

**The Senate Committee on  
Veteran Affairs & Military Installations**



**Report and Recommendations  
to the  
81st Texas Legislature**

**December 2008**



## The Senate Committee on Veteran Affairs & Military Installations

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December 1, 2008

The Honorable David Dewhurst  
Lieutenant Governor of Texas  
P.O. Box 12068  
Austin, Texas 78711

Dear Governor Dewhurst,

The Texas Senate Committee on Veteran Affairs & Military Installations respectfully submits this interim report on charges, findings, and recommendations related to:

- any existing state veteran hiring and procurement preferences and procedures with recommendations for improving and enhancing these programs to increase efficiencies and maximize funding;
- veteran reintegration issues, including the occurrence of post traumatic stress disorder, traumatic brain injury, substance abuse problems, and domestic violence and other family issues, with suggestions regarding what the state could do to supplement and enhance related service for veterans and their families, focusing on state military forces veterans and reservists, including an assessment of the implementation of Senate Bill 1058, 80th Texas Legislature, relating to reintegration counseling services;
- state services and benefits for injured service members and their families who are recovering from their injuries and rehabilitating in Texas with recommendations on how to better serve them;
- the relationships between military installations and the surrounding communities with recommendations addressing encroachment and quality of life;
- "The Fund for Veterans Assistance," established by House Bill 3107, 80th Texas Legislature with suggestions on how it could be maximized to the benefit of Texas veterans; and
- the implementation of legislation addressed by the Veteran Affairs & Military Installations Committee, 80th Legislature, Regular Session, with recommendations for any legislation needed to improve, enhance, and/or complete implementation, focusing on the implementation of the Texas Veterans Commission (House Bill 3426) and Texas Veterans Land Board (House Bill 3140) Sunset reviews.

The military and the defense industries are vitally important to Texas. The benefits that the state offers our veterans is an acknowledgement of their sacrifice, as well as an acknowledgement of our gratitude for their service to our nation. By promoting Texas as a place where military experience is valued, we are strengthening both our veterans and their families and our great state. It is our sincere desire that the implementation of the recommendations in this report will contribute to Texas' historical commitment to military communities, from the Red River Army Depot in Texarkana to Fort Bliss in El Paso.

We appreciate the opportunity to examine the issues that affect the lives of the 1,707,365 veterans and their families who live in Texas. Also, we are aware of the distinct honor that attends the ability to affect positive change for the 171,000 active-duty and 23,900 National Guard and Reserve servicemembers from Texas who have deployed in support of Operations Enduring and Iraqi Freedom as part of the Global War on Terror.

This report is dedicated in memory of the 428 brave Texans who have died while in the service of the United States military during the current War on Terror.

Respectfully submitted,



Senator Leticia Van de Putte, R.Ph.  
Chair



Senator Eliot Shapleigh  
Vice Chair



Senator Craig Estes



Senator Chris Harris



Senator Steve Ogden

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## **Introduction: Report and Recommendations to the 81st Texas Legislature**

With one brief and particularly bloody exception during the years of 1861-1865, the United States military and the state of Texas have experienced a harmonious partnership. During the 1850's, as much as one-quarter of the entire U.S. Army was stationed in Texas as part of the effort to encourage and safeguard the inexorable westward expansion of a burgeoning nation. Following the Civil War and even beyond Reconstruction, the American military strategically positioned outposts and garrisons in Texas that would provide a base of operations for the offensive campaigns that would ensure no military power existed on the frontier that didn't wear Union blue. However, the armed forces' influence was far greater than that of simply clearing the land of Plains Indians. Frontier posts stimulated civilian settlement, and army contracts were a tremendous boon to local businesses and settlers searching for employment.

The contentious period of Reconstruction ended in 1877, and in 1898, Texans organized themselves into militia units that volunteered for Federal service during the Spanish-American War. The first decade and a half of the 20th century witnessed renewed tensions between Mexico and the U.S., with as many as 112,000 Guardsmen from fourteen states massed along the Rio Grande in response to the daring raids of Pancho Villa. However, distractions of a more global tone soon rang down upon the ears of the American populace, and soon thereafter, the United States declared war on Germany as civilization's first World War became a reality for Americans. Texas was not to be excluded from the patriotic fervor that consumed the nation. More than \$20 million was spent constructing military training facilities in Fort Worth, Houston, San Antonio, and Waco. Forts Bliss and Sam Houston underwent major expansion as well. Military aviation found a warm reception in Texas, where Fort Worth, San Antonio, Dallas, Houston, Waco, and Wichita Falls housed key flight and service training centers.

America and the world experienced relative calm after the Versailles Treaty was signed. In large part because the world was so exhausted in resources and morale after the government-sanctioned slaughter of World War I, the world stood back and watched as Germany, Italy, and Japan exercised expansionist and ideological ambitions across Europe, Northern Africa, and the southern Pacific. Japan conducted a surprise attack on Pearl Harbor on December 7, 1941, and the respite from war that Americans had enjoyed for twenty-three years came to an end. Owing to the numerous bases, availability of land, and public support for the military, Texas was quickly transformed into an important military training center. During World War II, more than 200,000 airmen trained in Texas at fifty airfields and air stations, including naval air stations at Corpus Christi, Beeville, and Kingsville. The war had a tremendous impact upon the Texas economy, in which federal and private investments brought massive industrial development. Aircraft production blossomed in Dallas-Fort Worth; shipbuilding boomed in Orange, Port Arthur, Beaumont, Houston, and Galveston. Sprawling industries along the Gulf Coast also formed the world's largest petrochemical center. Munitions plants, steel mills, and tin smelters were built, and increased demand for food, timber, and oil offered new opportunities throughout the state.

After the war the United States retained a much larger permanent military establishment in Texas. Defense and defense-related industries had taken an increasingly large role in the Texas economy during World Wars I and II. By the latter half of the twentieth century, the nation's prodigious permanent military establishment had become fundamental to the state's economy.

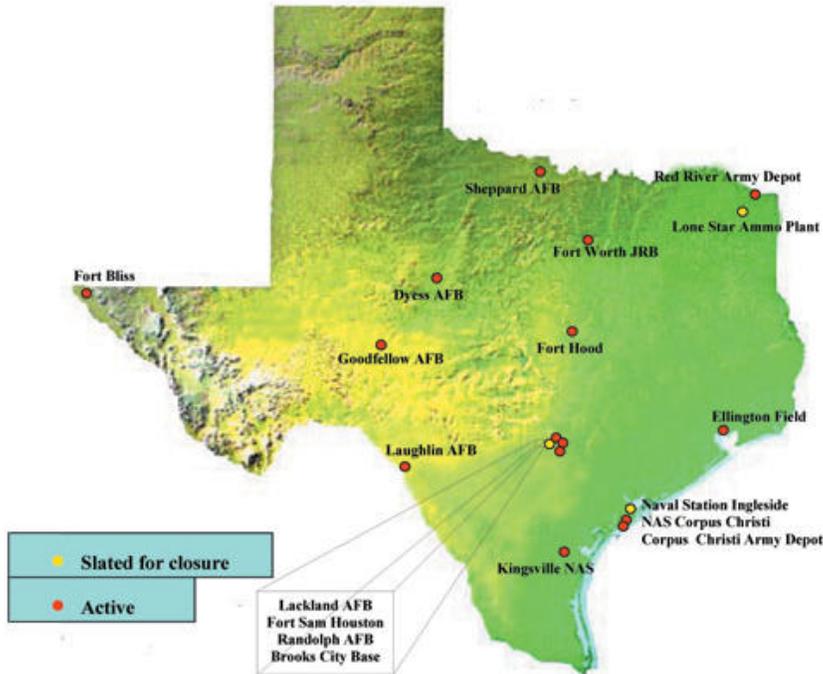
The state of Texas and the defense community share a unique relationship. It is, in fact, a symbiotic partnership in which what is good for one is also good for the other. It is in Texas' best economic interest that we continue to foster and promote an environment that attracts new missions to Texas and sustains currently existing missions. However, the considerations of the surrounding community must be included, and it is for this reason that mission growth and transformation should also take into account the impact upon municipal and local governments, their citizens, and their economic interests.

It is imperative that defense communities partner with local facilities and organizations to maintain the military value of the area, while also protecting the installation and training areas from encroachment. The compatible growth and maintenance of our military installations is vital to our economy and our defense capabilities. Texas' 18 major military installations are a significant economic engine (please see the map indicating the locations of the installations). In fiscal year 2006, the U.S. Department of Defense's total military expenditures in Texas were \$39.2 billion. The Texas Comptroller of Public Accounts estimates that this resulted in a \$92 billion impact on the state's economy. As of December 31, 2007, there were 1,079,599 active duty military personnel stationed in the United States and her territories. Of these, 119,176 were stationed in Texas. This means that roughly 1 in 9 active duty military personnel are stationed in Texas; a figure sure to only grow considering that Fort Bliss expects to see a gain of approximately 27,000 military personnel by 2012 due to the Base Realignment and Closure decisions of 2005 (please see *Appendix A*).

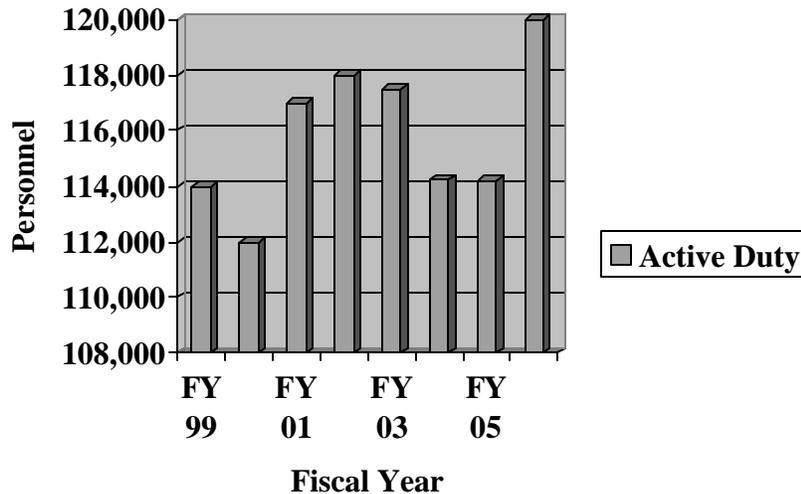
Fort Hood, the U.S. Army's premier armored force installation and strategic power projection platform, has seen its authorized strength surge from 41,000 soldiers to 55,800 since the inception of the Global War on Terror (GWOT). That translates to 1 in 10 active duty soldiers in the U.S. Army calling Fort Hood, Texas their duty station. Almost 98% of these soldiers--and their family members--live within 10 miles of the flag pole. No other installation in the nation has had, or now has, more members deployed in support of the GWOT. In addition, 11,900 civilian employees complement the active duty component at Fort Hood. In 2007, the total statewide impact of Fort Hood on the Texas economy was \$10.8 billion dollars.

Fort Hood may be unique in its composition and sheer enormity, but its impact on the surrounding community and its importance to our state's economy and national defense epitomizes Texas' relationship with all of our military installations. Texas' air bases are the Air Force's largest and most diversified training facilities in the country, and include a strategic bomb wing. Fort Bliss in El Paso is a multi-faceted, multi-functional installation of 1.1 million acres, and is the fastest growing post in the United States Army.

## MILITARY INSTALLATIONS IN TEXAS



## DoD PERSONNEL ASSIGNED TO TEXAS FISCAL YEARS (FY) 1999-2006



The DoD and the state of Texas have a long history of working together for the betterment of the local community and the nation as a whole. The multiple installations within Texas' borders support a myriad of operations, including the invaluable function of disaster response. No event exemplifies this critical role more starkly than Hurricane Ike. Ike was one of the worst disasters in Texas history, directly impacting 22 Texas counties

totaling nearly 20,000 square miles. Governor Rick Perry authorized the call-up of 7,500 soldiers and airmen to assist federal, state, and local emergency support agencies. Two Texas Air National Guard units were alerted to provide evacuation operations and communications capabilities in relief efforts prior to the arrival of Hurricane Ike.

Preparations by the Texas National Guard consisted of pre- and post-landfall assistance and included ground and air evacuation hubs, bus fueling points, management of staging areas for evacuation buses, points of distribution operations for food and water, and shelter management. All available air assets were reconfigured for search-and-rescue missions and medical air evacuations. The 136th Airlift Wing from Naval Air Station and Joint Reserve Base in Fort Worth, Texas, provided up to 250 personnel to assist in Texas and Louisiana, while the 149th Fighter Wing of Lackland Air Force Base, Texas, provided up to 100 personnel to help out in Texas. Search and rescue efforts were undertaken the day after landfall, an operation that saved more than 3,540 lives. Debris mitigation and the establishment of points of distribution also fell within the purview of the National Guard. The military members who participated in these operations performed work that aided the restoration of basic services, and undoubtedly improved the morale and increased the confidence of the citizens whose lives were so horrifically impacted by this natural disaster. The work by our military in southeast Texas was one more example of the benefit of cultivating a healthy relationship with the military.

