, or do you have strong feelings that way?

I guess I—the Chairman and I were talking. Both of us did work-study when we were in—when I was in optometry school and things and when she was in college, but it does—for a number of different reasons I think that is great that it is on somebody's résumé.

I think that that is an area in a Congressional office where you can actually learn something as you went forward. And again, it doesn't hurt to be on a resume. And then the other thing is it exposes a lot of people to veterans that may not have been exposed.

My generation is such that percentagewise there is just a very few percentage of people that have served. My parents, my grandparents, my uncles, all of those generations served. And now we have a group of young people that are even smaller than my situation.

So I think there is a number of good reasons to consider doing it. I guess what I would like, if you have any ideas as far as implementation.

Mr. PAMPERIN. Well, typically veterans who need a little extra income and you advise them of the work-study program, they get in the program, and we assign them out to people. Given the fact that they would be working in a Congressional office, I would think that we wouldn't have a one-size-fits-all. We would want to work with you, because clearly we would want to place somebody in that office that you were comfortable with. So I think we could be quite flexible on how that was done. If you knew a constituent who was a veteran, who was eligible, and you referred them, I think it is pretty much wide open on this thing. So we would be glad to work with the Committee.

What I would envision is that whatever we would develop would be, first of all, focused on getting the serviceperson that additional little extra money that they need as quickly as possible, giving them a training opportunity that they feel is worthwhile and one where that person is a good fit in your office.

Mr. BOOZMAN. Very good. Well, I look forward to perhaps visiting more about that. It sounds like the Oregon delegation has done that extensively in the past, so we will be visiting with them and just trying to figure out if there were any problems, how we iron those out. But I don't really envision anything of that nature.

The other thing very quickly, the upgrading, getting us on par as far as the definition of legal blindness, is there any problems with that?

Mr. PAMPERIN. Well, as a matter of fact, Congressman Boozman, I was talking to the Compensation and Pension Service, which up until about 8 months ago I was the Deputy Director of, about that, I said, you know, we have the Traumatic Servicemembers' Group Life Insurance at 20 over 200. We have—a couple of years ago, we had Special Monthly Compensation (O) raised based upon 20 over 200, and now we are supporting a bill on special adapted housing at 20 over 200. And so we are going to go back and take a look at that because, quite frankly, right now the requirement for 100-percent disability is 5 over 200.

Mr. BOOZMAN. Which is unlike—I am sorry, I don't mean to interrupt, but which is unlike disability in any other aspect that we use—

Mr. PAMPERIN. Right.

Mr. BOOZMAN [continuing]. In the private sector, or, as you said, Social Security.

Mr. PAMPERIN. We are going to go back and take a look and assess what the impact is, how many people are affected and—

Mr. BOOZMAN. I think Dr. Zampieri made a good point that you don't really—and again, I haven't been out to see the practitioners as far as their charts in the VA system, but, you know, if you have the charts, you are spending a lot of money because nobody has those charts hardly, but I would say that probably most—

Mr. PAMPERIN. Are you talking about the Goldmann bowl, sir?

Mr. BOOZMAN. Well, I am saying as far as the qualifier. Probably most people, if they can't see the big E, they qualify. Rather than spending a lot of time to try and quantify it past that, because, again, they probably don't even have the charts in the lanes to exactly determine, and then you start playing games with standard

charts for the—because that doesn't come up anyplace else. You see what I am saying?

Mr. PAMPERIN. Yes, sir. I would echo back, though, the testimony from the American Optometric Association, because when we evaluate hearing loss, we do take into consideration both visual acuity and fields of vision—

Mr. BOOZMAN. Right.

Mr. PAMPERIN [continuing]. And that severe loss as a field of vision can increase your evaluation as well. So the issue of the 5 over 200 by 20 over 200 is something that we will take a look at.

Mr. BOOZMAN. Very good. And like I said, I guess what I would like to know, if you look at it in a negative fashion, why we are doing that and everybody else has arrived at a different standard. So thank you very much.

Mr. BRIZZI. May I please add a little notation to that?

Mr. BOOZMAN. Oh, yes, sir.

Mr. BRIZZI. You still need to change the statute, though. Having said all that, you still need that statutory change for the specially adapted housing.

Mr. BOOZMAN. Yes, sir. And again, I appreciate the Chairman bringing that to our attention and getting legislation such that we can do that. So thank you very much.

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

I thank you all for your testimony, and I think in light of the Chair and the Ranking Member of the Subcommittee being the original cosponsors of the bill to make that statutory change, we do intend to move forward with that. We appreciate that you will take a closer look, and as we move forward, the faster we can get that information as you assess it internally in your department, the better it will be for in us moving the bill, because it is a priority for us, and we are on a short timetable to finish it up this Congress. So we will have Committee staff followup with you after this hearing to see if we can get that exchange of information as quickly as possible.

Again, I want to thank everybody for their statements this afternoon. We look forward to continuing to work with you as we evaluate the suggestions that were provided to us today on these various bills. Feedback from stakeholders and subject matter experts such as yourselves is critical to developing effective legislation, making modifications to bills as they were originally introduced versus as they move through the Committee process. So we are going to continue to look for ways to improve existing programs, enact new ideas to ensure that the needs of our veterans and their families are being met. And as always, we will keep an open mind toward any suggestions and ideas that you have been generously sharing with us as we have undertaken our work.

So I thank you again, and the hearing stands adjourned.

[Whereupon, at 3:57 p.m., the Subcommittee was adjourned.]

## A P P E N D I X

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

I would like to call to attention the fact that the Honorable Frank Kratovil and AMVETS have asked to submit written testimony for the record. If there is no objection, I ask for unanimous consent that their statements be entered for the record. Hearing no objection, so entered.

I ask unanimous consent that all Members have five legislative days to revise and extend their remarks and that written statements be made part of the record. Hearing no objection, so ordered.

Today, we have a full schedule that includes eight bills before us that address some of the unique needs of our veterans population. The bills before us today seek to: expand the use of the Montgomery GI Bill benefits towards establishing a business; improve access to job search information through the Department of Veterans Affairs Web site; allow disabled veterans to adapt temporary housing to their needs without depleting the benefits they will eventually use towards adapting a permanent home; make mediation mandatory between mortgagors, mortgagees and a housing counseling agency prior to a foreclosure; provide for a 1-year moratorium on the sale or foreclosure of property owned by surviving spouses of servicemembers killed in Iraq or Afghanistan; extend VA work-study program participation to include work within Congressional offices; and establish an award program that recognizes businesses for their contributions to veterans employment.

Included in today's hearing is H.R. 5360, which I introduced with our distinguished Ranking Member, Congressman John Boozman. This bill seeks to align the Department of Veterans Affairs' definition of blindness with existing Federal laws when it comes to eligibility criteria for specially adapted housing grants. In November of 2009, the Subcommittee held a hearing on Specially Adapted Housing grants. During that hearing, it became clear that many visually impaired veterans that urgently require specially adapted housing do not qualify for the grants because they do not meet the excessively restrictive VA definition of blindness.

Under current eligibility requirements, blinded or visually impaired veterans must have a visual acuity of five two-hundred (5/200) or less to qualify for VA grants that allow them to adapt their home into a configuration that improves both their standard of living and personal safety. The VA's current standard is excessively restrictive and goes far beyond the twenty two-hundred (20/200) definition of blindness codified in Federal statute and recognized by several different organizations including the U.S. Social Security Administration, and the VA when it comes to disability claims.

Without Congressional intervention, the Department of Veterans Affairs' five two-hundred (5/200) standard of blindness for Specially Adapted Housing grants will remain unchanged and many visually impaired veterans will continue to be ineligible for the assistance they urgently need.

I want to extend my thanks to the Blinded Veterans of America and the American Optometric Association for their assistance in drafting H.R. 5360. I also want to thank Ranking Member Boozman for contributing his critical expertise as an optometrist in support of this bill. I look forward to receiving feedback on all the other bills before us today.

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

Good afternoon.

Madam Chair, as we approach what will probably be our last Subcommittee markup for the 111th Congress, I want to thank you for the way you have chaired the Subcommittee. As chair, you have been a model of bipartisanship.

Today's bills are an interesting collection. Some will require PAYGO offsets while others will not but I thank the sponsors for their work on behalf of our veterans. I note VA's concerns about some bills and I am willing to work with them to the extent possible to move bills forward. I am also reminded of the serious fiscal issues confronting this government and the need to focus on the most important issues facing all Americans.

Madame Chair, I am eager to hear from today's witnesses and I yield back.

**Prepared Statement of Hon. Harry Teague, a Representative in Congress  
from the State of New Mexico**

Chairwoman Herseth-Sandlin, Ranking Member, thank you for allowing me a few moments to speak on H.R. 5484, the VetStar Veteran-Friendly Business Act and an opportunity to encourage more companies to hire veterans.

As you are aware, veterans unemployment is a national crisis. The economic downturn combined with a large number of soldiers returning from war has created a tragic environment for those leaving the service. According to the Department of Labor, the unemployment rate in 2009 for young Iraq and Afghanistan veterans, ages 18 to 24, was 21.1 percent.

This bill will recognize local businesses that go above and beyond by hiring the veterans who in today's economic environment are finding it increasingly difficult to find stable employment. There are a lot of great ideas floating around Washington right now for how to address this problem, and I believe it is going to take a multifaceted bipartisan effort to truly make a lasting impact. I don't believe there is a single silver bullet that can fix this problem all at once, but I believe that a low-cost reward system such as this could have a positive effect in encouraging businesses to do their part. By recognizing deserving businesses in our communities, this bill aims to not only increase opportunities for veterans, but also have a positive impact on the companies recognized. The VetStar certificate of recognition, to be displayed by business owners, would label them as a proven supporter of vets, and would aim to help businesses build a strong reputation in the veteran community and among Americans who support veterans.

The heart of the issue and the VetStar Veteran-Friendly Business Act is to better serve our veterans by driving them towards stable economic opportunities while re-adjusting to society. I look forward to hearing from the VA and the other distinguished panel members today.

Thank you Madam Chairwoman, this concludes my statement.

**Prepared Statement of Hon. Peter A. DeFazio, a Representative in  
Congress from the State of Oregon**

Chairwoman Herseth-Sandlin and Ranking Member Boozman:

Thank you for the opportunity to testify today. As representatives of the people, it is our job to help our constituents navigate the Federal bureaucracy. As you know, a significant portion of casework every year is generated by thousands of veterans seeking assistance with benefits and services. I cannot think of a more appropriate way to serve our constituents and to honor our veterans than by training and entrusting veteran students to help veterans get the benefits and services they earned.

**History of Oregon VA work study**

Since the 1980's the Oregon delegation has employed VA work-study students in district offices to expand outreach to veterans. This program has been highly effective and leveraged a great return on investment for veterans. Like all VA work-study opportunities, the program pays veterans to work while they attend school. In Oregon, VA work study students can choose to work in a local congressional office with the sole mission of helping other veterans receive their benefits and services.

The student veterans develop valuable job skills, and veterans they serve get quick help navigating the bureaucracy of the VA system. The VA work-study students placed in congressional offices provide appropriate, effective, and heartfelt assistance to veterans who contact congressional offices for help with and information about VA services and benefits.

Veteran work study students have worked in my district office for the past 23 years, and I currently employ two former work-study students in my local congressional office. My predecessor also had VA work-study students working in his congressional office. Work-study students have worked in Senator Wyden's office for the entire time he has been in the Senate and for many of the years he served in the House. At least three of Senator Wyden's work-studies were ultimately hired on to Senate staff after their tenure as work study students in his office. Congressman Blumenauer's office had a successful first work study position in 2009 and planned to continue the position in his office.

#### **VA Reversal**

Last year, the congressional offices in Oregon were notified intermittently they would no longer be eligible sites for the VA work-study program for a variety of reasons. Congressman Schrader was denied access to the program as a new Member of Congress. Yet his predecessor, Congresswoman Darlene Hooley, was allowed to have VA work-study students in her office. Congressman Blumenauer was denied access to the program because "the duties were not considered work-study activities" and then was told any appeal to the decision needed to go through the regular veterans' appeal process. The VA also terminated contracts with VA work study students working at both Senator Wyden's and my office.

Somewhere in the depths of the VA bureaucracy, lawyers have determined this highly successful program was never authorized and is now scheduled for termination. The VA should not be killing a program that has served veterans, and served them well, for more than a quarter of a century because some bureaucrat can't see the big picture.

Terminating this VA work study program has already cost many Oregon veterans their jobs. The loss of this opportunity to develop jobs skills while helping fellow veterans is a disservice to the veteran work-study students and to the veterans who need help. Work study students in congressional offices have been key advocates for veterans and their family members and they help us respond quickly to vital needs of constituents.

The entire Oregon delegation is deeply troubled that the proud tradition of veteran serving veterans in Oregon congressional offices is in jeopardy at a time when the wars in Iraq and Afghanistan have increased the number of veterans seeking our help with VA benefits and services. Also of concern is the VA decision to reduce the number of work-study positions available to Oregon veterans during an economic recession that has sent unemployment rates over 12 percent, with the rate for veterans even higher.

#### **H.R. 4765**

To remedy this bureaucratic bungle and the inexplicable loss of services to veterans, I introduced H.R. 4765 to specifically authorize VA work-study student positions in congressional offices. The fact that this program needs to be legislated after 25+ years of operation is frustrating, but necessary.

On the other hand, this legislation could help spur more VA work-study slots in local congressional offices across the Nation and enhance service to our veterans. Congressional offices outside of Oregon have sporadically had the privilege of a VA work study student in their office, including Rep. Dennis Moore and Senator Sherron Brown. H.R. 4765 would enable all Congressional offices access to VA work-study opportunities. This is increasingly important as more and more veterans take advantage of the Post-9/11 GI Bill.

This legislation ensures that the congressional work-study positions follow the established rules for all VA works-study positions. As has always been the case in my district office, Congressional work-study students would only be permitted to do two things—perform outreach services to servicemembers and veterans and their dependents and help veterans secure earned benefits and services. Work-study students would not be permitted to supplant congressional staff. VA work-study students would only expand and improve outreach and services to veterans, not free up congressional staff for other congressional activities. Every dollar invested in VA work-study students in congressional offices enhances the VA's efforts and our efforts to help veterans and their families.

This bill is a win-win. There is a current shortage of work-study opportunities for veterans; and veterans of Iraq and Afghanistan need our advocacy and outreach. VA

work-study students have instant rapport with their peers, our constituents. They are highly motivated, reliable, and dedicated individuals who want to continue their service to the Nation by helping veterans and their dependents.

In these tough times, veterans who graduate from college with VA work-study experience have invaluable job skills to help them find employment. As experienced veteran advocates, they also have opportunities to continue working with veterans in congressional offices, in the Veterans Administration, for a country veteran service officer, or in a veteran service organization.

The benefits to this program are on-going and should be continued without delay. It has been an honor and a privilege to have veterans working in my Congressional office and to provide excellent service to veterans and their dependents with the able assistance of VA work study students. This legislation will ensure the future of this proud and long-lasting tradition.

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**Prepared Statement of Hon. Cliff Stearns, a Representative in Congress  
from the State of Florida**

Thank you Chairwoman Herseth Sandlin and Ranking Member Boozman for providing me this opportunity to talk about my bill.

Unemployment is at a record high today and unemployment in our veteran community is higher than at any time that I can remember. You know the situation is bad because this Committee held a roundtable on that very issue last month.

My bill, H.R. 3685, would require that the Department of Veterans Affairs would have a drop-down menu titled "Veterans Employment" on its homepage. This drop menu would have links to VetSuccess, USA Jobs, Job Central and other appropriate employment Web sites. It would also require the Secretary of VA to advertise and promote the VetSuccess Web site and require direct outreach to OIF and OEF veterans.

This bill comes out of discussions I had with the VA over the past couple of years and while the VA has addressed some of my concerns, they continue to miss the underlying reason for my bill: customer service and usability. The VA should have a clear link that will take veterans to a listing of jobs based on zip code.

Today, if you are a veteran and are looking for a job, on the VA homepage under quick links is "Federal Jobs for Veterans." This is close to what I want, but my goal was to have all employment opportunities, which includes private sector jobs, not just Federal jobs. To find private sector jobs in the vicinity of your zip code, you have to click on the Veteran Service dropdown menu and navigate 28 possible links.

There is no link for Veteran Employment or Veteran Jobs. Instead you need to know that VetSuccess is what you're looking for. If you're unfamiliar with veteran programs, you may not know that VetSuccess is the web portal for jobs. The title isn't clear. VetSuccess might be the link for successful navigation of the VA bureaucracy. The title should clearly mention jobs or employment.

Then, once you get to the VetSuccess Web page you must register to look up jobs. You can't just type in your zip code and get a list of jobs. My office had to fill out an excessively long form, and then monitor our spam filter to catch the verification e-mail, click the e-mail to prove we're human and then we waited for a follow up e-mail to get our password to finally access the VetSuccess job portal.

This is too high a hurdle for something so simple as a job listing for veterans. You should be able to go to this site, type your zip code and get the job listings. When I typed in my zip code and found jobs in my hometown of Ocala and I got a list of 64 jobs, mostly Driving and Lawncare jobs.

When I go to Monster.com, I don't need to register to do a quick lookup for the 237 jobs listed within 20 miles of Ocala. VetSuccess needs to be more like Monster: immediate access to job listings by zip code without hiding behind vague titles in a crowded drop menu with excessive registration requirements.

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**Prepared Statement of Hon. Jeff Fortenberry, a Representative in Congress  
from the State of Nebraska**

Chairwoman Herseth Sandlin, Ranking Member Boozman, and Subcommittee members, thank you for allowing me to testify today on the *Veterans Entrepreneurial Transition Business Benefit Act of 2009*, H.R. 114. I want to begin by commending this Subcommittee on its work to provide economic opportunities to our Nation's finest after their service.

Encouraging entrepreneurship among our veterans is a high legislative priority of mine. While the GI Bill and especially the Post-9/11 GI Bill provide outstanding educational opportunities to veterans, not all veterans undertake a path of higher education after their military service. According to the Department of Veterans Affairs, of those eligible for the Post-9/11 GI Bill, 41 percent have not used any of their benefits. Of those eligible for the Montgomery GI Bill, about 30 percent have not used any of their benefits. Even larger numbers of veterans have used some benefits, but have not completed a degree.

Many of my own constituents have informed me that they would like to see greater entrepreneurial opportunities available to them as a way of augmenting traditional educational opportunities. In addition, as you know from recent hearings, unemployment figures for our Nation's newest veterans are troubling, with 21.6 percent of 18 to 24 year old male veterans from the Post 9/11 era unemployed in 2009.

Many of our veterans possess the drive and skills to become successful entrepreneurs, but simply lack adequate capital to get started. They've learned important, marketable skills during their time in service and often want to use their acquired expertise as a springboard to small business ownership.

To address these issues, I introduced H.R. 114, the *Veterans Entrepreneurial Transition Business Benefit Act of 2009*. This legislation would permit veterans eligible for assistance under the Montgomery GI Bill to elect to use their benefits to establish and operate a business that they will own as a primary source of income.

Allowing veterans to use their educational benefits as capital to start a business, combined with the exceptional counseling and training programs for veterans in small business that already exist with the Department of Veterans Affairs and the Small Business Administration, would propel many veterans toward economic independence.

My bill is deliberately brief in order to allow the Secretary operational flexibility in implementing and managing the program.

I believe this bill is another step toward increasing the diversity of opportunities for veterans to use their earned benefits while strengthening the small business economy, creating jobs, and encouraging innovation.

Thank you again for the opportunity to testify, and I look forward to working with you.

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**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 express our views on the various bills that this Subcommittee will consider. As the conflicts in Iraq and Afghanistan continue, many of these veterans as well as veterans from the past seek help from the Nation that they served. PVA appreciates the hard work and sincere effort that this Subcommittee applies to their work with new legislation for programs to help these veterans.

**H.R. 114, the "Veterans Entrepreneurial Transition Business Benefit Act"**

Paralyzed Veterans of America supports H.R. 114, the "Veterans Entrepreneurial Transition Business Benefit Act." This bill will allow a veteran who is eligible to receive financial educational assistance under the GI Bill for the 21st Century to use this financial assistance to establish and operate a business that the veteran will own and operate as their primary source of income. Although funding for educational assistance is not equal to the funding required to buy or start a small business, this would be a great asset for the veteran that plans to pursue a career operating their own business. Even with this small financial assistance from this VA program, major requirements still exist for additional funding, knowledge of effective business procedures, and often a willingness to work 7 days a week during the early years of a new business. If a veteran chooses this path for employment in the civilian world, Congress should support their effort and allow the funds earned for college courses to be used to help secure the future of the veteran.

**H.R. 3685**

PVA supports H.R. 3685. Having readily available information pertaining to employment opportunities on the Internet is essential for veterans seeking employment in the 21st Century. The internet may be the most valuable tool for veterans who are continuing their education or looking for employment. A hyperlink with a



dropdown menu **Veterans Employment** would present other important links such as **VetSuccess, USA Jobs, and Job Central** Web sites. This should include as defined in the bill, any other appropriate employment Internet Web sites as determined by the Secretary and the Department of Labor, Veterans Employment and Training Service. We often hear of the difficulty veterans face when trying to navigate the vast array of information available to the unemployed veteran. This addition will ease their search by placing these important links on the main page of the Web site of the Department of Veterans Affairs.

**H.R. 4319, the “Specially Adapted Housing Assistance Enhancement Act of 2009”**

PVA strongly supports enhancing the existing programs that are intended to relieve some of the problems that a veteran faces when returning to civilian life after a severe injury and loss of mobility. This bill will allow a veteran that qualifies for the Specially Adapted Housing (SAH) grant to also use the Temporary Residence Adaptation (TRA) grant without reducing the full benefit amount of the SAH grant. In a recent GAO report (GAO-09-637R) it was discovered that eligible veterans were not using the Temporary Residence Adaptation grant because of the fact that it eroded the total amount that would be available when they decide to use the SAH grant for their permanent residence. We know from recent hearings of this Subcommittee that the current total of the SAH grant is by itself inadequate to accommodate the home modifications needed for some disabled veterans.

This legislation will help remove a significant disincentive to use the TRA grant. PVA does have concerns with this change being a pilot for FY 2011. It should be made permanent. In future years beyond 2012 some veterans will still require temporary grants to accommodate their living situations. As written this legislation will create a real inequity between veterans using TRA grants.

This bill would also change the qualifying criteria to receive the grant. We support this change since it will benefit veterans that may be severely disabled, have mobility problems but not fit the current criteria.

**H.R. 4635, the “Foreclosure Mandatory Mediation Act of 2010”**

PVA supports H.R. 4635, the “Foreclosure Mandatory Mediation Act of 2010.” This legislation would require lenders of home loans with Federal guarantees or Federal insurance, including VA home loans, to agree to engage in actions including loan modification, pre-foreclosure sale, deed in lieu of foreclosure, and support for borrower housing counseling. This mandatory mediation requirement will be helpful to the veteran and active duty servicemember, who has been delinquent on their home mortgage payments. Often this delinquency is the result of an overseas deployment or other military obligations that have created unforeseen economic problems for the borrower. Offering this assistance to help with successful navigation of a home loan will be beneficial for those who have served this Nation.