The state and local communities should adopt a strategy that allows defense communities to be successful during future force structure and mission changes. This strategy must be proactive in positioning the community and the installation to meet future military needs. In turn, the defense communities must continue their emphasis on quality of life programs, including appropriate housing, gainful spousal employment, progressive schools, and community programs that integrate the military into the community. Responsible policy-making, leadership, and vision will ensure that the state of Texas and the military continue to enjoy the mutually beneficial relationship that has defined substantial portions of our state's economic and cultural history.





## Interim Charge No. 1

Examine any existing state veteran hiring and procurement preferences and procedures and make recommendations for improving and enhancing these programs to increase efficiencies and maximize funding.

### Current Law

Currently, Chapter 657, Government Code, outlines a hiring preference for veterans for public entities. This preference has existed since soon after World War II. Ch. 657 entitles veterans to a preference in hiring and appointments with public entities over applicants with equal qualifications. To be eligible for this preference, a veteran must:

- have served in the military for at least 90 consecutive days during a national emergency or have been discharged from the military for a service-related disability;
- have been honorably discharged; and
- be competent.

Under the current statute, it is unclear how the hiring preference is to be applied, what entities are considered "public entities," and what remedies exist to the veteran if he or she feels the preference has been inappropriately denied.

Veterans preference in state procurement law requires the state to give first preference for goods to bidders and businesses owned by service-disabled veterans who are also Texas residents. The preference is also extended to service-oriented businesses that are owned by service-disabled veterans. The preference is, however, passive, and is not followed to the extent that the statute would suggest.

#### **Sec. 657.003. VETERAN'S EMPLOYMENT PREFERENCE.**

- (a) An individual who qualifies for a veteran's employment preference is entitled to a preference in employment with or appointment to a public entity or for a public work of this state over other applicants for the same position who do not have a greater qualification.
- (b) An individual who has an established service-connected disability and is entitled to a veteran's employment preference is entitled to preference for employment or appointment in a position for which a competitive examination is not held over all other applicants for the same position without a service-connected disability and who do not have a greater qualification.
- (c) If a public entity or public work of this state requires a competitive examination under a merit system or civil service plan for selecting or promoting employees, an individual entitled to a veteran's employment preference who otherwise is qualified for that position and who has received at least the minimum required score for the test is entitled to have a service credit of 10 points added to the test score. An individual who has an established service-connected disability is entitled to have a service credit of five additional points added to the individual's test score.

- (d) An individual entitled to a veteran's employment preference is not disqualified from holding a position with a public entity or public work of this state because of age or an established service-connected disability if the age or disability does not make the individual incompetent to perform the duties of the position.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

**Sec. 657.004. PREFERENCE REQUIRED FOR PUBLIC ENTITIES AND PUBLIC WORKS.**

- (a) An individual whose duty is to appoint or employ individuals for a public entity or public work of this state shall give preference in hiring to individuals entitled to a veteran's employment preference so that at least 40 percent of the employees of the public entity or public work are selected from individuals given that preference. A public entity or public work that does not have 40 percent of its employees who are entitled to the preference shall, in filling vacancies, give preferences to individuals entitled to a veteran's employment preference until it does have at least 40 percent of its employees who are entitled to the preference.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 1995, 74th Leg., ch. 854, Sec. 2, eff. Sept. 1, 1995.

## **Summary/Findings**

The Texas Workforce Commission (TWC) has developed a comprehensive program to assist veterans returning from Iraq and Afghanistan with their transition to civilian life. This program--the Texas Veterans Leadership Program (TVLP)--was implemented in April of 2008. The TVLP is focused on serving the 25,000 veterans who have returned to Texas after serving in Operations Enduring Freedom and Iraqi Freedom (OEF/OIF), which began on October 7, 2001, and March 20, 2003, respectively. TWC has recruited 28 veterans who served in OEF/OIF to work as Veterans Resource and Referral Specialists (VRRSs) at TWC's local workforce boards. VRRSs work with various entities, including the Texas Veterans Commission (TVC), in a coordinated effort to assist returning veterans. The TVLP website contains information on how veterans can receive services, including employment education services. The website is <http://www.twc.state.tx.us/tvlp/tvlp.html>.

Many companies are interested in hiring veterans who have a strong work ethic due to their military service. However, many veterans experience transition difficulties when entering the civilian labor market. TWC is working to assist veterans with these issues with the creation of their \$1 million Employer Scholarship Project for Recently Separated Veterans. It is an employer-driven initiative, with employers identifying the necessary training or skills, then applying for a training grant by partnering with local community training providers such as a community college. The funds used by TWC for this initiative are federal Workforce Investment Act (WIA) funds, with TWC's central administration office in Austin reviewing the applications, and awarding the scholarships at the state level. TWC will be awarding funds to a consortium that includes an

employer. The grants will be contracted to community colleges or other training providers with demonstrated experience in administering federal funds.

There are concerns regarding the military's coordination with the state's process for employing veterans, a problem compounded by the inherently difficult nature of the veteran's transition process. Currently, when a Texas veteran separates from the military, the U.S. Department of Defense (DoD) sends a hard-copy of the veteran's DD-214 (Report of Separation) to the TVC. This is done with the permission of the separating veteran, who, at a point in the separation process, indicates on paperwork that he or she would like a copy sent. Once the TVC receives the copy, it forwards it to the Texas Veterans Land Board (VLB) so that they will have a copy for their records. Once they have done so, VLB sends the DD-214 back to TVC. As of now, the TWC does not have access to the DD-214 of the discharged veteran. So that the state may assist the veteran with employment and connect them with a VRRS who has served in Iraq or Afghanistan, TVC and TWC are in the process of devising a system whereby all received DD-214's are scanned by TVC, so that TWC has immediate, electronic access. The TWC stresses the importance of getting the veteran employed as quickly as possible after discharge so that he or she can maintain structure in their lives. Therefore, TWC will, upon invitation, meet on base with recently discharged service members to provide employment services to those who are interested in staying and working in Texas. The TWC and TVC are attempting to coordinate their efforts in order to better assist veterans.

Although well-meaning, the state's veteran hiring preference may be too passive, and requires a more proactive strategy. The state's chronic shortage of certain employees includes prison guards, law enforcement officers, and child protective services workers. Veterans would be ideal candidates for these positions, if the state could better direct veterans to these opportunities.

The Troops-to-Teachers (TTT) program is a good example of the state being proactive by streamlining the certification process for military members interested in teaching. TTT program was established in 1994 as a DoD program. The National Defense Authorization Act for fiscal year 2000 transferred the responsibility for program oversight and funding to the U.S. Department of Education but continued operation by the DoD. The state could use this program as a model to streamline the certification process for prison guards, law enforcement officers, and child protective services workers, but the state would most likely benefit from a proactive outreach as well.

Another example is the University of Texas at San Antonio's Small Business Development Center Program that provides services and assistance to those veterans who wish to establish a small business, and the Texas A&M Entrepreneurship Program provides scholarships to returning veterans.

The TVC received a first place national ranking for finding veterans employment. The U.S. Department of Labor (DOL) collected veterans employment data for the second quarter of fiscal year 2008. The data shows that Texas has a 67% Entered Employment Rate (EER), and a 85% ERR. TVC's Legislative Appropriations Request includes

expanding employment services to spouses of veterans. Operating under the United States DOL Transition Assistance Program, TVC served 9,000 participants in 240 different sessions. Each and every participant left with a draft resume as required by the DOL.

## **Recommendations**

It is recommended that the state provide a method for veterans who have been trained by the military to do certain specialized jobs to transfer those credentials so they may be certified to work in Texas.

The Legislature should explore ways to encourage agencies to pay greater attention to hiring veterans, even if this means being required to post their job openings on a designated website portal.

The Legislature should use the TTT program as a model to streamline the certification process for prison guards, law enforcement officers, health care professionals, and child protective services officers.

Emergency certification for fields such as nursing, teaching, and plumbing to help alleviate some of the shortages in those career fields, particularly if those who can relieve the shortages are veterans and already experienced and credentialed in some manner in those fields. TWC could help develop legislation that would allow for temporary or emergency certifications, or seek a solution through an executive order by the governor.

It is recommended that the state require state agencies to offer an interview to a veteran if they qualify for the position, or to notify the veteran that the preference requirement was considered but that he or she was not the successful candidate.





## Interim Charge No. 2 and 3

Study veteran reintegration issues, including the occurrence of post traumatic stress disorder (PTSD), traumatic brain injury (TBI), substance abuse problems, domestic violence, and other family issues. Make suggestions regarding what the state could do to supplement and enhance related services for veterans and their families, focusing on state military forces veterans and reservists. Include an assessment of the implementation of Senate Bill 1058, 80th Texas Legislature, relating to reintegration counseling services.

Study state services and benefits for injured servicemembers and their families who are recovering from their injuries and rehabilitating in Texas. Make recommendations on how to better serve them.

### Current Law

S.B. 1058 requires the Adjutant General's Department of Texas (AGD) to develop a referral program to provide referrals to servicemembers for reintegration services. The legislation also requires the Texas Department of State Health Services (DSHS) and the Texas Health and Human Services Commission (HHSC) to develop a directory of services and other resources, tools, and counseling programs available to aid veterans and their immediate families in the reintegration process. S.B. 1058 assists with military family reintegration, as it provides a model of collaboration with local mental health centers.

### Summary/Findings

#### *Veteran Issues*

As of May 1, 2008, according to Lieutenant Colonel Thomas Palladino with the AGD, 16,000 of Texas' 22,000 reservists and National Guard members have been deployed since September 11, 2001. To date, there is no scheduled end to the deployments outside of the "aspirational goal" of all American servicemembers withdrawing by 2011, so the state continues to deploy brigade-sized units. More veterans are surviving combat injuries due to advancements in technology, medicine, and mobility. As a result, traumatic brain injuries are being seen in levels significantly higher than in previous wars.

Jane Boutte of the Texas Traumatic Brain Injury Advisory Board reports that there has been a 30 percent increase in PTSD and TBI since the inception of the war in Iraq, with a concomitant increase in violence, homicide, and suicide involving veterans. The U.S. Department of Defense (DoD), U.S. Department of Veteran Affairs (VA), and providers who treat brain injuries met to study the gaps in coverage that afflicted veterans experience. The study found that the most significant gap exists in post-acute services

for mild TBI with the co-occurrence of PTSD and substance abuse. There is also concern about a lack of services in rural areas to treat PTSD.

According to DoD numbers, Texas has deployed more National Guard and Reserve members to Operations Enduring and Iraqi Freedom (OEF/OIF) than any other state in the Union. From published data, the National Guard and Reserve are more severely impacted by mental health issues than their active duty counterparts. A serious concern is that there will be an undiagnosed traumatic brain injury that will eventually manifest itself far removed from a military environment or community. This translates into servicemembers returning to the civilian world with an inability to concentrate, anger-control issues, and difficulty maintaining a job. There is also evidence that child and spousal abuse rates increase in households that have experienced the combat-theater deployment of a parental figure. There are published studies that show the surrounding Fort Hood area to have the highest child abuse incidence reports in Texas.

General Charles Rodriguez, Adjutant General of the Texas Military Forces, and his Surgeon General, Brett Wyrick, have been steadfast in their analysis of the situation facing our veterans and the need for better outreach. An additional concern is that military service members are not receiving mental health treatment due to the stigma associated with such treatment and the sometimes soul-crushing bureaucracy that must be navigated in order to obtain information on mental health services.

#### *State and Local Resources*

In 2007, The Iraq-Afghanistan Deployment Impact Fund at the Los Angeles-based California Community Foundation awarded \$15 million to three Texas community foundations to support the efforts of nonprofit organizations that provide needed services in Texas to active and former military personnel serving in Iraq and/or Afghanistan and their families. Texas Resources for Iraq-Afghanistan Deployment (TRIAD) Funds were established at The Dallas Foundation, the Permian Basin Area Foundation (Midland, TX), and the San Antonio Area Foundation. Through this statewide collaborative, the foundations have collectively awarded over \$11 million since 2007 in support of agencies serving OEF/OIF families.

The VA, in its current configuration, is alone incapable of assisting with family problems associated with an injured veteran. Owing to this operational impotence, it is left to the state and local communities to provide assistance. Forty percent of the children of wounded veterans who attend Fort Sam Houston schools have experienced incidents of clinical depression or suicidal preoccupations. The availability of services for such children is dubious, with the communities in which they live being forced to bear the cost burden for such services.

The Texas Youth Suicide Prevention Project (TYSPP) is a federally funded program aimed at early identification and referral of children and adolescents at risk for suicide. TYSPP is the only grantee program in Bexar County that is specifically working with military dependents. Many military families are under stress from a variety of factors,

including military deployments, frequent relocation, and living with a physically and/or mentally wounded parent. TYSPP screening services take place at Brooke Army Medical Center, the Department of Child and Adolescent Medicine, and the elementary, junior high, and senior high schools at Fort Sam Houston.

The Texas Veterans Commission (TVC) provides claims (for more information on claims please see *Interim Charge No. 6*), education, and employment services to veterans. They have established transition assistance seminars that provide reintegration information, including resume preparation, job skills training, VA claims benefits, and job placement assistance. TVC created a recovery and employment assistance lifeline program that provides assistance to severely injured veterans, in addition to a claims and counseling program that assists veterans with the VA rating and appeals process when they are denied VA benefits. Veterans with mental health issues will need long-term care, and the state will have to take a leading role in providing that assistance. TVC encourages veterans who do not want to pursue education by means of the GI Bill to instead take advantage of the VA's On the Job Training Apprenticeship Program. TVC organizes family days for National Guard units to provide benefit information and claims assistance, and to educate guardsmen regarding VA programs and work-study benefits.

The Samaritan Center provides family counseling services at five centers in Texas, with an emphasis on PTSD and TBI. With offices in east and central Austin, Round Rock, Georgetown, and San Marcos, the Samaritan Center's Hope for Heroes program serves military personnel and their families who have unmet mental health needs due to service in Iraq and Afghanistan. Services are provided at no charge through the TRIAD funds of the San Antonio Area Foundation.

In 2008, TRIAD provided the Veterans of Foreign Wars with \$1 million to assist veterans with monthly bills as they transition from the military.

The AGD has established a family assistance center network and has received funding from the National Guard to support 16 assistance centers. The Adjutant General has also established Partners Across Texas (PAT), a collaboration of public and private entities, to enhance benefits available to veterans and their families (Please see *Appendix B* for the PAT Memorandum of Understanding). These entities include the TVC, HHSC, the Texas Veterans Land Board, the VA, the U.S. Department of Labor, and the Veterans of Foreign Wars, among others. PAT attempts to better coordinate the information and referral network for military families so that families can obtain services they need. The AGD also has transition assistance advisors to help veterans with reintegration issues and to coordinate resources for veterans. These advisors are DoD contract employees.

In conjunction with PAT, a steering committee with representatives from federal (DoD and VA) and state (HHSC, Texas Military Forces, Texas A&M Health Science Center College of Medicine, Round Rock campus) agencies has formed the TexVet group to bridge the gap and coordinate services across federal, state, and local levels. Since a key issue is guiding military servicemembers, veterans, and their families into the wide variety of available services, TexVet utilizes a web-based information system,

[www.texvet.com](http://www.texvet.com). This portal allows access to all available services, educational information, and coping information for the military, veterans, their families, and our communities. In addition, TexVet greatly enhances the organization and categorization of services, ultimately increasing their accessibility. [www.TexVet.com](http://www.TexVet.com) was initially funded by the VA, but became a project of the Texas A&M Health Science Center's College of Medicine at Round Rock. This initiative is seamlessly integrated into the Partners Across Texas outreach of the Adjutant General's Department, and also into the phone information and Referral (211) Network.

The 211 network has trained personnel who attempt to find appropriate resources for the veteran and their family. The 211 network is the core infrastructure for accessing health and human services, and operates under the auspices of HHSC. It also provides reintegration referrals for military personnel and their families. Forty-three states participate in the 211 network, and Texas has 25 Area Information Centers (AICs) that can provide direct referral and eligibility determination services. AICs build and maintain a comprehensive database with all local, state, and federal health and human services resources. Their website is [www.211.org](http://www.211.org). The 211 network is available 24 hours a day, 365 days a year. Each AIC has professionally certified and multilingual personnel with the ability to answer calls from the hearing impaired.

The City of Houston held a summit to address issues relating to returning veterans, and subsequently created a directory of available resources and services for those veterans. The directory is distributed to all the veterans organizations, VA coordinators, local military organizations, local service entities, and returning military personnel. The summit developed a needs assessment that focuses on service gaps and on identifying ways to fill those gaps.

The Center for Healthcare Services (CHCS) oversees Operation Reunion in San Antonio, a study of the reintegration of wounded veterans in the family. Funded by TRIAD, it is a concerted effort to assess the effects of war injuries on the veteran and on his or her family members. Both deployment and the sustaining of an injury create role changes in the family and in the immediate community. Operation Reunion is also attempting to address issues relating to marriage stability as the veteran reintegrates into the family.

The United Way of San Antonio and Bexar County (UWSABC) provides outreach to Texas National Guard and reserve units. It attempts to outreach to military families and superiors in addition to veterans themselves. UWSABC has hired former military personnel to assist current veterans. UWSABC is funded through TRIAD grants that go to the San Antonio Foundation. UWSABC is the only program that provides intensive veterans services and utilizes the 211 network.

In New York, Alaska, Minnesota, and Oklahoma, state legislators have launched special veterans courts designed to direct military veterans with behavioral health problems into a comprehensive rehabilitation program. The process of creating such courts in Texas would be similar to that of the drug courts, which seek to divert minor and first-time offenders from the criminal justice system by imposing court-supervised treatment and

progressive sanctions (the veterans' courts could even be a subset of the drug courts). The creation of a veterans' court pilot program in Texas would create a special diversionary court for veterans accused of certain criminal conduct.

The veterans' court in New York allows access to the court if the veteran is accused of a non-violent or non sex-related crime. The Buffalo City Court system's goal is to intercept troubled veterans before they plunge further into the criminal justice system. It is open to all residents of Erie County who commit non-violent offenses, even if the crime occurred outside of city limits. Staff is provided by the drug court, and the mentor and peer support network is supported entirely by community volunteers.

The legislature's role in creating these courts has been mainly to help fund such courts, by setting fees, permitting counties meeting certain criteria to retain set percentages of collected fees, creating a drug court account in the general revenue fund to help fund drug court programs, and making grants available to counties to help support such courts. The court basically serves as an alternative sentencing program. The judge presiding over the veterans' court would track veterans' progress, and they would also be drug-tested and receive mental health treatment.

The purpose of the pilot program for the veterans' court is to provide a means to successfully rehabilitate veterans by providing them with the tools they need to lead productive and law-abiding lives. Such a program would be integral in assisting those veterans who are in need of mental health treatment. This is a way of honoring their service by recognizing their criminal behavior might be an effect of an injury suffered while fighting for their country.

## **Recommendations**

The Legislature should examine the possibility of providing funding for CHCS and similar programs and organizations in other counties. The CHCS, in Bexar County, is linked nationally to other community health care centers and is a designated community mental health center. It can provide continuity of service for military families that transfer to or from another state. CHCS may be better suited than the VA to reintegrate and provide mental health services to veterans due to its ability to link veterans to community health centers across the nation.

The Legislature should consider methods of channeling funding to the local level more effectively. State, federal, and local governments should combine funding for services to veterans and their families. Services are more appropriate at the local level, and combining funding streams will allow for better services to our veterans.

The Texas Council of Community Mental Health and Mental Retardation (MHMR) Centers is the trade association for 39 community MHMR centers, whose coverage capability extends to all 254 counties. MHMR centers are funded by state general revenue through contracts with state agencies. With needs of veteran services exceeding the capacity of the VA system, MHMR centers are in place to relieve the demand on the

VA system as funding is available. MHMR centers are located in areas lacking a VA presence, and therefore are well-situated to assist veterans and their families in those areas. It is recommended that the state track veterans using MHMR centers in order to provide more funding for veteran services.

It is recommended that the Legislature expand services such as the 211 network or coordinate resources to provide marketing so that veterans can easily access the information they need.

The Legislature should devise a means whereby information for veterans is more consolidated. The large amount of information available to veterans is confusing to the veterans pursuing services. They are confronted by seemingly disconnected and duplicative service providers. Coordination among service providers is necessary to making services to veterans more accessible, and therefore more effective.

AGD should receive additional funding for case managers to enable the Texas National Guard to follow up with its veterans and assist with their reintegration.

It is recommended that the Legislature be aware that TRIAD grants expire after two years, and that many services provided by the programs that have received TRIAD funding will be unable to continue providing the level of service they have without additional funding. In the event that necessary programs funded by TRIAD no longer receive funds from TRIAD, the legislature may want to consider finding methods and funding that will allow these programs to continue.

The Legislature should move veterans to the top of the list for Texas Department of Assistive and Rehabilitative Services comprehensive rehabilitation services funding.

The Legislature should direct the Texas Department of Aging and Disability Services to develop a new waiver to serve the long-term residential needs of veterans with traumatic brain injuries.

The Legislature should direct that Veteran Service Officers be trained by TVC staff so that they can provide training to individuals in rural areas who could, in turn, create and run PTSD support groups in those areas.

The Legislature should direct the TVC to develop methods to educate military personnel on available benefits and treatment services at the point of military separation.





## Interim Charge No. 4

Study the relationships between military installations and the surrounding communities and make recommendations addressing encroachment and quality of life.

### Current Law

The issue of encroachment regarding civilian development near military installations is a complex planning web of jurisdictions and interests. The decision-making process on this issue has ramifications from the federal level down to the landowner on unincorporated county property. Comprehensive community solutions to encroachment near military installations are needed and recommended, as incompatible land use issues have the potential to limit or even prevent a military installation's ability to carry out its mission. However, there is a dichotomy of interests between those of the military, and those of the property owners surrounding the installation.

Texas Local Government Code, Chapter 397:

#### **397.001: CONCERNING DEFINITIONS**

- 1) Defense base means a federally owned or operated military installation or facility that is presently functioning or was closed as a result of the U.S. Department of Defense's (DoD) base realignment process.
- 2) Defense community means a political subdivision, including a municipality, county, or special district, that is adjacent to, is near, or encompasses any part of a defense base.

#### **397B.001: DEFINITIONS**

- 1) Authority is defined as a defense base development authority established under this chapter.
- 2) Base efficiency project means a demonstration project between a municipality and the DoD to evaluate and demonstrate methods for more efficient operation of military installations through improved capital asset management and greater reliance on the public or private sector for less costly base support services and to improve mission effectiveness and reduce the cost of providing quality installation support at military facilities under Pub. L. No. 106-246 or other applicable federal laws.
- 3) Base property means land inside the boundaries of the defense base for which the authority is established and improvements and personal property on that land.
- 4) Board means the board of directors of the authority.
- 5) Bond means an interest-bearing obligation issued by an authority under this chapter, including a bond, certificate, note, or other evidence of indebtedness.
- 6) Defense base means a military installation or facility that is:
  - (A) closed or realigned under the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. Section 2687 note) and its subsequent amendments; or
  - (B) the subject of a base efficiency project.

**397.002: DEFENSE BASE MILITARY VALUE ENHANCEMENT STATEMENT**

a) A defense community that applies for financial assistance from the Texas military value revolving loan account under Section 436.153, Government Code, shall prepare, in consultation with the authorities from each defense base associated with the community, a defense base military value enhancement statement that illustrates specific ways the funds will enhance the military value of the installations and must include the following information for each project:

- (1) the purpose for which financial assistance is requested, including a description of the project;
- (2) the source of other funds for the project;
- (3) a statement on how the project will enhance the military value of the installation;
- (4) whether the defense community has coordinated the project with authorities of the military installation and whether any approval has been obtained from those authorities;
- (5) whether any portion of the project is to occur on the military installation;
- (6) whether the project will have any negative impact on the natural or cultural environment;
- (7) a description of any known negative factors arising from the project that will affect the community or the military installation; and
- (8) a description of how the project will address future base realignment or closure.

b) The Texas Military Preparedness Commission (TMPC) may require a defense community to provide any additional information the commission requires to evaluate the community's request for financial assistance under this section.

c) Two or more defense communities near the same defense base that apply for financial assistance from the Texas military value revolving loan account may prepare a joint statement.

d) A copy of the defense base military value enhancement statement shall be distributed to the authorities of each defense base included in the statement and TMPC.

e) This section does not prohibit a defense community that is not applying for financial assistance from preparing a defense base military value enhancement statement under this section.