**H.R. 4664**

H.R. 4664, this legislation would amend the Servicemembers Civil Relief Act to provide for a 1-year moratorium on the sale, foreclosure, or seizure of property owned by surviving spouses of servicemembers killed in Operation Iraqi Freedom or Operation Enduring Freedom. PVA supports this legislation that will provide the necessary time for a family to reevaluate their financial situation after the loss of a spouse who dies while serving in combat.

**H.R. 4765**

PVA supports H.R. 4765, legislation that would authorize individuals who are pursuing programs of rehabilitation, education, or training under laws administered by the VA to receive a work-study allowance for performing certain support activities provided through congressional offices. Allowing a veteran to perform certain functions and observe the operations of a congressional office would be a valuable experience for the veteran and helpful for that Member.

**H.R. 5360, the “Blinded Veterans Adaptive Housing Improvement Act of 2010”**

PVA supports H.R. 5360, the “Blinded Veterans Adaptive Housing Improvement Act of 2010.” This legislation will change the definition used by the VA to determine the eligibility for the Housing Grant. This legislation would not create a new standard for the VA, or lessen current standards used among vision professionals. Using the

new standard merely brings the VA in line with the industries standard to determine vision loss beyond the level of correction with lenses.

**The “Veteran-Friendly Business Act of 2010”**

PVA supports the “Veteran-Friendly Business Act of 2010.” As this program is designed and introduced by the VA we encourage them to seek the cooperation of the Department of Labor, Veterans Employment and Training Service, Small Business Administration and the Chamber of Commerce. Unemployment amount veterans is not a problem to be addressed by any one agency, but a national problem that needs the cooperation of all parties that can influence America’s businesses to hire veterans. We support this effort that will help communicate the message to “Hire a Veteran.”

Chairwoman Herseth Sandlin, Ranking Member Boozman, that concludes my testimony, I will be available for questions.

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**Prepared Statement of Catherine A. Trombley, Assistant Director, National Economic Commission, American Legion**

**EXECUTIVE SUMMARY**

***H.R. 3685:***

Vetsuccess.com and other veteran-friendly jobsites are already displayed on the VA’s Web site. However, The American Legion believes these jobsites would be better utilized if they were more well-known, therefore we support allocating funds for the purpose of national advertising of VetSuccess.com.

***H.R. 114, the “Veterans Entrepreneurial Transition Business Benefit Act”***

The American Legion has no position on this piece of legislation at this time.

***H.R. 4319, the “Specially Adapted Housing Assistance Enhancement Act of 2009”***

The American Legion fully supports the “Specially Adapted Housing Assistance Enhancement Act of 2009”. Veterans must have access to ramps and other modifications in their new temporary residences knowing that funds will still be available to adapt a more permanent residence when the time arises.

***H.R. 4635, the “Foreclosure Mandatory Mediation Act of 2010”***

The American Legion supports the “Foreclosure Mandatory Mediation Act of 2010” and any legislation that helps ensure a veteran has every opportunity to stay in his/her home during this economic downturn.

***H.R. 4664:*** *The American Legion has no position on this bill at this time.*

***H.R. 4765:***

The American Legion is concerned about the possibility of veterans, who have not been accredited by the VA, giving benefit advice to other veterans. The American Legion supports this legislation; however, we would like the bill to include strict guidelines for work-study veterans not to give benefits advice.

***H.R. 5360, Blinded Veterans Adaptive Housing Improvement Act of 2010***

The American Legion fully supports the “Blinded Veterans Adaptive Housing Improvement Act of 2010,” as we believe there are too many blinded veterans in need of adapted housing that are being ignored.

***Draft Bill, Veteran-Friendly Business Act of 2010***

The American Legion fully supports this legislation since it highlights businesses that hire our veterans and keep them gainfully employed.

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Chair Herseth Sandlin, Ranking Member Boozman and distinguished Members of the Subcommittee: Thank you for this opportunity to submit The American Legion’s views on the issues being considered by the Subcommittee today. The American Legion commends the Subcommittee for holding a hearing to discuss these important and timely issues.

**H.R. 3685:**

This bill requires the Department of Veterans Affairs (VA) to put a link on its Web site for VetSuccess.com and other job Web sites, especially those which encourage hiring veterans. It also mandates VA to run national ad campaigns to advertise VetSuccess. However, VA already has VetSuccess on its Web site. It also has links to Usajobs.gov, Indeed.com, and Monster.com, among others.

The American Legion fully supports VA's mission to help veterans find meaningful careers. The administration has taken appropriate steps to help veterans by adding these Web sites to its Web site. Yet, we note there are some issues that need to be resolved. While VetSuccess is easily found, one would have to know what VetSuccess is in order to find it useful. Further, only upon getting to VetSuccess did we find the other Web sites. These were easily found under jobs, but again required the veteran to know what VetSuccess was.

We agree with the intent of this bill; however, we do not believe VA should be required by law to design its Web site a certain way. This bill requires VA to put all job-related sites in a drop down menu. This would essentially tie the agency's hands as technology develops. If in the future there is a more user-friendly way to design a Web site than a drop down menu, VA would be unable to change its design without new legislation. Therefore, we do not support this aspect of the legislation.

The bill also calls for appropriated funds to be used for national advertising of VetSuccess. VA continues its outreach to veterans, and has increased outreach to OIF/OEF veterans; however it is critical to know what VetSuccess is in order to take advantage of its services. Therefore, The American Legion supports allocating funds to VA for the use of national advertising of VetSuccess.

**H.R. 114, the "Veterans Entrepreneurial Transition Business Benefit Act"**

This legislation seeks to allow veterans eligible to receive financial educational assistance under the Montgomery GI Bill (Chapter 30 of title 38, United States Code) to use, with the approval of the Secretary of Veterans Affairs, any of such financial assistance to establish and operate a business that the veteran will own and operate as the primary source of income for the veteran.

The American Legion has no position on the Veterans Entrepreneurial Transition Business Benefit Act at this time.

**H.R. 4319, the "Specially Adapted Housing Assistance Enhancement Act of 2009"**

H.R. 4319 requires that any grant for adapted housing made to a veteran who temporarily resides in a family member's dwelling not count against the lifetime cap for adapted housing grants paid to veterans.

Currently, there are two VA grant programs available to qualifying veterans for the installation of wheel chair ramps, chair lifts, modifications to kitchens and bathrooms to homes for veterans who use wheelchairs, canes or braces or who are blind and suffer the loss or loss of use of one lower extremity: the paraplegic grant which has a lifetime cap of approximately \$63,000 and the adapted housing grant which is capped at \$12,756.

The American Legion believes that with the increasing numbers of disabled veterans returning from Iraq and Afghanistan, the need for specially adapted housing is paramount. Today, disabled veterans have a higher unemployment rate than the normal civilian population. Hard economic times can force veterans to temporarily reside with friends or family. Further, periods of poor health can force the same circumstances. Still, veterans must have access to ramps and other modifications in their new temporary residences. The lack of handrails or ramps, for instance, may lead to falls and accidents which in turn would cost the VHA in health care and possibly the VBA with benefits.

Veterans forced into these situations, for whatever reasons, should be assured they will have access to adaptive housing needs, regardless of whether they already used the grant on a previous home. In turn, if a veteran uses the adaptive housing grant on the temporary dwelling, he/she should be assured monies will be available to adapt his or her next dwelling. It is for these reasons and the rising costs of construction materials and services, The American Legion is pleased to support this pending legislation that would allow veterans to adapt the house they temporarily reside in without it counting towards their lifetime grant cap.

**H.R. 4635, the "Foreclosure Mandatory Mediation Act of 2010"**

This legislation mandates a lender conduct a one-time mediation with a veteran prior to foreclosing or proceeding to sheriff's sale at the lender's expense.

According to the Mortgage Bankers Association, the delinquency rate for subprime loans stands at 30 percent, while only 5 percent of veterans have defaulted on their

VA home loans. The prime loan delinquency rate is 7 percent, while FHA defaults stand at about 9 percent. The data shows veterans with VA home loans are keeping their homes better than any other consumers with any other loan type.

VA has a longstanding program of assisting veterans who encounter financial difficulty and have trouble making their mortgage payments. This program involves a partnership with the servicers of VA loans under which VA aggressively monitors the efforts of these servicers in assisting veterans with repayment plans, loan modifications and the granting of forbearance. VA often intervenes directly with the veteran to assure that he/she has the opportunity to take advantage of one of these options. When these options are not practical, servicers are required to consider alternatives to foreclosure, such as a deed in lieu of foreclosure or a short sale. Also, in 2008 VA finished the development of a leading edge information technology system known as the VA Loan Electronic Reporting Interface (VALERI) as well as a comprehensive change to the business processes and regulations involved in the servicing of VA loans. This has given VA an even greater opportunity to assure that veterans are given every reasonable chance to keep their homes during times of financial difficulty.

The goal must always be for the veteran to remain in his or her home. The American Legion supports this legislation and believes it will only aid VA to assist veterans who have trouble making their mortgage payments.

***H.R. 4664:***

This piece of legislation amends the Servicemembers Civil Relief Act to prohibit the sale, foreclosure or seizure of property owned by a surviving spouse of a servicemember killed on active duty in OIF/OEF during the 1 year period following the servicemember's death.

The American Legion has no position on this bill at this time.

***H.R. 4765:***

This bill seeks to amend Title 38 U.S.C., to authorize veterans who are enrolled in VA educational programs, and thus eligible for work study, to receive work study allowances for certain outreach services.

These services include distributing information to members of the Armed Forces, veterans, and their dependents about the benefits and services administered by VA and other appropriate governmental and non-governmental programs and to prepare and process papers and other documents, including documents to assist in the preparation and presentation of claims for benefits under 38 C.F.R.

While The American Legion recognizes the opportunity presented for veterans to work in congressional offices, we have concerns about the type of outreach services they would provide; specifically, preparing and processing documents pertaining to claims for benefits. The American Legion notes that there would be ample opportunity for these work study veterans to give benefits advice in the course of their work study. In order to represent a veteran in a disability claim, a representative must be accredited by VA. Should a work-study veteran inadvertently give benefits advice without being accredited, no matter how well intentioned, that veteran would be liable.

The American Legion supports this bill, since often there are not enough work-study positions available for students seeking work-study. However, The American Legion requests the legislation include strict guidelines to ensure work-study veterans do not put give benefits advice to veterans seeking help with their VA claims.

***H.R. 5360, Blinded Veterans Adaptive Housing Improvement Act of 2010***

Presently, for blinded veterans to be eligible for a VA adapted housing grants they must have visual acuity of 5/200 or less. However, the currently accepted Federal standard for blindness is 20/200. This essentially means some veterans can be legally blind, but not qualify for adapted housing grants through VA. The lack of adapted housing can make a blind veteran's environment a danger. This legislation will update the VA visual acuity standard so that it is in line with the Federal standard for blindness and updates the eligibility standards of impaired range of vision to the Federal standard of 20 degrees or less.

The American Legion wholeheartedly supports this legislation as we believe too many blinded veterans who need adapted housing are being ignored under current law.

***Draft Bill, Veteran-Friendly Business Act of 2010***

This bill directs the Secretary of Veterans Affairs to establish an annual award program to recognize businesses for their contributions to veterans' employment.