**397.003: CONCERNING COMPREHENSIVE DEFENSE INSTALLATION AND COMMUNITY STRATEGIC IMPACT PLAN**

a) A defense community may request financial assistance from the Texas military value revolving loan account to prepare a comprehensive defense installation and community strategic impact plan that states the defense community's long-range goals and development proposals relating to the following purposes:

- (1) controlling negative effects of future growth of the defense community on the defense base and minimizing encroachment on military exercises or training activities connected to the base;
- (2) enhancing the military value of the defense base while reducing operating costs; and
- (3) identifying which, if any, property and services in a region can be shared by the defense base and the defense community.

b) The comprehensive defense installation and community strategic impact plan should include, if appropriate, maps, diagrams, and text to support its proposals and must include the following elements as they relate to each defense base included in the plan:

- (1) a land use element that identifies:
  - (A) proposed distribution, location, and extent of land uses such as housing, business, industry, agriculture, recreation, public buildings and grounds, and other categories of public and private land uses as those uses may impact the defense base; and
  - (B) existing and proposed regulations of land uses, including zoning, annexation, or planning regulations as those regulations may impact the defense base;
- (2) a transportation element that identifies the location and extent of existing and proposed freeways, streets, and roads and other modes of transportation;
- (3) a population growth element that identifies past and anticipated population trends;
- (4) a water resources element that:
  - (A) addresses currently available surface water and groundwater supplies; and
  - (B) addresses future growth projections and ways in which the water supply needs of the defense community and the defense base can be adequately served by the existing resources, or if such a need is anticipated, plans for securing additional water supplies;
- (5) a conservation element that describes methods for conservation, development, and use of natural resources, including land, forests, soils, rivers and other waters, wildlife, and other natural resources;
- (6) an open-space area element that includes:
  - (A) a list of existing open-space land areas;
  - (B) an analysis of the defense base's forecasted needs for open-space areas to conduct its military training activities; and
  - (C) suggested strategies under which land on which some level of development has occurred can make a transition to an open-space area, if needed;
- (7) a restricted airspace element that creates buffer zones, if needed, between the defense base and the defense community; and
- (8) a military training route element that identifies existing routes and proposes plans for additional routes, if needed.

c) Two or more defense communities near the same defense base may prepare a joint plan.

#### **397.004: PLANNING MANUAL**

A defense community that has prepared a comprehensive defense installation and community strategic impact plan described by Section 397.003 is encouraged to develop, in coordination with the authorities of each defense base associated with the community, a planning manual based on the proposals contained in the plan. The manual should adopt guidelines for community planning and development to further the purposes described under Section 397.002. The defense community should, from time to time,

consult with defense base authorities regarding any changes needed in the planning manual guidelines adopted under this section.

### **397.005: CONSULTATION WITH DEFENSE BASE AUTHORITIES**

If a defense community determines that an ordinance, rule, or plan proposed by the community may impact a defense base or the military exercise or training activities connected to the base, the defense community shall seek comments and analysis from the defense base authorities concerning the compatibility of the proposed ordinance, rule, or plan with base operations. The defense community shall consider and analyze the comments and analysis before making a final determination relating to the proposed ordinance, rule, or plan.

## **Summary/Findings**

### *Quality of Life*

Quality of life issues include military dependent education, higher education benefits, living quarters, and sustainability of military installations. Quality of life issues are exemplified by the situation developing at Fort Bliss, near El Paso, Texas. El Paso is about to experience a population growth of 54,000 people due to Base Realignment and Closure (BRAC), while Fort Sam Houston in San Antonio will experience a growth of 11,500 military personnel, who will bring with them more than 5,800 family members.

In San Antonio, Fort Sam Houston is undergoing a BRAC realignment that will transform the fort into a national (top in the nation) medical center that will include a graduate medical program, a medical research division, and five centers of excellence. The BRAC realignment at Fort Sam Houston will provide support to the health care, bioscience, higher education, and information technology fields. As a result of Fort Sam Houston's re-configuration, San Antonio will experience increased traffic congestion, a reduction in air quality, a shortage of skilled workers and housing, and a pronounced need for revitalization of the neighborhood surrounding Fort Sam Houston. The City of San Antonio, Bexar County, and the Greater San Antonio Chamber of Commerce created the Military Transformation Task Force (MTTF) to study these issues.

The quality of life issues faced by each military installation are unique. Due to BRAC, by 2012, 27,000 additional troops will be transferred to El Paso with their families for a total influx of 65,000 people. The strategy for improving the quality of life at Fort Bliss involves the construction of facilities that support growth associated with the influx of servicemembers and their families. Fort Bliss is building a lifestyles center, child-care facilities, two new chapels, a community facilities area, and has been in discussions with El Paso Community College (EPCC) about the possibility of establishing a campus near the base.

It is estimated that by 2017, El Paso will need 615 new physicians and 2,289 new nurses due to the population increase. More incentives for nursing instructors are needed. Last year, EPCC graduated 200 students from its nursing program. EPCC is working to provide fast-track degree plans to emergency medical technicians and licensed vocational nurses seeking to become registered nurses.

To meet the housing issues associated with realignment, the military will determine the number needed on the base to support the new population based on a detailed assessment of the ability of the local community to absorb the population growth. The assessment takes into account the planned building in the community, the cost and suitability of housing, the commute distance, and the community surroundings. It is of the utmost importance that adequate housing, medical care, and educational services accompany the addition of military members to a community in order to reflect the quality of life standard that soldiers, sailors, marines, and airmen expect. It is often said that a "soldier enlists, but an entire family makes the decision to re-enlist." Therefore, quality of life is heavily weighed when our military members are making their decision to re-enlist.

Quality of work buttresses quality of life. The Texas Workforce Commission (TWC) and the Local Workforce Development Boards (Boards) serving the communities affected by BRAC are working closely with military commanders, personnel officers and local stakeholders to develop plans and implementation strategies to respond to the workforce challenges presented by BRAC. BRAC has resulted in tremendous job growth opportunities and some job losses. In either case, TWC and the Boards play a key role ensuring that workforce issues for military members, their families and the wider community remain at the forefront.

TWC received funding from the U.S. Department of Labor (DOL) to facilitate the planning process in each of the affected communities. The Alamo Workforce Board and the Upper Rio Workforce Boards, in particular, as mentioned above, expect tremendous growth. Each of these boards has developed plans which identify the critical areas of job growth and the skills needed by workers to fill job openings. Included in their plans are actions to work with local colleges and training providers to develop the training capacity to upgrade the skills of workers needed to fill incoming positions.

In communities where a closure is scheduled the workforce boards' challenges are different, but the response necessary to ensure a successful outcome is just as important. One such area is the community surrounding the Naval Station Ingleside (NSI), which is scheduled for closure. The Coastal Bend Workforce Board is working to retain talent that could be lost due to the closure. Through the use of the DOL funds they have studied the direct and indirect impact of the NSI closure on the area workforce. Consequently, they have expanded their target occupations list to include occupations with projected growth as a result of redevelopment efforts. The expansion of their efforts also opens up opportunities to train workers to meet the skills requirements for businesses that are retooling operations to enter into different markets and remain competitive.

The Central Texas Workforce Board is also using BRAC funds to facilitate and implement strategies to respond to the workforce challenges presented by BRAC. Through the use of DOL funds they are supporting a local initiative, Jobs for Military Families – a project that is supported and guided by local community leaders and businesses as well as key leaders on Fort Hood. Services are for military family members over the age of 18 who left employment to accompany a military servicemember to Fort Hood. The project provides job search assistance (i.e. labor market information, assessment, resume development, and interviewing) and training.

## *Encroachment*

The United States military is being called upon to conduct increasingly complex and constantly evolving wartime operations around the globe. This mission demands sophisticated and flexible single-service, multi-service, and joint testing and training capabilities among the Military Services, combatant commands, and other DoD and non-DoD organizations. However, intensifying development and growing competition for land, air, sea, and frequency spectrum resources, if left unchecked, will downgrade training and testing activities, and thereby inhibit military readiness. In particular, when population growth and resulting development increase near and around military bases, so do potential land-use conflicts between mission activities and local communities. The encroachment challenge will only grow as residential development and other more intrusive land uses expand near military installations.

Military installations are an integral part of our state's overall economy. Texas is home to five Air Force bases that include a strategic bomb wing, the largest and most diversified training facilities and programs in the Air Force, the largest active duty armored post in the United States, a multi-faceted, multi-functional installation that can accommodate every weapons system in the Army, as well as the Air Defense Artillery Center. It is imperative that methods be devised whereby the installation and the community can work together to achieve compatible land use, so that military training is not affected.

As an example, the growth of the City of San Antonio has led to Camp Bullis being three-fourths surrounded by encroaching development. This is compromising the training effectiveness of the installation. House Bill 1852, passed in the 80th Legislature, relating to the ambient lighting restriction around military installations, is a good example of how compatibility issues around military installations can be resolved with the assistance of state and local governments. When mutual agreements between the various local governments and planning entities relating to military installations and compatible land use are not possible, the state is the logical mediator for reaching a favorable solution.

Compatibility, in relationship to military readiness, can be defined as the balance or compromise between property owner rights, community needs and interests, and military needs and interests. The goal of compatibility planning is the promotion of an environment in which the needs of both entities are met. There are numerous factors that influence whether or not community and military plans, programs, and activities are compatible or in conflict. In order to determine the level of compatibility and/or conflict between the community and the military, the U.S. Department of Defense's Office of Economic Adjustment funds Joint Land Use Studies (JLUS), a cooperative land use planning effort conducted as a joint venture between an active military installation, surrounding cities and counties, state and federal agencies, and other affected stakeholders. These compatibility factors have been divided into three broad categories: man-made, natural resource, and competition for scarce resources.

<b>Man-Made</b>	<b>Natural Resources</b>	<b>Competition for Scarce Resources</b>
Land Use	Water Quality/Quantity	Scarce Natural Resources
Safety Zones	Threatened and Endangered Species	Land, Air, and Sea Spaces
Vertical Obstruction	Marine Environments	Frequency Spectrum Capacity
Local Housing Availability		Ground Transportation Capacity (highway and rail)
Infrastructure Extensions		
Anit-terrorism/force protection		
Noise		
Vibration		
Dust, Smoke, Steam		
Light and Glare		
Alternative Energy Development		
Air Quality		
Frequency Spectrum Impedance and Interference		
Public Trespassing		
Cultural Sites		
Legislative Initiatives		
Interagency Coordination		

The above listed factors must be taken into consideration when policy decisions regarding new urban development near an active military base occur. Even when military installations are in initially remote areas, new businesses and people are drawn closer to the installation to take advantage of job opportunities. If this new development continues to go unregulated, the utility and effectiveness of the installation will be compromised.

States have two fundamental roles in development planning: (1) enabling or requiring local governments to take action by statute; and (2) setting statewide policy. State governments may choose to establish overarching policies regarding the presence of the military within the state. Arizona, California, Florida, Georgia, Oklahoma, South Carolina, Virginia, and Washington are among the leading states in the passage of laws dealing with military installations and civilian encroachment. For military commanders and government leaders, a lack of uniformity among local governments surrounding military installations can exacerbate the problem of consistently managing surrounding civilian encroachment, creating a competitive environment in which there can be no winners.

### Joint Land Use Studies in Texas

Military Installation	Date
Camp Bullis	began September 2008
Corpus Christi Naval Air Station	start-up phase
Fort Worth JRS/NAS	completed March 2008
Kingsville Naval Air Station	completed April 2008
Lackland Air Force Base	begins 2009
Laughlin Air Force Base	completed July 2008
Randolph Air Force Base	begins 2009

A JLUS was conducted for the Naval Air Station Kingsville (NASK) with the goal of safeguarding the quality of life for residents, providing for growth planning, and protecting the mission of NASK. The JLUS was completed in April of 2008. The City of Kingsville Joint Land Use Study (KJLUS) addresses various action items, including: land acquisition strategies; building codes and restrictions; a regional structure plan; procedures for public input; use of deed restrictions in certain area; requiring property disclosure regarding military installations. The KJLUS attempted to mitigate future issues and improve coordination between Kingsville, Kleberg County, and NASK. The Mayor, Al Garcia, of Kingsville said "it is imperative that counties have zoning and ordinance authority". However, the protection of property rights is critical and must be carefully weighed, especially when considering granting additional land use authority to counties.

The City of Kingsville is recommending the following legislative action:

- Extend city/county zoning authority around military bases to 5 miles in all directions where outside of city limits;
- Provide funding for cities to meet their zoning and building enforcement expenditures where outside city limits;
- Replenish funding for the DEAG;
- Reduce the amount of local match to 10-25% for DEAG grants;
- Provide that in-kind contributions may count toward a community's DEAG local match;
- Expand the purpose of DEAG to allow defense-dependent communities to continue to push forward with encroachment resolutions activates;
- Allocate state funding for the acquisition of development rights and clear zone properties; and
- Provide for funding for communities with a completed JLUS from the Governor's Texas Enterprise Fund.

A Joint Land Use Study is being conducted for Camp Bullis, but it will not be finished before the 81st Legislative Session adjourns.