Veterans returning from Afghanistan, Iraq and other tours of duty do not always come back to a hero's welcome—at least from employers. The jobless rate for vet-

erans between ages 18 to 24 was 21.1 percent in 2009. Numerous national publications have reported veterans are having a more difficult time finding jobs due to physical and mental disabilities, multiple deployments and challenges with translating military skills in civilian workforce language.

Because people like acknowledgement for the good work they do, The American Legion fully supports this legislation since it highlights businesses that hire our veterans and keep them gainfully employed.

The American Legion appreciates the opportunity to comment on the bills being considered by the Subcommittee. I would be happy to answer any questions that you might have. Thank you.

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**Prepared Statement of Eric A. Hilleman, Director, National Legislative Service, Veterans of Foreign Wars of the United States**

MADAM CHAIRWOMAN AND MEMBERS OF THIS COMMITTEE:

On behalf of the 2.1 million members of the Veterans of Foreign Wars of the United States and our Auxiliaries, the VFW would like to thank this Committee for the opportunity to present our views on this today's pending legislation.

**H.R. 114—*Veterans Entrepreneurial Transition Business Benefit Act***

This legislation seeks to allow a veteran to utilize Chapter 30 or Montgomery GI Bill (MGIB) benefits for business expenses, start up, and/or operation as determined by the Secretary of Veterans Affairs.

The VFW opposes to this legislation. The intent of the GI Bill is to provide training and education. The GI Bill is a unique program where veterans may attend business school or take classes to strengthen their business aspirations. The purpose of the GI Bill is to provide education, training, and the skills to help veterans succeed, not to provide start up money. The Small Business Administration (SBA) has programs, which address the specific needs of business start-ups.

The VFW opposes this shift in the use of MGIB as VA has not historically managed business programs, and this may result in duplicative efforts between VA and SBA. The SBA in association with the VA established the Center for Veterans Enterprise (CVE), which extends services to veterans who own or who want to start small businesses. It helps Federal contracting offices identify these businesses and provides potential contracting and subcontracting opportunities. The CVE also works with Veterans Business Development Centers nationwide to help veterans with business financing, management, bonding, and technical support. Further, the SBA provides opportunities for small grants and loan guarantees to help veterans start and grow their business. Any veteran wishing to venture into entrepreneurship should be referred to these organizations and opportunities, not the VA. The VFW supports improving these services wherever possible.

**H.R. 3685—a bill to require the Secretary of Veterans Affairs to include on the main page of the Internet Web site of the Department of Veterans Affairs a hyperlink to the VetSuccess Internet Web site and to publicize such Internet Web site.**

This legislation seeks to regulate VA's Web site by mandating that a link for the VetSuccess page be accessible from VA's homepage under a unique subheading entitled, "Veterans Employment." This bill would also promote veterans employment tools through the use of advertisements and outreach. Currently, VetSuccess is accessible through a dropdown menu on VA's homepage. While the VFW strongly supports all efforts to improve, outreach and promote veterans employment.

We cannot support this bill because its mandate is too constrictive on the display of information on VA's Web site. VA must present a vast number of programs and services to all visitors to the VA Web site in the most clean and efficient manner. Legislating specific menus, headings, or access points could have the effect of limiting VA from promoting other programs or services that are just as valuable to its visitors.

**H.R. 4319—*Specially Adapted Housing Assistance Enhancement Act of 2009***

The VFW supports this legislation to create a pilot program in Fiscal Year 2011 to provide financial assistance for disabled veterans to adapt the house of a family member they are temporarily residing in, and not have that dollar amount count against any assistance they are eligible to receive to build or buy and modify their own home. According to a June 2009 Government Accountability Office report, only nine veterans have taken advantage of the temporary residence adaptation grants.

The report listed the fact that these grants count against the money received for building their own home as one of the reasons the grant was applied for so infrequently. H.R. 4319 will help disabled veterans modify a family member's home without penalty. This bill could be a significant step toward improving the quality of life for disabled veterans, which is a legislative improvement the VFW will always support.

**H.R. 4635—Foreclosure Mandatory Mediation Act of 2010**

This bill amends the Helping Families Save Their Homes Act of 2009 to require the mortgagee, mortgagor, and a housing counseling agency to provide mediation as a prerequisite to a foreclosure proceeding or a sheriff sale. This bill would impact the entire housing industry, help numerous Americans facing foreclosure, and is not exclusive for veterans or Veterans Affairs. H.R. 4635 has the potential to save veteran's home; the VFW supports this legislation.

**H.R. 4664—a bill to amend the Servicemembers Civil Relief Act to provide for a 1-year moratorium on the sale or foreclosure of property owned by surviving spouses of servicemembers killed in Operation Iraqi Freedom or Operation Enduring Freedom.**

Under the Servicemembers Civil Relief Act, servicemembers are exempt from foreclosure or seizure of property for a period of 9 months following their return from deployment. This legislation would extend this same protection, to a surviving spouse of a deceased servicemember supporting OIF/OEF. This bill would also extend the period of protection for survivors from 9 months to 1 year.

The VFW is proud to support this legislation, which would help provide some relief and peace of mind to survivors dealing with the financial and emotional aftermath associated with the servicemembers death.

**H.R. 4765—a bill to amend Title 38, United States Code, to authorize individuals who are pursuing programs of rehabilitation, education, or training under laws administered by the Secretary of Veterans Affairs to receive work-study allowances for certain outreach services provided through congressional offices, and for other purposes.**

We support amending Title 38, United States Code, to authorize individuals who are pursuing programs of rehabilitation, education, or training under laws administered by the Secretary of Veterans Affairs to receive work-study allowances for certain outreach services provided through congressional offices, and for other purposes.

As this Subcommittee is well aware, the sunset date of the work-study pilot, authorizing work study for outreach/domiciliary care/cemeteries, is fast approaching on June 30, 2010. Currently, this extension is tied up in the benefits bill (H.R. 1037) that has yet to be completed from last year. The VFW would like to stress the importance of work-study programs in the offices that rely on these talented veterans, and attest to the education and professional development each veteran gains by participating in this program. We look forward to continuing to work with both the House and Senate Veterans Affairs Committees to address this legislation and ensure these veterans continue to have the opportunity to develop professionally while in college.

**H.R. 5360—Blinded Veterans Adaptive Housing Improvement Act 2010**

This legislation expands eligible ocular injuries for compensation under Title 38, Section 2101 (b)(2)(A). It changes a "5/200 eyesight or less" to "20/200 eyesight or less, or a peripheral field of 20 degrees or less." 20/200 eyesight is better than 5/200 eyesight, resulting in greater compensation for individuals with 20/200 vision.

The top number represents the distance in feet from an object to discern the nature of the object. Also, peripheral field describes the area viewed outside of the direct line of sight; 20 percent means only 1/5th of a persons' peripheral vision is clear. Hence, this legislation expands compensation to veterans with restricted peripheral vision as well.

The VFW strongly supports this legislation.

**Draft Bill—Veterans-Friendly Business Act of 2010**

The VFW strongly supports this legislation. This legislation, under the direction of the Secretary of Veterans Affairs, establishes an annual award program for businesses that dramatically contribute to veterans' employment. This bill will help raise awareness and stress the value of veterans in the American workplace. The VFW applauds businesses who lead in this field. They deserve due recognition to set the example for all employers.

The VFW encourages Congress to consider adding the accolades of the Secretary of Labor to this award. In adding DOL, the government has the opportunity to elevate veterans' employment among the two agencies that are charged with addressing this issue. We feel employers would be further rewarded by the due recognition from both Secretaries.

Thank you, this concludes our testimony. I would be happy to answer any questions this Committee may have.

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**Prepared Statement of Thomas Zampieri, Ph.D., Director of Government Relations, Blinded Veterans Association**

**INTRODUCTION**

Blinded Veterans Association (BVA) is the only congressionally chartered Veterans Service Organization exclusively dedicated to serving the needs of our Nation's blinded veterans and their families for 65 years. On behalf of BVA, thank you for this opportunity to present BVA's legislative concerns on the Department of Veterans Affairs (VA) Specially Adaptive Housing programs. Chairwoman Herseth-Sandlin, Ranking Member Boozman, and Members of the Subcommittee on Economic Opportunity, thank you for the changes you already have made to these special adaptive housing grant programs in the past and we appreciate the introduction of H.R. 5360 "Blinded Veterans Adaptive Housing Improvement Act of 2010." BVA does have concerns over the existing programs ability though to provide the amounts for adaptive housing construction costs necessary to meet the future needs of visually disabled veterans.

VA screening TBI studies find that about 60 percent diagnosed with TBI have associated visual disorders of diplopia, convergence disorder, photophobia, oculomotor dysfunction, and an inability to interpret print. Approximately 4 percent of those veterans with TBI injury result in legal blindness standard of 20/200 or less so they often meet legal standard of blindness. They have significant functional visual impairments, diagnosed as **Post-Trauma Vision Syndrome (PTVS) from their TBI**. They often enter VA Low Vision Optometry clinics and are prescribed wide variety of adaptive visual technology devices and they need additional electrical wiring in their homes for both the equipment and for increased lighting along with other home modifications. The problem has been that with the current 5/200 criteria those who are service connected for blindness at 20/200 or 20 degrees or less of peripheral vision do not meet the VBA standard in Section 2101 (b) (2) (A) for the SHA grant.

If accessible housing grants are not sufficient to allow disabled veterans to live independently at home, the alternative high cost of institutional care in nursing homes will occur. The average private room charge for nursing home care was \$212 daily, (\$77,380 annual), and for semi-private \$191 (\$69,715) annually according to MetLife 2008 Survey. Even assisted living centers charges of \$3,031 month (\$36,372) rose another 2 percent in 2008. BVA would point to these more costly alternatives than VA providing sufficient adaptive housing grants for a veteran to remain in their home functioning independently.

BVA appreciated this Committee enacted Public Law 110-157 (H.R. 797) to make similar change to the paired organ statute for blinded veterans who were service connected blind in one eye and then lost vision in their other remaining eye to make the standard 20/200 or 20 degrees of visual field loss to remove the problem with the 5/200 standard being used by VBA for rating the loss of vision. This one change impacted a small percentage of the total number of veterans who already receive VA service connection benefits for vision related conditions but have improved their quality of life by allowing for the benefits they needed when blinded in both eyes.

**CURRENT SPECIALLY ADAPTED HOUSING SERVICES**

**Special Home Adaptation Grant (SHA).** The Special Home Adaptation (SHA) grant, on the other hand, helps service-connected veterans with specific mobility problems within the home. The SHA grant is for \$12,756. The disability must be permanent and total due to:

- Blindness in both eyes with a 5/200 visual acuity or less, or
- Anatomical loss or loss of both hands and extremities below the elbow.

**RECOMMENDATIONS**

The current SAH requirement from the Veterans' Housing Opportunity and Benefits Improvement Act of 2006 (P.L. 109-233), June 15, 2006 and previous laws used standard of blindness of 5/200 acuity and requirements of loss of use of both hands

should be modified to permanent service connected blindness of 20/200 or less, or loss of peripheral visual fields to 20 degrees or less in H.R. 5380 and we urge passage of this bill this session of Congress. The current standards now for this restricts helping those returning OIF and OEF functionally blinded veterans and some TBI veterans with visual impairments requiring assistance and adaptive technology because they would never qualify for this current 5/200 standard leaving them with no grants.

#### **Other Pending Legislation**

BVA is supportive of H.R. 3685 to provide internet Web site information for VetSuccess to assist veterans in finding links for job information. BVA also would support H.R. 4319 to provide for certain improvements in specially adapted housing assistance under Section 2102A. BVA supports H.R. 4765 to authorize expansion of work study allowance to include certain outreach services provided through congressional offices for distribution of information to veterans and families on benefits and services. BVA has no resolutions regarding these following bills being considered today—H.R. 114, H.R. 4664, H.R. 4635—and therefore can not make recommendations on these bills.