Encroachment studies at bases such as Fort Sam Houston and Laughlin Air Force Base have revealed that there is a need to empower local officials with stronger zoning and planning authority. The City of San Antonio, Bexar County, and the business community created the MTFE to address the 2005 BRAC decisions. The MTFE supports additional

authority for local governments to address encroachment issues, specifically planning and zoning authority for local governments. Other states have taken aggressive action to protect their installations by enacting legislation specifically directed at the encroachment issue. Requirements range from simple notifications of installation commanders that land use changes are being contemplated on their boundaries, to preparation of detailed comprehensive plans with implementation authorities and funding to carry them out. Texas currently lags behind other states in implementing legislative solution to the encroachment problem, putting Texas' military installations at risk. The MTTTF believes that Texas, and her military installations, need the following:

- A comprehensive, statewide approach including funding;
- Land use planning and zoning authorities for local governmental entities;
- Bracketing of the authorities to improve success of passage, and use the preparation of a DoD-funded JLUS as criterion;
- Specific authority to create a multi-jurisdictional oversight organization to implement comprehensive planning, exercise land use and zoning control, facilitate communication flow, and submit grant applications;
- State funding is needed for staffing functions as well as for conducting joint comprehensive plans themselves;
- Short of direct funding, having the authority to generate local revenues to sustain a compatible development environment around a military installation is desirable;
- This implements the “Rule of No Surprises.” Prospective property owners must be aware of the presence of military operations which could impact the use of their land; and
- Mandatory notification of military installation commanders about development/zoning plans.

Encroachment also brings with it environmental concerns. Species that are listed as threatened or endangered may be displaced onto military installations, restricting the area that the military is allowed to train on. For instance, the golden-cheeked warbler is being forced to inhabit the undeveloped land of Camp Bullis in order to escape the development occurring around the installation's borders. Also, the karst invertebrate's habitat is suffering due to development, forcing them to migrate to the subterranean caves below Camp Bullis. Ultimately, the displacement issue could restrict training missions on Camp Bullis. The displacement of endangered species is just one of the negative results of encroachment, a result that further hinders military installations' ability to perform the missions needed in order for our servicemembers to receive the type of training that makes them the most effective military in the world.

DoD's Readiness and Environmental Protection Initiative (REPI) is a program that helps fund military installations' work with state and local governments or conservation groups to support defense readiness while protecting areas of land for conservation purposes in order to preserve biodiversity or limit incompatible development. By conserving land for environmental, agricultural and community uses, the military and its partners are able to protect training areas critical to national defense. The program works by allowing the Military Services to enter into agreements to share the cost of obtaining conservation or restrictive-use easements and other interests in land from willing sellers for the purpose of protecting military readiness. Whether preserving high-value habitat, water resources,

working lands, or open space, these agreements ensure that development surrounding military installations is compatible with the mission that they support. REPI is the most visible part of a larger effort within the DoD to implement Congressional authority given to the Office of the Secretary of Defense (OSD) and the several Military Services — Army, Navy, Air Force, and Marines — to partner with outside organizations to conserve land near military installations.

TMPC recommends that a multijurisdictional overview authority be established so that more than one entity is involved in the long term sustainability of our military installations. If funds are to be appropriated for buffer zones, the TMPC recommends they be designed similar to the Texas Military Value Revolving Loan Fund or Defense Economic Adjustment Assistance Grant (DEAAG) Program. It is also recommended by TMPC that the state require full disclosure regarding real estate purchases near military installations.

Encroachment on military installations can result in increased congestion around the base, causing increased travel times. In San Antonio, the amount of time required to travel from Fort Sam Houston to Camp Bullis has increased, impacting the training time for programs that have a highly compressed training schedule.

## **Recommendations**

The legislature should explore possible ways to encourage and promote compatible land use around military installations, which could include:

- Conducting JLUSs among certain communities and at certain installations;
- Granting more authority to cities and counties regarding development around an installation to protect critical missions;
- Exploring the potential of partnering with the DoD in the REPI program;
- Encouraging local governmental entities to have the military installation commanders or their designees sit "ex-officio" on zoning and planning commissions;
- Bracketing of any zoning authority to areas that have undergone a JLUS, and that provides that zoning authority to local governmental entities;
- Consider establishing special military overlay districts to protect critical missions; and
- Authorizing additional state funding for the DEAAG program to assist defense dependent communities with encroachment, infrastructure, and job creation challenges.





## Interim Charge No. 5

Examine ways that "The Fund for Veterans Assistance" established by House Bill 3107, 80th Texas Legislature, could be maximized to the benefit of Texas veterans.

### Current Law

H. B. 3107 contains a provision regarding "The Fund for Veterans Assistance (FVA)". The fund is a special dedicated fund in the state treasury outside of the general revenue fund. The fund is comprised of:

- 1) money transferred to the fund at the direction of the legislature,
- 2) gifts and grants contributed to the fund at the direction of the legislature, and
- 3) the earnings of the fund.

Money in the fund may be appropriated to the Texas Veterans Commission (TVC) to:

- 1) enhance or improve veterans' assistance programs, including veterans representation and counseling; and
- 2) make grants to local communities to address veterans' needs.

The Fund is administered by TVC who may adopt rules governing the award of grants by the commission. The Comptroller may solicit and accept gifts and grants to the fund.

### Summary/Findings

#### *Account Balance and Marketing of the FVA*

The FVA currently has a balance of \$10,201.58. A donation of \$100.00 was received by the Comptroller to open the account for the FVA. The Veterans of Foreign Wars donated \$10,000 to the FVA.

TVC has issued a press release to television, radio stations, and newspapers throughout Texas to advise the public of the creation of the FVA and how donations can be made to the fund. TVC plans to coordinate with Texas Veteran Service Organizations to publish information in their periodicals about the FVA. Additionally, TVC is in the process of finalizing a "solicitation for donation letter" which will be distributed to organizations and corporations. A donation sheet with a detachable donation portion is being created for distribution to all TVC offices and participating partnership organizations to display and solicit donations. (Please see *Appendix C*, for TVC's press release.)

### *Fund for Veterans Assistance Advisory Committee*

The Fund for Veterans Assistance Advisory Committee (FVACC) was created by the TVC to: 1) provide recommendations on how to raise funds for the FVA and 2) provide guidance on the use of the fund (which includes determining needs of veterans and distribution of funds). The FVACC is comprised of 11 members and has held three meetings to date. (Please see *Appendix D*, for a list of the members on the committee.)

### *Needs of Veterans and How to Use Funds from the FVA*

Veterans have various needs which are not static and are ever changing. Considering this fact, below are what has been determined are the current needs of Texas veterans and their families:

- Transportation to and from the VA hospital for those areas that have no local hospital and limited public transportation;
- Vouchers for veterans that need transportation assistance to job interviews and work;
- Grants to organizations to provide individual assistance to veterans in immediate crisis (i.e. assistance with bills, mortgage payments, transportation, food, travel, etc.); and
- The establishment of local support groups for veterans suffering from post-traumatic stress disorder.

## Recommendations

### *How to Raise Funds for the FVA*

Considering the state of our national economy, the state legislature recognizes that the federal government alone can not meet the needs of the men and women who have proudly served our country. Additionally, although the comptroller may accept private donations to the fund and taking into account the state of our economy, the Texas Legislature should pass specific legislation to generate funds for the FVA.

The Texas Legislature should pass legislation that would establish a veterans-themed scratch-off lottery ticket. Currently, the following states sell lottery tickets in which the proceeds benefit veterans: Illinois, Iowa, Kansas, New Jersey, Tennessee, and West Virginia.

Additionally, the Legislature should pass legislation that would allow the FVA to be added to the State Employee Charitable Campaign list and that a voluntary donation box be added to vehicle registration notices.





## Interim Charge No. 6

Monitor the implementation of legislation addressed by the Veteran Affairs & Military Installations Committee, 80th Legislature, Regular Session, and make recommendations for any legislation needed to improve, enhance, and/or complete implementation. Focus on the implementation of the Texas Veterans Commission (House Bill 3426) and Texas Veterans Land Board (House Bill 3140) Sunset reviews.

### Current Law/Summary/Findings

#### *Texas Veterans Commission (TVC) and Texas Veterans Land Board (VLB) Sunset Reviews*

The Sunset Advisory Commission (SAC) is in the process of monitoring the compliance of TVC and VLB to H.B. 3426 and H.B. 3140 respectively. The SAC expects to report its findings to the Texas Legislature in January 2009.

Although SAC's findings were not available prior to the printing of this report, the following testimony was taken before the committee at an interim hearing. TVC and VLB provided the following updates to the committee.

#### *Texas Veterans Commission*

TVC was created in 1927 and established as an independent agency in 1947. It assists veterans filing federal benefit claims and seeking employment, approves schools that can receive federal Montgomery GI funds, and trains county service officers (CSOs), who also assist veterans in filing benefit claims. State law requires that CSOs be veterans and that each county with a population of 200,000 or greater have at least one CSO appointed by the local county commissioners court.

TVC recently added two functions previously conducted by the Texas Workforce Commission — in 2005, it took over responsibility for the Veterans Employment Services Program and assumed control as the State Approving Agency for Veterans' Education a year later. The addition of these duties expanded the commission's budget from \$3.7 million to \$15.3 million and staff from 97 to 311 employees between fiscal years 2006 and 2007. These figures do not include the 257 CSOs, who operate in and are employed by 221 counties.

The governor appoints, upon advice and consent from the Senate, the commission's five voting members, who serve staggered six-year terms. At least three of the members must be honorably discharged from the U.S. military, and one must have a service-connected disability recognized by the U.S. Department of Veterans Affairs (VA). Commission members annually select a chair, vice-chair, and secretary. Prior to the Sunset review of TVC in 2007, the commission last underwent Sunset review in 1981 and was continued by the 67th Legislature.

H.B. 3426 allows TVC to continue until September 1, 2013. The legislation required the TVC to adopt claims assistance services procedures, create training materials and methods, and coordinate a statewide plan with CSOs and county commissioners courts for providing claims support.

The bill added standard Sunset provisions governing gubernatorial designation of the presiding officer, grounds for removing a board member, training of board members, policy and rulemaking, use of technology, complaint documentation, unbiased appointments, separation of policymaking and staff functions, public testimony, and dispute resolution procedures. It added an amended version of the standard Sunset provision on conflicts of interest, allowing a person to serve on the commission if: the person or the person's spouse was an officer, employee, or paid consultant of a statewide or national veterans service organization or Texas trade association; the person or the person's spouse was employed by or participated in the management of a veterans service organization.

TVC has complied with 99 percent of the SAC recommendations.

**Statewide plan.** The legislation required TVC to develop, by rule, coordination procedures with CSOs and county commissioners courts to create a statewide plan for providing claims assistance services. The plan would include or identify:

- shared objectives of the three entities;
- a recruiting plan for CSOs and a way to encourage these officers to obtain VA accreditation;
- a procedure for consulting with counties to determine the most effective locations for county service offices;
- TVC's oversight role for claims and appeals prepared by CSOs;
- a method for providing CSOs with technical assistance;
- a method for documenting CSO performance that would include on-site visit reports, and providing this information to county judges and others who supervise CSOs;
- a way to incorporate CSOs into VA appeals hearings to represent veterans or appear as witnesses, as needed, and explore ways to pay for CSO travel costs connected with these appearances; and
- procedures to regularly update CSOs on changes in VA policies and procedures and other information.

**Claims assistance services.** The bill required TVC to adopt procedures to administer claims assistance services, including:

- criteria for determining whether an initial claim was substantially complete and met basic federal eligibility requirements;
- a process for expediting a claim based on hardship, including whether the veteran was in immediate need, was terminally ill, had a verifiable financial hardship, or had a disability that presented an undue burden;
- a procedure to counsel veterans on the pros and cons of pursuing a claim;
- a process to ensure adequate documentation and development of a claim or appeal;

- criteria for deciding whether to appeal a decision of the VA;
- a requirement for a claims counselor to report to the VA if the counselor had direct knowledge that a claim contained false or deceptive information;
- a procedure for prioritizing a claim; and
- a procedure for providing alternatives for claims assistance services when prioritizing a claim is not appropriate.

H.B. 3426 required TVC to consult with the VA in developing procedures to:

- ensure TVC's services were not unnecessarily duplicative of those provided by the VA;
- ensure that the procedures would provide for dispute resolution at the lowest level of the VA's benefit decision process; and
- ensure that TVC employees would not be improperly involved in the adjudicated claims.

TVC was also required to consult with the VA to coordinate and streamline services between the two entities, including:

- identifying processes to update changes to veterans' cases and power of attorney designation;
- cooperating to expedite hardship cases and appeals; and
- identifying opportunities for the VA to provide the commission with data needed to track claim progress and outcomes.

TVC assists veterans, their dependents and survivors with all claims processed by the VA. These claims include: live and death compensation claims, live and death pension claims, burial claims, claims for increase in already service-connected conditions, special monthly compensation, special monthly pension (housebound and aid and assistance), vocational rehabilitation, 1151 claims (claim for injury in a government medical facility), clothing allowance, and appeals. Monetary claims are those which result in a monthly payment. Non-monetary claims are those such as requests for waiver or compromise, claims for payment of unauthorized medical expenses, claims for CHAMP VA (dependent medical insurance), disabled vet license plates, SF 180's for service records, and forms for designation of beneficiary, just to name a few.