#### **CONCLUSION**

Chairwoman Herseth-Sandlin and Ranking Member Boozman, BVA again expresses our thanks for the recent changes that the VA Committee has made to these various grant programs in the past couple of years. Those severely disabled from all previous wars accessing the adaptive housing grants programs necessary to live independently in their own homes must have adequate grants to meet the costs of renovations. BVA appreciated the opportunity to testify today and I will be glad to answer any questions now.

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### **Prepared Statement of Michael R. Duenas, O.D., Associate Director, Health Sciences and Policy, American Optometric Association**

#### **Executive Summary**

The American Optometric Association (AOA), with more than 36,000 members in 6,500 communities across the Nation, remains committed to serving America's veterans, including those blinded and vision disabled. Today, thousands of highly trained doctors of optometry now provide a critical array of high quality care, prevention, treatment and rehabilitation options to our veterans through Department of Veterans Affairs (VA) service and affiliations in the field and at hundreds of inpatient and out-patient facilities across the Nation and throughout the world.

Today, the AOA is appreciative for the opportunity to provide testimony and we applaud the introduction of *The Blinded Veterans Adapted Housing Improvement Act of 2010 (HR 5360)*. We believe that this important effort would provide a much needed update to Special Housing Adaptations (SHA) grant requirements by applying an appropriate standard of visual acuity for eligibility. The standard currently applied to SHA requirements is four-times the known and documented standard for recognizing blindness. We believe that this definition can and must be fixed.

Currently, the law governing SHA requirements states that disabled veterans or servicemembers would be entitled to compensation for permanent and total service-connected disability due to blindness in both eyes with a 5/200 visual acuity or less, or the anatomical loss or loss of use of both hands, or the permanent and total disability due to a severe burn injury. However, AOA believes that the requirement of 5/200 visual acuity or less is excessive and not in-line with recognized standards, which typically identifies blindness as 20/200.

AOA fully supports the changes proposed by *The Blinded Veterans Adapted Housing Improvement Act of 2010*, which would modify the extreme 5/200 visual acuity or less requirement to 20/200 visual acuity or less, the recognized standard. AOA would further recommend that the language also recognize the use of a standard correcting lens. AOA believes that the word "standard" should be inserted before "correcting lens" in order to create an important allowance for the use of rehabilitative low vision adaptive medical devices (e.g. specialty or non-standard correction) without cause for veteran discrimination of the important benefits afforded by this legislation.

The AOA knows that veterans seriously disabled during their service to our country have earned the SHA benefit and the updates sought would help ensure that worthy veterans receive this important assistance on behalf of a grateful Nation. We



fully support the changes proposed by *The Blinded Veterans Adapted Housing Improvement Act of 2010* and look forward to working with Congress to pass this legislation and provide needed assistance to our disabled veterans.

### **Introduction**

The American Optometric Association (AOA) appreciates the opportunity to provide our views on the “*Blinded Veterans Adapted Housing Improvement Act of 2010 (HR 5360)*, which seeks to modify the standard of visual acuity eligibility for specially adapted housing assistance.” We commend you, Chairwoman Herseth Sandlin, Ranking Member Boozman—an esteemed colleague, and Members of the Subcommittee, for the leadership and vision you have shown as you continue working to make certain that America fulfills her promise to all veterans, including ensuring full access to the vision and eye health care services they need and deserve.

AOA optometrists remain committed to serving America’s veterans. Many years ago, we proudly supported the creation of the Veterans Health Administration (VHA) Optometry Service. And, during the more-than-a-quarter century since its inception, the Optometry Service has evolved into providing the majority of primary eye care and low vision rehabilitation services for our Nation’s veterans. Today, thousands of highly trained doctors of optometry now provide a critical array of high quality care, prevention, treatment and rehabilitation to our veterans through Department of Veterans Affairs (VA) service and affiliations in the field and at hundreds of in-patient and out-patient facilities across the Nation and throughout the world.

We thank this Subcommittee for the opportunity to provide testimony today and applaud the introduction of *The Blinded Veterans Adapted Housing Improvement Act of 2010*. We believe that this important effort would provide a much needed update to special home adaptations grant requirements by applying an appropriate standard of visual acuity for eligibility. The AOA knows that veterans seriously disabled during their service to our country have earned this benefit and the updates sought would help ensure that worthy veterans, including those blinded and vision disabled, receive this important assistance on behalf of a grateful Nation.

### **Special Home Adaptations**

Congress developed the Special Housing Adaptations (SHA) program to provide assistance to a growing number of American servicemembers injured on the field of battle during the most recent overseas operations, including thousands returning home with combat eye trauma and vision disorders. The program was also designed to address and provide a level of assistance and independence for an aging population of disabled veterans from previous wars and conflicts with aged-related physical impairments, including vision disorders and related diseases of the eye.

Through these grants, certain veterans or servicemembers with specific service-connected disabling conditions are entitled to VA funding for purposes of adapting an existing dwelling to meet their specific needs. The SHA grant is generally used to assist veterans with mobility throughout their homes. An eligible veteran or servicemember may receive an SHA grant for the actual cost to adapt a house or for the appraised market value of necessary adapted features already in a house when it was purchased. Under this entitlement, a temporary grant (TRA) may also be available to veterans who are/will be temporarily residing in a home owned by a family member.

Currently, the law states that disabled veterans or servicemembers would be entitled to compensation for permanent and total service-connected disability due to blindness in both eyes with a 5/200 visual acuity or less, or the anatomical loss or loss of use of both hands, or the permanent and total disability due to a severe burn injury. Overall, the program has been highly successful among disabled veterans with the VA averaging about 1,000 adaptive housing grants applications per year. AOA also applauds this Committee and Congress for passing legislation in 2008 which removed the one-time use limit and now allows eligible veterans or servicemembers to use the benefit up to three times, so long as the total grant stays within the specified limits of the law.

In the coming months and years, the AOA anticipates that even more of these grants and other like initiatives will be needed to assist severely injured soldiers as they attempt to adjust to life back at home and with a disability. AOA is thankful that with the advent of new and improved body armor that protects vital organs and the skull; many more servicemembers are surviving battlefield injuries. But troops’ eyes and limbs remain particularly vulnerable to the blizzard of shrapnel from new and more damaging types of explosions and the data shows that many returning home are impacted with eye trauma or disorders affecting vision, including Traumatic Brain Injury (TBI).

In fact, according to the DoD Global War on Terrorism Casualties Web site, from Oct. 7, 2001 to May 29, 2010 there have been 36,230 Operation Iraqi Freedom (OIF) and 7,217 Operation Enduring Freedom (OEF) servicemembers wounded in action and this number continues to grow with the current battles in Afghanistan. With an ever aging veteran population from previous conflicts and a growing number of wounded returning home from recent overseas operations, this and other programs will be critical to providing freedom and independence at home for America's veterans while cutting overall health care costs. If disabled veterans are not able to make adaptive changes to their homes, they run the risk of falls and injuries that result in expensive emergency room and costly hospital admissions.

### **Recommendations**

The AOA applauds the creation and Congress' ongoing and increasing support for the Special Housing Adaptations grant program. We believe this and other like programs provide a vital link for our wounded warriors and help them gain some sense of normalcy as they adjust to civilian life and a new disability. However, AOA is concerned that the currently used requirement that a veteran must have a service-connected disability due to blindness in both eyes with a 5/200 visual acuity or less, is not in-line with recognized standards and, as a result, is denying severely injured veterans an earned benefit and needed assistance. In fact, a 5/200 visual acuity or less requires veterans' visual status to be four-times worse than that of most other recognized definitions of blindness.

Congress has already established a precedent for improving veterans' law when it updated the definition of blindness as it relates to low-vision matters. Congress made an important change to Title 38, when it enacted a modification of the rate of visual impairment for payment of disability compensation by striking 5/200 and inserting 20/200. Other Federal agencies, such as the Centers for Disease Control and Prevention, define blindness as follows:

(42 U.S.C. § 416(i)(1)(B) [T]he term "blindness" means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purposes in this paragraph as having a central visual acuity of 20/200 or less.

AOA believes that the important differences including, 1) a visual acuity of 20/200 as opposed to a four-times worse requirement of 5/200 and 2) the use of a qualifying statement, "with the use of a correcting lens" are both critical elements. The qualifier "with the use of a correcting lens", is necessary in order to disqualify veterans who would demonstrate this reduced level of vision simply due to standard uncorrected refractive error (e.g. uncorrected myopia, hyperopia or astigmatism) that could otherwise be corrected with a correcting lens.

Therefore, the AOA recommends that the final language of *The Veterans Adapted Housing Improvement Act of 2010* read: Section 101(b)(2)(A) of title 38, United States Code, is amended by striking "5/200 visual acuity or less" and inserting "20/200 visual acuity or less, in the better eye with the use of a standard correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purposes in this paragraph as having a central visual acuity of 20/200 or less".

The AOA believes that the word "standard" should be inserted before "correcting lens" in order to create an important allowance for the use of rehabilitative low vision adaptive medical devices (e.g. specialty or non-standard correction) without cause for veteran discrimination of the important benefits afforded by this legislation. In doing so, this action will bridge any barriers to vision rehabilitation that a servicemember may have because they do not want to use adaptive medical devices that may improve their vision, disqualifying them from important benefits afforded in this legislation. As a matter of fact, a word insertion of "standard" will allow a veteran fit with low vision adaptive medical devices, the use of which may temporarily improve the visual function above these stated threshold levels of acuity or visual field, the important ability to access the benefits contained within the *Blinded Veterans Adapted Housing Improvement Act of 2010*.

Furthermore, the AOA would like to bring to your attention data that further supports the *Blinded Veterans Adapted Housing Improvement Act of 2010*.

Visual impairment is strongly associated with falls and hip fractures.<sup>1,2,3,4</sup> This can be due to a number of associated vision and eye health problems, including poor visual acuity, reduced visual field, impaired contrast sensitivity and cataract.<sup>2</sup> In the Blue Mountain Eye Study both impaired vision and reduced visual field were found to double the risk of falls. For those aged 75 or older, moderate visual impairment was associated with a nine-fold increase in risk of hip fracture during the subsequent 2 years.<sup>2</sup> As such, we believe that the *Blinded Veterans Adapted Housing Improvement Act of 2010* may serve to reduce health care costs of our veterans.

### Conclusion

In conclusion, the AOA applauds the important work of this Subcommittee in crafting the *Blinded Veterans Adapted Housing Improvement Act of 2010* and will remain available for any additional advice or consultation that may become necessary through your deliberations. Again, we commend you, Chairwoman Herseth Sandlin, Ranking Member Boozman, and Members of the Subcommittee, for the leadership and vision you have shown as you continue working to make certain that America fulfills her promise to all veterans, including ensuring full access to the vision and eye health care services they need and deserve. The AOA and doctors of optometry around the country remain committed to serving America's wounded warriors and we look forward to working with this Committee now and in the future to help ensure that veterans seriously disabled during their service to our country, including those blinded and vision disabled, receive every benefit and any assistance they may need on behalf of a grateful Nation.

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### Prepared Statement of Thomas J. Pamperin, Associate Deputy Under Secretary for Policy and Program Management, Veterans Benefits Administration, U.S. Department of Veterans Affairs

Good afternoon, Madam Chairwoman, Ranking Member Boozman, and other Members of the Subcommittee. I am pleased to be here to provide the Department of Veterans Affairs (VA's) views on pending legislation affecting a number of our programs. Joining me today are John Brizzi, Deputy Assistant General Counsel, and Joseph Simpson, also from the Office of the General Counsel.

### HOUSING PROPOSALS

#### *H.R. 5360*

Madam Chairwoman, your bill, the "Blinded Veterans Housing Improvement Act of 2010," would amend section 2101(b)(2)(A) of title 38, United States Code, to expand Specially Adapted Housing (SAH) eligibility for the visually impaired. Under current law, an individual is not eligible for what is commonly called a "2101(b) grant" unless his or her visual acuity is 5/200 or less. By establishing a qualifying degree of blindness at visual acuity of 20/200 best-corrected visual acuity or less, or as a field of vision of 20 degrees or less, your bill would make the 2101(b) grant available to a wider range of Veterans and Servicemembers.

Provided Congress identifies appropriate and acceptable offsetting PAYGO cost savings, VA supports this legislation. Current eligibility requirements for 2101(b) grants based on visual impairment are exceptionally stringent in comparison to other areas of law. Many grant applicants who are considered legally blind by other commonly-held standards are ineligible for 2101(b) grants because their visual impairments, though profound, are not severe enough to meet the standard set under current law. For example, under the Social Security Administration's eligibility standards for supplemental security income (SSI), individuals are considered legally blind with visual acuity of 20/200 or less, or a peripheral field of vision of 20 degrees or less. Additionally, VA's Servicemembers' Group Life Insurance Traumatic Injury Protection Program's eligibility standard related to visual acuity is "20/200 or less." However, since the standard for "blindness" for the 2101(b) grant is "5/200 visual

<sup>1</sup> Abdelhafiz, A.H. and Austin, C.A Visual factors should be assessed in older people presenting with falls or hip fracture *Age and Ageing*, 32, 26–30, 2003.

<sup>2</sup> Ivers RQ, Cumming RG, Mitchell P et al. Visual impairment and falls in older adults: the Blue Mountains Eye Study. *J. Amer Ger. Soc.* 46(1): 58–64, 1998.

<sup>3</sup> Cummings SR. Treatable and untreatable risk factors for hip fracture. *Bone* 18(3 suppl): 165S–167S, 1996.

<sup>4</sup> Jack DI, Smith T, Neoh C et al. Prevalence of low vision in elderly patients admitted to an acute geriatric unit in Liverpool: elderly people who fall are more likely to have low vision *Gerontology*, 41, 280–5, 1995.

acuity or less,” a Veteran or Servicemember who is legally blind for purposes of SSI or VA life insurance would not be eligible for a 2101(b) grant.

We estimate that enactment of H.R. 5360 would result in benefits costs of \$4.0 million during the first year, \$14.2 million for 5 years, and \$19.1 million over 10 years.

#### *H.R. 4319*

H.R. 4319, the “Specially Adapted Housing Assistance Enhancement Act of 2009,” would adjust through fiscal year 2011 the aggregate amount of SAH assistance available to individuals residing temporarily with family members. It also would add a new section to chapter 21 of title 38, United States Code, to define the term “loss of use.” Although VA supports the adjustment to the Temporary Residential Adaptation (TRA) grant, VA cannot support the bill as drafted.

The TRA grant, authorized in 38 U.S.C. 2102A, is available to eligible individuals who reside temporarily with family members, and is counted both as a grant use and as a reduction in the total amount of SAH assistance available. Currently, an eligible individual may receive up to three grants of assistance under the chapter, not to exceed the applicable maximum aggregate amount of assistance. Section 2 of the bill would authorize the Secretary to disregard a TRA grant when calculating the maximum dollar amount available under chapter 21. Thus far, there has been limited usage of TRA grants. Section 2 of the bill may increase usage of this program because an individual could obtain the short-term adaptations he or she needs immediately, with less worry about whether funds would later be available for permanent living arrangements.

Section 3 of the bill would add a new section 2100 to chapter 21 of title 38, United States Code, to define the term “loss of use”. For purposes of the chapter, “loss of use” would mean, “any loss of use for which the individual is entitled to receive compensation under chapter 11 of [title 38].” Currently under 38 U.S.C. § 2101, an individual may only receive SAH assistance if his or her injuries are permanent and total and service-connected and if they meet the specific criteria identified. Because the provision in section 3 would not change those requirements, it is not clear how VA would apply the new definition of “loss of use,” or whom it would benefit.

The following illustration might help clarify the point: Chapter 21 authorizes two types of grants—one currently offering \$63,780 in assistance and the other \$12,756. When a Veteran receives a permanent and total service-connected disability rating due to the loss of use of both upper extremities, 38 U.S.C. § 2101(a)(2)(D) further requires the Secretary to determine whether the loss of use is at or above the elbows. If the Secretary so determines, the Veteran is medically eligible for the larger grant; if not, the Veteran is eligible only for the smaller grant. The definition proposed in section 3 of the bill would make no difference in the type of assistance a Veteran would receive under chapter 21 because it would not change the general requirements that injuries be total and permanent and service-connected, and it would not change the criteria of qualifying injuries already specified in the statute.

Without a clear understanding of the intent of section 3 of the bill, VA is unable to estimate the cost of enacting the proposal. Upon clarification, VA will provide a cost estimate for the record.

In view of our uncertainty about the impact of the amendment proposed in section 3 and about any PAYGO costs that the bill would impose, we are unable to support the bill as drafted. We would be pleased to work with the Subcommittee staff in resolving this concern.

#### *H.R. 4635*

H.R. 4635, the “Foreclosure Mandatory Mediation Act of 2010,” would require qualified mortgagees, including lenders who hold federally-guaranteed or federally-insured loans, to consent to mandatory mediation before proceeding with a foreclosure. The qualified mortgagee would be required to “conduct, consistent with any applicable State or local requirements, a one-time mediation with the affected mortgagor and a housing counseling agency, at the expense of the qualified mortgagee.”

The bill does not explain what it means for a mortgagee to “conduct” a mediation with a mortgagor and a housing counseling agency. Mediation is generally conducted by an impartial third-party who assists each of the mediating parties, without favoring the interests of one over another. This means that participants and their advocates, including certain housing counselors, might not be best suited for facilitating the mediation proceedings.

The bill text is also unclear as to what expenses a qualified mortgagee must pay in connection with the mediation. For instance, expenses are not expressly limited to the charges of a non-profit mediator for a half-day’s services. It could be argued that, as drafted, the bill would require a qualified mortgagee to pay for the services

of a for-profit mediator, along with accommodations and meals for the affected mortgagor and housing counseling agency representative.

Furthermore, we do not fully understand the intent of the requirement that the mediation be conducted “consistent with any applicable State or local housing requirements.” Such State or local requirements are typically part of the State foreclosure law or, in some cases, local judicial procedural requirements. VA is uncertain whether the absence of a State or local requirement would mean that mediation is not necessary, or whether it implies a Federal requirement would still compel mediation.

Finally, it is unclear whether the requirement to mediate is based on the status of the qualified mortgagee or if it is based on the type of loan the lender intends to foreclose. One possible understanding is that, if a mortgagee holds one federally-guaranteed loan in its portfolio, it would be required to mediate before foreclosing any loan, regardless of whether the loan to be foreclosed is federally guaranteed. Another interpretation is that the bill would only require mediation when a loan is of the type expressly categorized. In other words, a qualified mortgagee would be required to mediate before foreclosing a VA-guaranteed loan but not a conventional loan.

Accordingly, we are unable to support this bill as drafted.

Without a clear understanding of the intent of the bill, we are unable to estimate the cost of enacting the proposal. Upon clarification, we will provide a cost estimate for the record.

*H.R. 4664*

H.R. 4664 would amend the Servicemembers Civil Relief Act to provide for a 1-year moratorium on the sale or foreclosure of property owned by surviving spouses of Servicemembers killed in Operation Iraqi Freedom or Operation Enduring Freedom. VA respectfully defers to the Department of Defense regarding the merits of this proposal.

VA is unable to estimate the cost of the proposal, as it will depend upon interpretation of the eligibility criteria by the Department of Defense.

## EDUCATION PROPOSALS

*H.R. 114*

H.R. 114, the “Veterans Entrepreneurial Transition Business Benefit Act,” would authorize a Veteran who is eligible to receive financial educational assistance under the chapter 30 Montgomery GI Bill to elect to use that benefit, with the approval of VA, to establish, own, and operate a business as his or her primary source of income. The measure also would require VA to promulgate regulations to (1) make sure such financial educational assistance would be used for the purpose for which it was approved; (2) establish application procedures requiring appropriate business planning; and (3) require periodic reporting during the provision of such assistance.

While VA strongly supports assisting in, and advocating for, Veterans’ opportunities in the areas of small business and self-employment, VA cannot support the bill as drafted. VA believes GI Bill education benefits should be preserved and the program administered as currently established. It is difficult to understand how the “entrepreneurial transition business benefit” is logically related to educational assistance, and how eligibility for a specific educational program would be an appropriate indicator of entrepreneurship. The Small Business Administration (SBA) may be better suited to develop the business plans and provide the self-employment support contemplated by H.R. 114. VA also notes the bill provides no guidance as to how VA would determine the particular amount of educational assistance an individual could receive or how VA would otherwise implement its provisions. We would be pleased to work with the Subcommittee staff and SBA to identify a suitable alternative to provide educational assistance for Veterans who seek self-employment opportunity.

Although we believe the fiscal impact of this legislation on VA would likely be minimal, we lack the data necessary to a determination of the expected caseload. Because of this, we are unable to provide an estimate of the cost of enactment of this provision.

*H.R. 4765*

H.R. 4765 would amend 38 U.S.C. §3485(a)(4) to authorize individuals who are pursuing programs of rehabilitation, education, or training under chapters 30, 31, 32, 33, or 34 of title 38, United States Code, or chapters 1606 or 1607 of title 10, United States Code, to receive work-study allowances for certain activities conducted at the offices of Members of Congress. These work-study participants would

distribute information concerning VA benefits and services, as well as other appropriate governmental and non-governmental programs, to members of the Armed Forces, Veterans, and their dependents. In addition, the work-study participants would prepare and process papers and other documents, including documents to assist in the preparation and presentation of claims for VA benefits.

VA has no objection to the enactment of H.R. 4765, subject to the identification of appropriate and acceptable PAYGO offsets for any resulting additional costs. We have no objection to work-study participants participating in, and promoting, the outreach activities and services contemplated by the bill. We also have no objection to work study participants assisting in the preparation and processing of papers and other documents,” *“including documents to assist in the preparation and presentation of claims for VA benefits”* (emphasis added) under proposed new section 3485(a)(4)(G)(ii). We note that work-study participants would be subject to the 38 U.S.C. chapter 59 limitations on representing claimants for VA benefits.

VA estimates that the enactment of H.R. 4765 would result in a benefits cost of at least \$727,000 during the first year, \$3.6 million over a 5-year period, and \$7.3 million over 10 years.

### OTHER PROPOSALS

#### *H.R. 3685*

H.R. 3685 would require VA’s main page of its Internet Web site to include a hyperlink with a drop-down menu, with direct access to the VetSuccess Internet Web site, the USA Jobs Internet Web site, the Job Central Web site, and other employment Web sites that focus on jobs for Veterans. It would also require the Secretary to promote awareness of the VetSuccess Internet Web site by advertising in national media and to inform Veterans of Operation Iraqi Freedom and Operation Enduring Freedom of the VetSuccess Internet Web site through outreach efforts.