Claims are prioritized for processing purposes in special cooperation with the VA. The highest priority is a claim in which the veteran has a terminal illness. Claims made by residents of the Texas State Veterans Homes are expedited in order to get needed cash flow into the system. Other high priority claims are for individuals in obvious need who are threatened by a financial hardship, i.e. claims by the terminally ill and pension claims for those entering a Texas State Veterans Home, etc.

The VA and TVC have been engaged in a pilot program, at the Waco Regional Office, where TVC counselors are actually working under VA regulations and operational control (at VA expense) to do claims development. Shortly after implementation, the VA Undersecretary for Benefits visited the Waco Regional Office to review the progress of the pilot program. He thought the pilot was such a success that he ordered the pilot be expanded to the Oakland VA Regional Office.

VA officials found that TVC counselors are more successful in obtaining the evidence needed for claims, and can obtain the information in less time than the VA's standard operating procedures. The program is scheduled to end January 31, 2009, and the VA has already determined they will create a special team to use the information produced by the pilot program to expand these improved development techniques to their call centers.

TVC also assists veterans with the appeals of claims decisions. The largest block of claims in both the Houston and Waco Regional Offices are claims for increases in an already service-connected condition. For this reason, TVC assists veterans in appealing a large number of those decisions which are not favorable to the veterans. TVC also assists with appealing denials in every other category of VA claims, including claims for non-monetary benefits. Many claims are delayed (or denied and must be appealed) due to incomplete information.

Although Texas has over 50,000 backlogged claims, TVC is on course to process over 84,000, -- 70,000 of which are service-connected disability claims. Nationwide the benefits backlog claim is 800,000. Currently, there are approximately 14,000 claims in the appeals process in Texas. Of those, 80 percent are service-connected disability claims. Delays in the processing of claims prohibits veterans from receiving payments from the VA. TVC has hired a case management contractor and will begin a case management program for veterans claims. (For a letter from the TVC regarding the breakdown of pending claims, please see *Appendix E*.)

**Training.** H.B. 3426 removed requirements for CSOs to maintain certification through attendance of an annual training conference and instead required the officer to complete continuing training required by the commission. TVC was required to develop and implement procedures for training officers and establish rules to carry out these goals. These training methods could include Internet-based seminars, video conferences, and VA training. TVC was required to develop and approve course materials, training curriculum, and examinations that would be used for CSO certification and VA accreditation. TVC was required to update these materials after consulting with the VA — to ensure the materials were accurate and met applicable federal standards; and accredited CSOs — to ensure the materials included issues developing at the county level.

TVC was required to develop a training handbook with instruction and case studies covering:

- general assistance techniques, such as how to provide information regarding state and federal benefits and referrals for other services to other agencies;
- counseling techniques for dealing with veterans, their family members, and other eligible dependents filing benefits claims;
- basic information on VA procedures and processes, including how to accurately complete and support claims and appeals forms;
- methods of collecting required documentation to develop claims and appeals and keep track of their status;
- methods of documenting progress of a case and updating the person who filed the claim; and

- methods of aiding those eligible to appeal decisions.

TVC has developed several procedures manuals for agency staff and for CSOs. The manuals for the Veterans Employment Program and the Veterans Education Program are TVC agency employee specific. The manual for the Claims Representation and Counseling program is intended for the use of both TVC claims counselors and CSOs. This manual will assist CSOs in their training conferences and in the field. TVC is conducting a "beta-test" on the Claims Representation and Counseling program manual which is located on the agency's website. The URL for each manual follows:

- <http://www.tvc.state.tx.us/PDF/TVC%20ClaimsRep&TrainingManual-Oct2008.pdf>
- [http://www.tvc.state.tx.us/VetsEd/Vets\\_Ed\\_Guide\\_July\\_2008.pdf](http://www.tvc.state.tx.us/VetsEd/Vets_Ed_Guide_July_2008.pdf)
- <http://www.tvc.state.tx.us/PDF/EMPLOYMENT/Veterans%20Employment%20Representative%20Guide.pdf>

TVC has met the SAC recommendation to reduce the number of training conferences.

**Memorandum of Understanding (MOU).** TVC and the VLB entered into an MOU on March 1, 2008, which is working successfully. The MOU consists of creating joint brochures and seminars (please see below for more information on the MOU).

**Employment Services.** Texas is currently ranked number one in the country in regards to veterans' employment. For more about TVC's work regarding employment services for veterans please see *Interim Charge No. 1*.

**Education.** For information about TVC's work regarding educational services for veterans please see the *Other Issues* section of this report.

**Rules.** The commission was required to adopt procedures for receiving input and recommendations from interested parties regarding its development of rules and policies.

**Effective date.** This bill took effect September 1, 2007. The board member training requirements and eligibility affected only TVC members whose term began on or after that date. Changes governing complaint procedures would apply only to complaints received on or after that date. The commission would be required to comply with provisions covering complaint documentation, claims assistance, separation of policymaking and management responsibilities, rules development, public participation, training, use of technology, and development of a statewide plan by March 1, 2008. TVC was required to comply with and implement any non-statutory recommendations adopted by the Sunset Advisory Commission (SAC) and report back to the SAC on this implementation by November 1, 2008. TVC has submitted a report to SAC which SAC is reviewing for the ir report to the Texas Legislature in January 2009.

### *Texas Veterans Land Board*

VLB, created by a constitutional amendment in 1946, provides veterans with state benefits, such as below-market interest rate loans that can be used to purchase land or a house or fund home-improvement projects. The agency builds and operates veterans nursing homes and cemeteries and provides care and burial space to veterans, their spouses, and dependents.

The Constitution mandates that the commissioner of the General Land Office (GLO) chair the VLB and that the governor appoint the other two members — one with experience in veterans' issues and the other with a financial background — to serve staggered four-year terms. The agency has 83 employees and receives no general revenue funds, administering its program through investment income, loan payment proceeds, and federal funds. It received about \$19 million in funding in fiscal year 2005, and \$23 million in fiscal year 2006. VLB is not subject to abolishment under the Sunset Act; however it undergoes Sunset review every 12 years.

H.B. 3140 required VLB to coordinate certain outreach efforts with TVC. The agencies were required to create a joint communications center to manage a shared contact database and develop a uniform web site and brochure detailing veterans benefits and services. The two agencies were required to host joint benefits seminars and combine outreach efforts, as appropriate. Additionally, they were required to enter into a memorandum of understanding governing these new duties.

**Communications center.** VLB was required to operate the joint communications center for the VLB and TVC and supervise its employees. Employees from both agencies would work at the center and would receive training and compensation from their respective employers. Communications center employees would have access to veterans contact databases in each agency and would be required to:

- answer the toll-free veterans hotline;
- maintain and improve the databases and create additional databases as needed;
- send direct mail to veterans, as appropriate; and
- send direct mail to newly discharged veterans to alert them of benefits seminars and services available to them.

VLB has almost 900,000 veterans in its database that receive direct mailings. VLB does an extensive amount of mailings for marketing purposes and to create awareness of the programs such as: veteran seminars, eligibility of veterans for the David A. Glover Texas State Veterans Home Program, Texas State Veterans Cemetery Programs, and to assist VLB partners with marketing.

**Joint website and brochure.** VLB and TVC were required to create a uniform website and brochure to provide a comprehensive and centralized catalogue of all available veterans benefits and services. The website address would have to be easily identifiable and prominently displayed in the brochure. Both agencies would reserve the right to operate additional websites or disseminate other information. (Please see *Appendix F*, for the joint brochure.)

**Benefits seminars.** VLB and TVC were required to jointly plan and host state-sponsored benefits seminars to provide veterans with uniform information on all available veterans benefits and services. The agencies were also required to coordinate their involvement in veterans seminars hosted by other organizations.

**Memorandum of understanding (MOU).** VLB was required to enter into a MOU with TVC to delineate powers and duties that both entities would have as they coordinated veterans benefits outreach activities. Once approved, the agencies were required to periodically update the MOU and explore additional coordination opportunities. The agencies were required to take into account any constraints governing legal use of bond proceeds and federal money before entering into the agreement. The agencies were required and did enter into the MOU by March 1, 2008. (Please see *Appendix G*, for the MOU).

It was required that the MOU identify shared and separate roles of the two agencies, including powers and duties governing:

- reimbursement for coordinated activities;
- management, funding, and cross-training of collocated employees;
- administrative and operating expenses incurred through joint activities;
- development and dissemination of the joint brochure and website; and
- joint presentations at or sponsorship of veterans benefits seminars.

**Other.** VLB was required to review and approve, as appropriate, any internal audit plans. The agency also was required to review and discuss findings of internal audit reports. The bill authorized standard Sunset provisions governing board member training and removal, negotiated rulemaking and alternative dispute resolution policies, conflicts of interest, unbiased appointments, complaint documentation, and the use of technology. The bill specified that VLB would be reviewed in 2019 and every subsequent 12 years.

**Effective date.** The legislation took effect September 1, 2007. Provisions applying to board members applied only to those installed on or after that date. Provisions governing complaints applied only to those filed on or after that date.

VLB has complied with almost all of the SAC recommendations. VLB and TVC have complied with the SAC recommendation to develop a combined brochure regarding available veteran benefits. In addition to the brochure, TVC and VLB have combined their call centers that provide a toll-free hotline for veterans' services, have completed an MOU and are developing a combined website for veterans' services.

Although the VLB has not yet complied with the SAC recommendation regarding developing an alternative dispute resolution policy they are actively developing the policy; target date for implementation is May 2009.

## Update

Since December 2007, there has been a 100 percent increase in the land program applications, a 500 percent increase in veteran home improvement loans, and a decrease in the housing assistance program, with a foreclosure rate of less than two percent. Prior to the passage of The Heroes Earnings Assistance and Relief Tax Act (HEART), H.R. 6081 by the U.S. Congress, a disabled veteran who had a 50 percent VA disability rating or greater was eligible for a reduction of .35 bps off the base rate for a loan. As of September 2008, with the passage of H.R. 6081, the VLB wanted to expand the discount to affect more disabled veterans. Therefore, a disabled veteran who has a VA disability rating of 30 percent or greater will be eligible for 100 bps off the base rate.

Qualified Veteran Mortgage Bonds (QVMB) are private activity bonds of which the proceeds are used to make mortgage loans to certain veterans. Authority to issue QVMBs was limited to states that had issued such bonds prior to 1984, the only year a state could be grandfathered into the program. The states eligible to offer such bonds are Texas, California, Wisconsin, Oregon and Alaska. In the Section 143 of the Internal Revenue Code, a veteran was defined as someone who had entered the service before January 1, 1977 and had been discharged less than 30 years could qualify to use the program.

H.R. 6081 which was passed this year, greatly expand the QVMB eligibility criteria for veterans who served in more recent conflicts by eliminating the pre-1977 requirement. The passage of this law changed the definition of a veteran to someone who has left active duty less than 25 years from the date of application for the program. This change allows veterans who have severed in many recent conflicts to use the program where previously, they could not. QVMBs are now available to all veterans except those who have been out of the service for over 25 years.

## Recommendations

### *Texas Veterans Commission and Texas Veterans Land Board*

The Texas Legislature should continue to monitor TVC and VLB's compliance of H.B. 3426 and H.B. 3140 respectively. The Legislature awaits SAC's report in January 2009.





## Other Issues

### *Military Voting*

#### **Current Law**

Senate Bill 90, 80th Texas Legislature, established a Military Voting pilot program that enabled overseas voters in the military to receive their unmarked ballot via electronic mail, provided that the voter could provide a ".mil" e-mail address. This pilot program was established for the 2008 general election, and allows a county clerk or administrator in Texas to deliver a blank ballot to a voter outside the United States, provided that the voter has requested the ballot to be delivered via electronic mail to ensure speed and efficiency of the voting process for overseas military voters.

SECTION 1. Amended Chapter 101, Election Code, by adding Section 101.0071, as follows:

#### **Sec. 101.0071. ELECTRONIC MAIL BALLOT PILOT PROGRAM.**

- a) Requires the secretary of state, not later than July 1, 2008, to implement a pilot program to evaluate the use of electronic mail (e-mail) in providing balloting materials to overseas voters who are members of the United States military for the general election for the state and county officers in 2008. Sets forth certain conditions under which a county is permitted to participate in the pilot program.
- b) Permits the early voting clerk (clerk) of a participating county to send balloting materials to an e-mail address in a form and manner provided by the secretary of state after the ballot materials have been provided to the voter in accordance with Section 101.007(a), if the voter meets certain criteria.
- c) Requires balloting materials sent to an e-mail address to include a signature sheet for the voter.
- d) Requires the clerk to provide ballots to all voters who qualify under Subsection (b) if the clerk provides a ballot to a single voter who qualifies.
- e) Requires the clerk to amend the voter's federal postcard application for future elections with the voter's current address if the clerk provides a ballot via e-mail under Subsection (b).
- f) Requires a ballot sent to an e-mail address under Subsection (b) to be returned with the signature sheet by the method provided by Section 101.008 unless the person qualifies for a different method under Section 105.001.
- g) Specifies that an e-mail address provided under this section is confidential and not public information for purposes of Chapter 552 (Open Records), Government Code. Requires the clerk to ensure that an e-mail address is excluded from disclosure.
- h) Sets forth that only a ballot that was provided electronically may be counted if a voter returns a mailed ballot and an electronically provided ballot. Requires a ballot returned under this chapter to be processed in the same manner as any other

ballot voted by mail as provided by Chapter 87 (Processing Early Voting Results).

- i) Provides that all other provisions of this code that apply to ballots apply to an electronically provided ballot, including certain deadlines.
- j) Authorizes the secretary of state to adopt rules as necessary to implement this section.
- k) Requires the secretary of state to file a report with the legislature at the conclusion of the pilot program but no later than February 15, 2009, regarding the pilot program. Sets forth certain provisions the secretary of state may include in the report.
- l) Provides that this section expires February 16, 2009.

The bill requires the secretary of state to file a report on the program with the legislature no later than February 15, 2009, including recommendations on the feasibility and expansion of the program and suggestions for permanent statutory authority.

## Recommendation

Due to the exigency of this issue, and the severe injustice of the possibility of military voters being disenfranchised, the legislature should establish this as a permanent program.

### ***The Effects of Deployments and School Transitions on Military Children***

Military families move several times over the course of the servicemember's career. While reassignments often are positive for career personnel, they can be challenging for the children of military families. The children face numerous issues: the anxiety of parental separation during deployments, losing friends and making new ones, adjusting to new communities and military installations, and changing schools. While the military has taken steps to ease the transition of personnel and their families, much remains to be accomplished both at the state and local level to ensure that the children of military families are afforded the same opportunities for educational success as other children.

On the average, military students encounter transitional challenges at least twice during high school. Additionally, military children will attend six to nine different schools in their educational experiences from kindergarten to twelfth grade. In order to retain our military personnel and to ensure the readiness of our armed forces, the impacts of reassignment and long deployments must be considered. More than half of all military personnel support families and these are key considerations in making long-term life choices.

# The Interstate Compact on Educational Opportunity for Military Children

## Background

The Council of State Governments, in cooperation with the U.S. Department of Defense Office of Personnel and Readiness, drafted the interstate compact to address the educational transition issues of children of military families, as well as compact enforcement, administration, finances, communications, data sharing, and training.

### **Which military children does the compact apply to?**

- Active duty members of the uniformed services, including members of the National Guard and Reserve on active duty orders;
- Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and
- Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

### **What issues are addressed by the compact?**

- **Enrollment** - educational records, immunizations, age of enrollment/course continuation, i.e. kindergarten.
- **Eligibility** - power of attorney, tuition, non-custodial parents, extracurricular activities.
- **Placement** - course placement and educational program placement, special education services, placement flexibility for local education officials, absence as related to deployment activities.
- **Graduation** - waiver requirements, exit exams, transfers during senior year.

### **What type of state coordination will there be?**

- **State Council** - each state will be required to develop the council to provide for the coordination among its agencies of government, local education agencies and military installations concerning the state's participation in and compliance with the compact. Each member state may determine membership on the council although the membership must include some specific members, i.e. state education commissioner.
- **Military Family Education Liaison** - the State Council shall appoint or designate a military family education liaison to assist military families in the state in facilitating implementation of the compact.

### **What type of national coordination will there be?**

- **Interstate Commission** - the governing body of the interstate compact composed of representatives from each member state and certain ex-officio members. This commission will provide oversight of the agreement, in addition to creating and enforcing the rules governing the compacts operation. The commission will also promote training and compliance with the requirements of the compact. Each

state will be allowed one vote on compact matters. This commission will provide the venue for solving interstate issues and disputes.

- **Rulemaking** - the Interstate Commission, through its member states, will draft and enforce rules for the operation of the compact. To allow for a "check and balance", a rule may be voided should a majority of member state legislatures revoke the rule.
- **Enforcement** - the Interstate Commission will have the ability to enforce the provision of the compact and its rules on states and school districts.

The compact has been activated since 11 states have adopted the compact; 10 states were required for activation. (Please see *Appendix H*, for a map to identify the states that have adopted the compact and *Appendix I*, for a state-by-state status table. For additional information about the compact, please see <http://www.csg.org/programs/ncic/EducatingMilitaryChildrenCompact.aspx>.

## Recommendation

The Texas Legislature should pass legislation to adopt *the Interstate Compact on Educational Opportunity for Military Children*. By adopting the compact, Texas can provide a level playing field regarding scholastic requirements for military children. Additionally, the compact can lessen the negative impacts of deployments on the quality of life of military personnel and their families. Families need predictability when they move and the compact provides that predictability and a consistent, orderly transition when entering school after arrival in a new state. Importantly, passage of the compact would indicate to military families that the State of Texas supports and appreciates their service to our country and that as a state we desire to eliminate the barriers that interfere with the education of military children.

Texas has the second-largest military population in the nation. Of the military population in Texas, there are 99,633 minor school-age dependents. Thirty-nine school districts in Texas are affected by military installations. (Please see *Appendix J*, for military impacted school districts.) Although we cannot accurately predict which districts will receive the greatest impact, we can estimate based on the numbers provided by the DoD that due to the Base Realignment and Closure decisions of 2005, school districts associated with Fort Sam Houston and Fort Bliss will be most impacted. It is estimated that Fort Bliss will receive 27,000 new troops by 2012, who will bring with them 9,600 school-age children. Fort Sam Houston will receive 11,500 new troops by 2012 with 3,900 school-age children. It is critical that Texas lead the way among the states with a large number of school-aged military children. The compact provides flexibility and long-range solutions for military children transitioning between schools.

# ***The Barriers to Accessing Higher Education by Veterans and Their Families***

## **Background**

The number one reason many of our men and women enlist in the U.S. Armed Forces is to pursue a higher education after their military service. Ninety-six percent of servicemembers enlist for this reason. However, once a servicemember is discharged from the military, many barriers face our veterans and their families from accessing a higher education. Due to these barriers, few veterans complete a college degree. Three out of ten veterans will not utilize their GI bill benefits; the statistics are telling. Less than half of the 36 benefit months are used, and only 6 percent of veterans use all 36 GI bill months. While 40 percent of college students graduate, only 3 percent of veterans graduate after six years. In other words of 100 GI bill veterans, 60 go to college, but only 2 graduate. Below are but a few possible reasons as to why the benefits are not being utilized:

- inadequate campus support;
- lack of pre-enrollment counseling and advising;
- poor or ill-informed access to financial aid, grants, and scholarships;
- cost of a higher education;
- a short period of time between military separation and the beginning of classes;
- a long period of unstructured time between separation from military service and the beginning of school, while experiencing economic uncertainty during that time; and
- poor physical and emotional disabilities accommodation.

It is also difficult to ascertain that of the students enrolled in college, what is the number of students who are in the military or some way tied to the military. In general, currently, students enrolled in Texas colleges are not identified under those characteristics.

Therefore, there is no information about **all** students in the military or those who are veterans and are enrolled in state institutions of higher education. However, enrollment data does allow for the identification of three subsets of the military in Texas public institutions:

- Out-of-state students who are in the military (and their spouses/children) who are receiving waivers through one of the provisions of the Texas Education Code (TEC) 54.058;
- Texas veterans who are receiving tuition and fee exemptions through the Hazlewood Act (TEC 54.203); and
- VA education beneficiaries.

One in five Texas veterans are in college and some still serve in the Guard or Reserve.

## In-State Resident Tuition

Currently, veterans who are not Texans but who want to attend a public university in Texas are required to pay out-of-state tuition and fees until they have lived in Texas for one year. Texas law provides for waivers of out-of-state tuition and fees. Waivers are programs authorized through statute that enable certain out-of-state students to enroll in Texas public institutions and pay in-state resident tuition. Waivers can have a significant impact on the ability of an individual to afford to attend college. At universities, the difference in fiscal year 2008 between resident and nonresident tuition for a person taking 30 semester credit hours is \$8,100. At community colleges, the average difference is \$2,100. TEC 54.058 includes several waiver provisions for members of the military and/or their dependents:

- TEC 54.058 (b) allows all military personnel stationed in Texas and their families to pay the resident tuition rate.
- TEC 54.058 (c) allows spouses and dependents to continue to pay the resident rate after the member is assigned to duty elsewhere if they reside continuously in Texas.
- TEC 54.058(j) allows members and their dependents to continue to pay the resident rate after being stationed here if they remain continuously enrolled in the same program of study.
- TEC 54.058(d) shortens the 12-month period for establishing residency for the spouse or dependent of members previously stationed in Texas under certain circumstances.
- TEC 54.058(f) allows the spouse and dependents of a non-Texas member killed in the line of duty to establish residency by relocating to Texas within 60 days of the member's death.
- TEC 54.058(g) allows the spouse and dependents to pay the resident tuition rate if a letter of intent to establish residency in Texas is provided to the institution of higher education.
- TEC 54.058(i) shortens the 12-month period for a person recently discharged from the service to establish residency under certain circumstances.

## Montgomery GI Bill

The U.S. Department of Veterans Affairs (VA) administers the GI Bill for qualified veterans. VA educational benefits may be used while the servicemember is on active duty, or after the servicemember's separation from active duty with a fully honorable military discharge. Discharges "under honorable conditions" and "general" discharges do not establish eligibility. Eligibility generally expires 10 years after the servicemember's discharge. However, there are exceptions for disability, re-entering active duty, and upgraded discharges. All participants must have a high school diploma, equivalency certificate, or have completed 12 hours toward a college degree before applying for benefits. Previously, servicemembers had to meet the high school requirement before they completed their initial active duty obligation. Those who did not may now meet the requirement and reapply for benefits.

Recently, Congress made some changes to the GI bill by passing the Post-9/11 Veterans Education Assistance Act of 2008. According to Military.com, "the new bill goes well beyond helping to pay for tuition. Many veterans who served after September 11, 2001 will get full tuition and fees, a new monthly housing stipend, and a \$1,000 a year stipend for books and supplies. The new bill also gives Reserve and Guard members who have been activated for more than 90 days since 9/11 access to the same GI bill benefits." The Act goes into effect on August 1, 2009. (Please see *Appendix K*, for information about the Post-9/11 Veterans Education Assistance Act of 2008.)

## Hazlewood Exemption Program

The Hazlewood Exemption (Hazlewood Act) program is primarily for Texas veterans who have completed at least 180 days of active military duty and have honorable discharges or separations from service. However, if the Texas veteran is killed in the line of duty or has suffered injuries while on duty that cause him/her to be classified as 100 percent unemployable, the benefit can be received by the veteran's children. The inclusion of children of disabled veterans was authorized by House Bill 125, 80th Legislature. The exemption is for the benefit of Texas residents who enroll in Texas public institutions of higher education.

The Hazlewood Act provides an exemption of tuition and fees other than the deposit and student service fees for up to 150 semester credit hours (also excluded are any fees for books, lodging, board or clothing). The benefit may not be used for correspondence courses unless the courses are part of the student's degree plan. In fiscal year 2007, Texas' most recent complete year, the average value of a Hazlewood exemption at a university was \$3,210. The average value at a community college was \$967.

### **Veterans applying for Hazlewood benefits must:**

- Be Texas residents;
- Have been Texas residents at the time they entered the U. S. Armed Forces;
- Have served at least 181 days of active military duty, as indicated as "net active service," that is the sum of 12(c) and 12(d) on the DD214 is at least 181;
- Have received an honorable discharge or separation or a general discharge under honorable conditions;
- Have Federal veterans education benefits for term or semester enrolled that do not exceed the value of Hazlewood benefits. (PELL and SEOG Grants are not relevant as of fall 2005.);
- Not be in default on a student loan made or guaranteed by the State of Texas or in default on a federal education loan if that default affects their eligibility for GI education benefits; and
- Enroll in classes for which the college receives tax support (i.e., a course that does not depend solely on student tuition and fees to cover its costs), unless the college's governing board has ruled to let veterans receive the benefit while taking nonfunded courses.

### **Dependents of veterans applying for Hazlewood benefits must:**

- Have a parent who was a resident of Texas at the time of entry in the service who died as a result of service-related injuries or illness or whose parent became totally disabled for purposes of employability as a result of service-related injury or illness;
- Be Texas residents; and
- Not be in default on a loan made or guaranteed by the State of Texas or in default on a federal education loan if that default affects their eligibility for GI education benefits.

At this time, Hazlewood benefits are not available to veteran's spouses or veterans from other states.

House Bill 125 and Senate Bill 1640, 80th Legislature, also authorized veterans to use their federal and state veterans' benefits at the same time, if the value of the federal benefits are less than the value of the state exemption. Prior to the passage of this legislation, veterans had to exhaust their federal benefits before they could use their state benefits.

A majority of Hazlewood beneficiaries were enrolled as undergraduates in fiscal year 2007, but only a few of them were enrolled as entering freshmen. Hazlewood exemption recipients at the time were required to use federal veterans' benefits before they could gain access to state benefits. Therefore, only individuals who did not contribute towards federal benefits (and were therefore ineligible for them) could use Hazlewood as freshmen that year. (Please see *Appendix L*, for TVC's Hazlewood Act: Frequently Asked Questions brochure.)

## **GO VET Program**

The state of Ohio has formulated a strategic state response to reach the GI Bill eligible veterans in that state. The initiative formulated is the Ohio GI Promise, which was created to provide outreach to the two-thirds of the 42,000 deployment-based, GI Bill eligible veterans (during 2001 to 2007) that were not using their GI Bill. Ohio, with this, will add 1,300 veterans at each of its 25 campuses with their outreach campaign. This may be a difficult goal to achieve because not all veterans can study full-time, nor do all return from mobilization or deployments in conjunction with the academic schedule.

Although we are unable to determine exactly the number of students in Texas colleges who are in the military or are linked to the military, we can begin to establish a veterans' outreach campaign. Specifically, the outreach campaign should focus on:

- outreach to veterans with unused benefits;
- investigating what the veteran and his/her family needs to produce/accomplish to enroll;
- helping develop an Education Financing Plan, a four-year academic study plan, or a Transfer Plan,

- partnering with colleges or universities to increase graduation completion rates; and
- establishing campus veterans' student clubs (which will allow for peer-to-peer support).

Texas can devise a similar strategic plan that will allow veterans to help reach our state's higher education participation goal of 5.7 percent. In the metro areas of our state, 18-24 year old veterans alone can fill half of Texas' *2010 Closing the Gaps* goal. Sixty-five percent of deployed personnel are less than 30 years old with 20 percent of officers and 96 percent of enlisted personnel lacking a college degree. By establishing Veteran Resource Centers on Texas college campuses we can better serve veterans and their families by encouraging them to attend public higher education institutions, enhancing services available, and assisting them with graduation completion.

Additionally, Texas veterans using the GI Bill impact local and state economies. Chapters 30 and 35 beneficiaries represent 87 percent of Texas students and 92 percent of VA funds. Research suggests that every \$1 spent by a veteran as a student is worth \$5 in the Texas economy. Moreover, the average veteran puts \$4,300 GI bill dollars into our economy. Statewide, VA education benefits total \$246.4 million per year. Furthermore, veterans with a college degree or more earn an average of \$60,000 per year, thus promoting economic growth.

## Recommendations

### In-State Resident Tuition

The Texas Legislature should pass legislation to allow veterans who are not Texans and their families to pay in-state tuition and fees without regard to the length of time they have resided in Texas. This legislation would make college more affordable for veterans and their families. As we go about our daily routines, it is easy to forget that our lifestyle is a privilege, paid for by men and women in the remote deserts of Iraq and the mountains of Afghanistan. As we honor the men and women who have donned our country's uniform, we would do well to remember that we can honor them and their families every day by supporting initiatives such as this legislation.

### Hazlewood Exemption Program

The Texas Legislature should pass legislation which would align the Hazlewood Act with both the Texas Attorney General's decision to withdraw two of his opinions and the federal government's Montgomery GI bill -- which does not make distinctions between citizens and legal residents on educational benefits for veterans. There are many men and women who are legal residents of Texas and who volunteer to enlist and serve in our armed forces, it is only reasonable that veterans who entered the military as legal permanent residents be afforded the same opportunities as those veterans who entered military service as citizens. We must honor and reward the sacrifices of those men and women who so proudly serve our country and state.

The Texas Legislature should pass legislation that would allow a Hazlewood beneficiary to transfer his or her Hazlewood benefits to a child. We must not forget that it is not just the man or woman wearing the uniform that serves his or her country. Behind many servicemembers there is a family that provides support, sustaining him or her in times of difficulty and stress. It is this feeling--that we do not just support the soldier, sailor, marine, or airman, but also those that support him or her.

## GO VET Program

The Texas Legislature should pass legislation that would allow the Texas Veterans Commission (TVC) to establish Veterans Resource Centers to serve the needs of Operation Enduring and Iraqi Freedom veterans and their families in the State of Texas. The purpose of these Veterans Resource Centers would be to provide centralized focal points of assistance and information to veterans and their families during their educational experience. The Veteran Resource Centers align with TVC's commitment to meeting the needs of this unique group of citizens on par across urban, rural, and border areas by:

- delivering innovative, cost-effective programs to attract veterans and family members to attend public colleges/universities in the state;
- enabling schools to create veteran-friendly environments;
- encouraging veterans to take advantage of Montgomery GI Bill and Hazelwood Act opportunities; and
- providing assistance and services (counseling, academic and financial aid advice, and mentorship) to veterans and their families throughout their collective educational experience, facilitating the transition of our valiant veterans from military service to the civilian workplace.

Additionally, the Texas Legislature should appropriate the necessary funds for the staffing of the Veteran Resource Centers. The Higher Education Opportunity Act [Pub. L. No. 110-315 (H.R. 4137)] which was signed by the President and became law on August 14, 2008, includes new benefits for veterans. The Act includes the following provision which is a potential source of fund for the Veteran Resource Centers:

- Provides for the Secretary of Education to award grants to institutions of higher education for the establishment of Centers of Excellence for Veteran Student Success on the campus of the institution to provide a single point of contact to coordinate comprehensive support services for veteran students. The centers will include representatives from the offices of the institution responsible for admissions, registration, financial aid, veterans benefits, academic advising, student health, personal or mental health counseling, career advising, disabilities services, and any other office of the institution that provides support to veteran students on campus.

## ***Enhancing Veterans' Ad Valorem Tax Exemptions***

### **Background**

The U.S. Department of Veterans' Affairs (VA) has an intricate yet unintuitive system for classifying disabled veterans coming home from war on a 0 to 100 percent disability scale. The VA issues a grade of the disability based on the severity of the disability. This scale takes into account each affected body part which has different applicable proportion of available ability, creating a complicated formula. Additionally, other disabilities may be considered, including post traumatic stress disorder and/or traumatic brain injury. This formula creates a raw figure, which the VA will round up or down to the nearest tenth. For example, a 34 percent rating is rounded down to an official 30 percent, while a 35 percent rating is rounded up to 40 percent.

Section 2(b), Article VIII of the Texas Constitution (Constitution) provides veterans a sliding scale exemption from certain ad valorem property taxes, based on their levels of disability. The four different disability ranges given in that section are: 10 to 30 percent, 31 to 50 percent, 51 to 70 percent, and 71 percent and over. The Constitution allows an exemption of \$12,000 from a homestead's taxable value, which exists for a disability rating of 71 percent or more.

There is a difference between the federal government's disability rating and the exemption provided by the state. Therefore, many veterans and property tax collectors have difficulty in understanding the tax system and ascertaining the true disability exemption. To better understand the discrepancy between state and federal policies we will illustrate the differences between Veteran A and Veteran B.

Following the example above, if Veteran A has a 34 percent rating, he would be rounded to 30 percent officially and receive a \$5000 exemption on the value of his property. His neighbor, Veteran B, with a 35 percent rating would have been bumped up to 40 percent by the VA and would enjoy a \$7500 exemption for being in the 31 to 50 percent disability rating range just above his neighbor, Veteran A. Veteran A, however, was truly rated in Veteran B's disability range at the start but, because of a discrepancy between state and federal policies, Veteran A cannot enjoy the exemption for which he was originally rate.

In order to amend the Constitution, the following process must be followed. Proposed amendments to the Constitution are in the form of joint resolutions instead of bills and require a vote of two-thirds of the entire membership in each house for adoption. Joint resolutions are not sent to the governor for approval, but are filed directly with the secretary of state. A joint resolution proposing an amendment to the Constitution does not become effective until it is approved by Texas voters in a general election. In addition to a joint resolution, enabling language is required which is in the form of a bill.

During the 80th Legislative Session, Senate Joint Resolution 29 and Senate Bill 666 were filed. S.J.R. 29 proposed a constitutional amendment to authorize the exemption from ad valorem property taxes of the homestead residence of a disabled veteran who receives a rating of 100 percent disabled or totally disabled. S.B. 666, contingent upon approval of S.J.R.29, would exempt persons who are 100 percent disabled or totally disabled as a result of a service-connected disability or unemployability according to the VA from all ad valorem property taxes on their homestead.

S.J.R. 29 became Proposition 9 (Prop 9) on the November 2007 ballot and allowed Texas voters to decide whether or not the amendment should be added to the Constitution. Prop 9, as passed, exempted persons who are 100 percent disabled or totally disabled as a result of a service-connected disability from all ad valorem property taxes on their homestead; thereby aligning the state exemption policy with the federal rating schedule. Prop 9 amended Section 2(b), Article VIII of the Texas Constitution making the following changes:

- changing the \$5,000 exemption range from **10 to 30 percent** to **10 to 29 percent**,
- changing the \$7,500 exemption range from **31 to 50 percent** to **30 to 49 percent**,
- changing the \$10,000 exemption range from **51 to 70 percent** to **50 to 69 percent**, and
- changing the \$12,000 exemption range from **71 percent and over** to **70 percent and over**.

Although Prop 9 did pass with 86% Texans voting for the constitutional amendment, the enabling language (S.B. 666) did not complete passage in the Texas House. Enabling statutes are needed before local taxing units are required to comply with what the state has outlined in the Tax Code; had the enabling language passed the exemption would have begun in the 2008 tax year. Since this did not happen, those with service-connected disability could not enjoy the benefit of the exemption, which would allow service members to potentially retain an asset that might otherwise be lost due to financial hardship from a disability inflicted while serving our country and thereby promoting home ownership. As such, the benefit of the exemption cannot be enjoyed until the enabling statute is passed in the next legislative session which is scheduled to begin on January 13, 2009.

## Recommendation

The voters of Texas approved Prop 9 on the November 2007 ballot, however the current situation of Prop 9's exemption is that it is *authorized* but not yet *codified* in statute. The Texas Legislature should pass legislation that would rearrange the *entire* state's current exemption structure, but most notably authorize a complete exemption from ad valorem property taxes on the homestead of a veteran who is either 100 percent disabled (based on the VA schedule of disability) *or* totally disabled based on 100% unemployability (which is determined by the VA). The terms, including totally disabled, would be defined in the legislation. This exemption would extend to the veteran, a veteran's surviving spouse,

and surviving minor children. This exemption would be **permanent** once it is enacted by the Legislature.

## **VA Issues**

### Update

The Veterans' Benefits Improvement Act was signed into law by President George W. Bush on October 10, 2008. As a result, veterans with conventional home loans now have new options for refinancing to a U.S. Department of Veterans Affairs guaranteed home loan. Congressman Ciro Rodriguez, a member of the House Committee on Veterans Affairs, said, "Veterans are being hit especially hard by our shaky housing market. The new law will help to ease the burden on veterans to allow those with subprime mortgages to refinance into a VA guaranteed loan."

The new law allows for the following:

- Veterans who wish to refinance their subprime or conventional mortgage may do so now for up to 100 percent of the value of the property. Previously, these types of loans were limited to only 90 percent of the value.
- Congress raised the VA's maximum loan amount for these types of loans. These refinancing loans were capped at \$144,000. With the new legislation and depending on location, such loans may be made up to \$729,750.
- Increasing the loan-to-value ratio and raising the maximum loan amount will allow more qualified veterans to refinance through the VA, allowing for savings on interest costs or even potentially avoiding foreclosure.

Originally set to expire at the end of this month, VA's authority to guaranty Adjustable Rate Mortgages (ARMs) and Hybrid ARMs was extended through September 30, 2012. Unlike conventional ARMs and hybrid ARMs, VA limits interest rate increases on these loans from year to year, as well as over the life of the loans.







## **Appendix A. Fort Bliss Statistics**

## Fort Bliss Statistics

	Baseline 2005		2006	2007	2008	2009	2010	2011	2012	Endstate 2012
		+/-	3844	948	2778	2764	7386	5901	4333	<b>27954</b>
<b>Soldiers</b>	9330	Cumulative	13174	14122	16900	19664	27050	32951	37284	37284
		+/-	2230	550	1611	1603	4284	3423	2513	<b>16213</b>
<b>Spouses</b>	4945	