VA supports efforts to increase Veterans’ awareness of the VetSuccess.gov Web site and to promote opportunities for employment of Veterans through links to appropriate resources. Although we believe we are currently accomplishing the purpose of this legislation, we do not object to its enactment. VA’s Vocational Rehabilitation and Employment (VR&E) program currently conducts outreach to OEF/OIF Veterans through their Coming Home To Work (CHTW) initiative and through other avenues such as Disabled Transition Assistance Program (DTAP) presentations. VR&E informs Veterans of the VetSuccess.gov Web site through CHTW and by other means, including DTAP presentations and the distribution of QuickBooks.

One-time costs associated with advertising in national media outlets are estimated to be \$900,000 during the first year. To conduct a recent media campaign, VA’s Education Service spent approximately \$380,000 on developing concepts and materials, identifying and targeting appropriate markets, and developing a marketing plan. An additional \$520,000 was spent on implementation of the marketing plan. Implementation included advertising on radio, social media sites including Facebook and MySpace, Internet sites including Google and Yahoo, print outlets and text messaging services. VA would expect to incur similar costs to conduct a media campaign to advertise the VetSuccess.gov Web site.

No additional costs are related to conducting outreach to OEF/OIF Veterans to inform them of the VetSuccess.gov Web site because this is currently done by VR&E. No additional costs are associated with including hyperlinks on the VA main Internet page because VA has already budgeted for these types of minor changes.

#### *H.R. [Draft bill, unnumbered]—The Veteran-Friendly Business Act of 2010*

The “Veteran-Friendly Business Act of 2010,” would require the Secretary to establish an award program, as well as a process for administering such program, that would recognize businesses for their contributions to Veterans’ employment. The program must specify categories and sectors of businesses eligible for recognition each year and objective measures for selecting recipients of the award.

VA supports this bill. A program of recognition for contributions to Veterans’ employment is a worthwhile means of encouraging businesses to continue to employ Veterans. Businesses that contribute to Veterans’ employment provide a valuable and meaningful service, allowing VA to excel with regard to its mission to help Veterans become employable and obtain and maintain suitable employment. This service deserves appropriate recognition. VA would recommend two categories, “small businesses” and “other than small businesses,” and three sectors, “non-profit,” “service,” and “manufacturing, farming and other,” of recipients eligible to receive awards. A review board would be created to review nominations and select recipients. Recipients would receive trophies and runners-up would receive plaques.

We estimate that enactment of this bill as contemplated would result in no significant costs. We estimate nominal costs associated with staff-days to review and select nominations, advertising, verification of winners, and purchasing trophies and plaques.

*H.R. 3266*

H.R. 3266 would require VA and the Department of Defense (DoD) to jointly establish the "Wounded Warrior K-9 Corps" program, to award competitive grants to nonprofit organizations to assist such organizations in planning, designing, establishing, and operating programs to provide assistance dogs to covered members of the Armed Forces and Veterans, subject to the availability of appropriations provided for the program. Grant recipients would use the funding to carry out programs that provide assistance dogs to covered members and Veterans with certain disabilities, including blindness or visual impairment; loss of the use of a limb, paralysis, or other significant mobility issue; loss of hearing; traumatic brain injury; post-traumatic stress disorder; and any other disability that VA and DoD consider appropriate. Assistance dogs would be defined as dogs that are specifically trained to perform physical tasks to mitigate the effects of these disabilities, and would not include dogs specifically trained for comfort or personal defense.

To be eligible for a grant, a nonprofit organization would be required to submit an application to VA and DoD in such manner, and containing such information, as VA and DoD may require. The application would include a proposal to evaluate the effectiveness of the activities carried out by the grant recipient (an evaluation would be required of each grant recipient), and a description of (1) the organization's training program, including training and aftercare services for the covered members and Veterans, as well as the dogs; (2) the plan for publicizing the availability of the dogs through a targeted-marketing campaign to covered members and Veterans; (3) the recognized expertise of the organization in breeding and training such dogs, and the expertise of the organization with working with military medical treatment facilities, or VA medical facilities; and (4) the organization's commitment to standards comparable to the standards of the International Guide Dog Federation or Assistance Dogs International, and the organization's commitment to humane standards for animals. "Covered" members would include a member of the Armed Forces who (1) is receiving medical treatment, recuperation, or therapy under chapter 55 of title 10, United States Code; (2) is in a medical hold or medical holdover status; or (3) is covered under section 1202 or 1205 of title 10, United States Code. "Covered" Veterans would include Veterans who are enrolled in VA's system of patient enrollment, established under section 1705(a) of title 38, United States Code. The bill would authorize the appropriation of \$5 million for each of fiscal years 2010 through 2014.

We are in the early stages of developing our own assistance dog program, so the full impact of the demand for service dogs may not have been realized so far. A recent report by the Office of Inspector General found that of 4 assistance dog agencies surveyed (out of 77 Assistance Dog International member organizations), 124 dogs had been placed with Veterans. VA has no direct knowledge of any shortage in available dogs. Therefore, we recommend deferring action on this bill to allow the current program sufficient time to become fully operational and better ascertain future needs for this benefit.

In addition to the appropriation of \$5 million each fiscal year through 2014, VA estimates enactment of this proposal would result in additional administrative costs of \$759,000 in the first year, \$4.3 million over 5 years, and \$8.2 million over 10 years.

Madam Chairwoman, this concludes my statement. I would be happy to respond to questions you or the other Members of the Subcommittee may have regarding our views, as presented.

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**Statement of Raymond C. Kelley, National Legislative Director, American Veterans (AMVETS)**

Chairwoman Herseth Sandlin, Ranking Member Boozman, and Members of the Subcommittee, thank you for holding this hearing today and thank you for the opportunity to provide AMVETS' views regarding these key pieces of legislation.

AMVETS does not support H.R. 114. All thought this is a creative way to assist veterans fund the establishment of a business, it will set a negative precedent for the use of veterans' benefits. Each benefit has an expressed intent and has a system of distributing their funds. Adding business development to chapter 30 would not

only change the intent of the benefit it would change the roll VA would have to play in distributing funds and oversight of the use of funds by the recipient.

AMVETS believes that VA should design their Web site to make it easier for veterans to find veteran employment opportunities and resources in one, easy to find location on the VA.gov homepage. Currently, VetSuccess information is located in the "Veterans Services." This is easy to navigate to, but if a veteran does not know what this service provides they may skim past it. There is also a link to USAJobs on their homepage, so this might lead veterans to believe this is the only employment resource available from the Web site. AMVETS supports H.R. 3685. Providing an easily recognizable "Employment" dropdown from the VA homepage that houses all employment opportunities for veterans will simplify and ensure that all veterans who visit the VA Web site will find all relevant employment information.

AMVETS believes that every effort should be made to ensure that veterans who are in financial distress can keep their home. AMVETS supports H.R. 4635, prevent mortgagee from initiating foreclosure on financially distressed mortgagor without first arranging mediation in an attempt to keep the mortgagor in the home. Providing this intervention will drastically reduce the number of foreclosures by allowing the homeowner to negotiate a revised payment plan.

The loss of a spouse places unimaginable physical, mental and financial stress on the survivors. Understanding this, it is important to ensure that additional stress isn't placed on them while they work through this abrupt and devastating event. AMVETS supports H.R. 4664, which will prevent surviving spouses from losing their home for 1 year after the combat death of their spouse and servicemember.

AMVETS supports H.R. 5360. Federal statute defines legal blindness as:

“. . . central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purposes in this paragraph as having a central visual acuity of 20/200 or less.”

42 U.S.C. § 416(i)(1)(B) (Supp. IV 1986).[1]

It is time to ensure veterans affected by visual impairment receive the benefits and assistance they have rightfully earned.

Madam Chairwoman, thank you again for providing AMVETS the opportunity to present our views on these key pieces of legislation. This concludes my testimony and I will be happy to answer any questions you may have.

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#### **Statement of Hon. Frank Kratovil, Jr., a Representative in Congress from the State of Maryland**

Chairman Herseth Sandlin, Ranking Member Boozman, and distinguished members of the Veterans Affairs Subcommittee on Economic Opportunity—thank you for conducting this important hearing on legislation that will help honor our commitment to our Nation's veterans and the sacrifices they and their families make to keep our country safe.

I am pleased the Subcommittee is considering legislation I have introduced, H.R. 4664, the "Mortgage Foreclosure Moratorium for Surviving Spouses Act of 2010."

The housing crisis has significantly affected our military communities: in early 2008, foreclosure rates in military towns were increasing at four times the national average. We must take steps to ensure our military families do not face foreclosure, particularly when their servicemember makes the ultimate sacrifice.

The Mortgage Foreclosure Moratorium for Surviving Spouses Act of 2010 would expand the existing mortgage foreclosure protections that apply to servicemembers who return from combat duty to the surviving spouses of servicemembers who are killed in Iraq and Afghanistan. Rep. Perriello, a distinguished member of this Subcommittee, introduced H.R. 3976, the Helping Heroes Keep Their Homes Act of 2009, which extended the expiring mortgage foreclosure moratorium for servicemembers. As a cosponsor of this legislation, I was pleased it passed the House on March 23, 2010. Once that legislation becomes law, servicemembers will be provided a 9-month foreclosure moratorium period upon returning from active duty, through 2015.

H.R. 4664, the "Mortgage Foreclosure Moratorium for Surviving Spouses Act of 2010," would extend this mortgage foreclosure protection to surviving spouses of service B members killed on active duty. It would prohibit the sale, foreclosure, or seizure of property owned by the surviving spouse of a servicemember killed on ac-



tive duty in Operation Iraqi Freedom or Enduring Freedom during the 1-year period following the servicemember's death.

Giving surviving spouses a protection against foreclosure in the immediate aftermath of the death of their loved one is the least we can do for families that have already given so much for their country.

I'd like to share with you the story of Casey Werner of Amboy, Washington. While not a constituent of mine, Ms. Werner's plight underscores the need to pass H.R. 4664.

Casey's husband, Sergeant Earl Warner, joined the Oregon National Guard the day after 9/11. Eight years later, during his third tour in Iraq, the 38-year old soldier was killed by a roadside bomb. Casey was left to fend for herself—on her \$10/hr. income—and fight for the home she and her husband built together. Unable to secure a loan modification from her mortgage servicing company, she's missed payments and the home she built with her war-hero husband is about to go on the foreclosure auction block.

This is unacceptable. Losing a loved one to war is a tragedy that should never be compounded by losing a home. When our servicemen and women make the ultimate sacrifice, we have the responsibility to look out for those they have left behind.

Thank you for the opportunity to testify in support of H.R. 4664, the Mortgage Foreclosure Moratorium for Surviving Spouses Act of 2010. I urge the Committee to pass this important legislation and provide foreclosure protection to our military widows.

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**Statement of Hon. Jerry Moran, a Representative in Congress from the  
State of Kansas**

**EXECUTIVE SUMMARY**

H.R. 4319, Specially Adapted Housing Assistance Enhancement Act, would amend the VA's Specially Adapted Housing (SAH) Grant Program in 2 ways:

1. The bill would expand eligibility for adapted housing grants to veterans who have lost a limb and are further impeded from independent living by the limited use of a remaining arm or leg. Current law requires the complete loss or "loss of use" of more than one extremity to be eligible for adapted housing grants. However, many individuals with severely injured extremities retain a modicum of limited use of remaining limbs. Despite that residual use, such as being able to stand on an injured leg, they still face extreme mobility challenges.
2. The bill would create a pilot program to encourage the use of adapted housing grants among eligible disabled veterans and servicemembers who reside temporarily in housing owned by a family member. Under the pilot, a grant received to adapt the temporary family home would not count against the veteran when applying for additional grant money later to adapt their own home. The pilot would last for a year, during which time we would be able to evaluate whether this change helps more veterans access this program.

The goal of H.R. 4319 is to make a good program even better by encouraging its use and helping more severely injured veterans who face great challenges to live easier, independent lives in the comfort of their homes.

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Thank you for allowing me to testify today before the Subcommittee about H.R. 4319, which I introduced with the goal of helping more of our most severely disabled veterans and servicemembers achieve a barrier-free living environment following injuries sustained in military service to our country. My bill would allow additional veterans to take advantage of an important VA program to adapt their homes to their disabilities.

The Specially Adapted Housing (SAH) Grant Program is a Department of Veterans Affairs program that seeks to provide a barrier-free living environment for veterans who are rated permanently and totally disabled due to service-connected conditions. To meet their mobility needs, these grants aid those veterans to adapt their homes to meet their specific mobility issues.


The legislation I introduced, H.R. 4319, Specially Adapted Housing Assistance Enhancement Act, seeks to improve this program by making two changes.

First, my bill would expand eligibility for adapted housing grants to veterans who have lost a limb and are further impeded from independent living by the limited

use of a remaining arm or leg. Current law requires the complete loss or "loss of use" of more than one extremity to be eligible for adapted housing grants. However, many individuals with severely injured extremities retain a modicum of limited use of remaining limbs. Despite that residual use, such as being able to stand on an injured leg, they still face extreme mobility challenges. I believe the quality of life for these disabled individuals would greatly improve were they eligible for adapted housing grants. I have drafted H.R. 4319 in broad terms, and I am very interested in VA's comments and look forward to addressing any suggestions they may have while still meeting the intent of my bill.

The second change my bill seeks to make is to create a pilot program to encourage the use of adapted housing grants among eligible disabled veterans and service-members who reside temporarily in housing owned by a family member. As we know, family caretakers often play a critical role in caring for injured service-members and veterans. Under the pilot, a grant received to adapt the temporary family home would not count against the veteran when applying for additional grant money later to adapt their own home. The pilot would last for a year, during which time we would be able to evaluate whether this change helps more veterans access this program.

We have an obligation to care for those wounded in service to our country. The VA's Specially Adapted Housing Grant Program is an important program that greatly improves the quality of life for those who have sacrificed much for our country. I believe H.R. 4319 would make a good program even better by encouraging its use and helping more severely injured veterans who face great challenges to live easier, independent lives in the comfort of their homes.



**MATERIAL SUBMITTED FOR THE RECORD**

Committee on Veterans' Affairs  
 Subcommittee on Economic Opportunity  
 Washington, DC.  
*June 14, 2010*

Ms. Catherine A. Trombley  
 Assistant Director, National Economic Commission  
 The American Legion  
 1608 K Street, NW  
 Washington, DC 20006

Dear Ms. Trombley:

I would like to request your response to the enclosed questions for the record I am submitting in reference to our House Committee on Veterans' Affairs Subcommittee on Economic Opportunity *Legislative Hearing* on June 10, 2010. Please answer the enclosed hearing questions by no later than Monday, July 26, 2010.

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) 226-5491.

Sincerely,

Stephanie Herseth Sandlin  
*Chairwoman*

JL/ot

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American Legion  
 Washington, DC.  
*July 7, 2010*

Honorable Stephanie Herseth Sandlin, Chair  
 Subcommittee on Economic Opportunity  
 Committee on Veterans' Affairs  
 U.S. House of Representatives  
 335 Cannon House Office Building  
 Washington, DC 20515

Dear Chair Herseth Sandlin:

Thank you for allowing The American Legion to participate in the Subcommittee hearing on the several pieces of pending legislation, including *H.R. 4765* on June 10, 2010. I respectfully submit the following in response to your additional questions:

**1. Regarding H.R. 4765 (DeFazio), you are concerned that in order to represent a veteran in a disability claim a representative must be accredited by the VA. If a veteran participating in the work study program gives advice without being accredited, that veteran would be liable.**

**a. Can you clarify your concern?**

The veterans' benefits system is a complex system which has undergone extensive revision by changes in law, internal regulatory change, and which has been altered by precedential decisions of the courts over the last 20 years. By VA's own estimates, it can take up to 2 years or more to become fully conversant with the system. There exists a danger in providing advice if the advice does not carry a fully developed understanding of these regulations. Veterans may miss out on benefits that their advisor is unaware of, or may hamper their future success chances with a claim as a result of bad advice.

For this reason, The American Legion and other service organizations that assist veterans with their claims require their professional service officers to undergo ex-

tensive training to ensure that the advice given to veterans in the prosecution of their claims is accurate and provides the best possible chance for winning those claims. Furthermore, the training ensures that the service officers are aware of all benefits to which the veteran may be entitled, and therefore there is a reduced chance of the omission of benefits for the veteran.

**b. Should veterans participate in the work-study program be accredited by the VA?**

If a work study participant is going to be providing advice on filing for and obtaining benefits, they certainly should undergo some sort of certification process. Accreditation by VA would be helpful towards that end.

**c. Should a veteran participating in the work-study program be restricted from giving any advice?**

If the process of accrediting work study participants proves to be unwieldy, then those participants can be limited from giving advice. It is possible to use this resource solely to provide veterans with basic information about VA programs and benefits, and to refrain from providing advice on the successful execution of a claim. VA provides information to veterans when they file their claims including a list of service organizations which can provide more technical assistance. Work study participants could direct veterans seeking more specific and technical information to that list, which would be non-preferential, but still provide the veteran with a list of qualified resources to get them the help they need with their claim.

Thank you for your continued commitment to America's veterans and their families.

Sincerely,

Catherine A. Trombley  
Assistant Director, National Economic Commission

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Committee on Veterans' Affairs  
Subcommittee on Economic Opportunity  
Washington, DC.  
June 14, 2010

Mr. Thomas J. Pamperin  
Associate Deputy Under Secretary for Policy and Program Management  
Veterans Benefits Administration  
Department of Veterans Affairs  
810 Vermont Avenue, NW  
Washington, DC 20420

Dear Mr. Pamperin:

I would like to request your response to the enclosed questions for the record I am submitting in reference to our House Committee on Veterans' Affairs Subcommittee on Economic Opportunity *Legislative Hearing* on June 10, 2010. Please answer the enclosed hearing questions by no later than Monday, July 26, 2010.

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) 226-5491.

Sincerely,

Stephanie Herseth Sandlin  
Chairwoman

JL/ot

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**Questions for the Record**  
**U.S. House of Representatives Committee on Veterans' Affairs**  
**Chairwoman Stephanie Herseth Sandlin,**  
**Subcommittee on Economic Opportunity**  
**Legislative Hearing**  
**June 10, 2010**

**Question 1:** Under H.R. 4319 (Moran), would it be better if Section 3 was eliminated and would the bill be easier to implement by VA if passed by Congress?

**Response:** As a technical matter, deleting section 3 would eliminate the concern about the bill's ambiguity and also would make the bill easier to implement upon enactment.

**Question 2:** Regarding H.R. 4635 (Fudge), what would be the impact to VA Guaranty Loan program if this bill was restricted to VA loan program?

**Response:** VA believes that applying H.R. 4635 *only* to the VA Home Loan program would not have the positive effects intended. The requirements would disregard VA's extensive supplemental servicing efforts, add costs for Veterans and the Government, and continue to cause the interpretational problems we explained in our June 10 testimony.

VA's supplemental servicing efforts already include the best aspects of this bill's intent. Currently, VA regulations require that servicers attempt to contact every delinquent VA borrower. If the servicer is unable to reach the borrower, or if the borrower will not accept the servicer's contact, VA intercedes between the borrower and servicer in order to attempt to avoid foreclosure. These attempts are made to ensure that Veterans receive every possible opportunity to retain their homes, or if home retention is not possible, to dispose of the property in a dignified manner that is least damaging to the Veterans' credit histories.

The mandatory mediation provisions in H.R. 4635 would require servicers to engage in additional contact, but would do so irrespective of the status of their (or VA's) previous communication attempts with the borrowers. This is duplicative and unnecessary, given VA's current outreach and loss-mitigation efforts.

Furthermore, the mandatory mediation provisions of H.R. 4635 would result in additional costs for participants of VA's home loan program and for the Government. If servicers perceive higher administrative costs in servicing VA-guaranteed loans, those costs will be passed along to Veterans. Moreover, in typical delinquencies, attorney fees, appraisals, and other mandatory costs, such as mediation fees, are added by servicers to the overall delinquency amount borrowers must pay in order to reinstate their loan. If the loan ultimately forecloses, this added amount is payable by the Government in the guaranty claim payment.

Finally, as we discussed in our June 10 testimony, there are a number of provisions in the proposed bill that are not clear. Limiting the bill so that it would apply only to VA-guaranteed loans would not resolve those issues. For this reason, VA is not able to provide cost estimates for H.R. 4635 at this time. VA welcomes the opportunity to work with Congress to clarify language in the proposed bill.

**Question 3:** Since the work-study program has already been in effect for many years. In your estimation, what have been the results of the program for the congressional offices and the veterans?

**Response:** Currently, title 38, U.S.C., section 3485(c) requires the Secretary of the Department of Veterans Affairs (VA) to conduct an annual work-study survey of each regional office to determine the number of individuals that can be effectively utilized and the types of duties such individuals may be required to perform in each geographical area VA activities are conducted. These work-study activities include those performed at VA facilities, VA hospitals, State homes, State approving agencies, and the Department of Defense. In fiscal year 2009, there were approximately 14,000 work-study students.

Since the performance of work by a work-study student in a congressional office is not authorized under the current statute, VA does not collect data for this type of work-study position.

**Question 4:** Regarding H.R. 4765 (DeFazio), we received a concern that in order to represent a veteran in a disability claim, a representative must be accredited by VA. If a veteran participating in the work-study program gives advice without being accredited, that veteran would be liable. Do you have any concerns regarding this possibility?

**Question 4(a):** Should a veteran participating in the work-study program be restricted from giving any advice?

**Response:** Yes, VA has concerns regarding the possibility of work-study participants providing advice to claimants without being accredited representatives. All work-study participants should be subject to the 38 U.S.C. chapter 59 limitations on representing claimants for VA benefits. Title 38, U.S.C., section 5901 prohibits an individual from acting as an agent or attorney in the preparation, presentation, or prosecution of a claim of any claim under laws administered by VA unless the individual has been recognized for such purposes by the Secretary.

VA recommends the language in H.R. 4765 be modified to allow work-study students at congressional offices to be authorized to distribute forms or other materials and information that relate to the presentation of claims (including appeals) for benefits under laws administered by the Secretary.

**Question 5:** On the draft bill that was introduced by Rep. Teague, would it be better if we left the categories subject to the Secretary's discretion in case a change needed to be made or should we change the current language to address your recommendations?

**Response:** VA supports the original text in the draft bill which would allow the Secretary to determine appropriate categories and sectors of businesses for consideration of the award.

**Question 6:** What are your thoughts on Michael Duenas' recommendation to recognize the use of a standard correcting lens that the word "standard" should be inserted before "correcting lens" which will allow a veteran to be approved for rehabilitative low vision adaptive medical device?

**Response:** In reviewing the testimony, Dr. Duenas is differentiating between standard correcting lens (eyeglasses and contact lenses) versus low vision rehabilitation adaptive devices (specialty or non-standard correction). The use of the term standard correcting lens would be similarly interpreted as the policy that VA currently follows in the VA Schedule for Rating Disabilities: Eye for the Veterans Benefits Administration as delineated in 38 CFR Part 4. Using the 20/200 corrected visual acuity criteria instead of the 5/200 corrected visual acuity criteria would enable more statutory or legally blind Veterans to qualify for the Special Housing Adaptations (SHA) program. VA looks forward to working with Congress to address the American Optometric Association's concerns.

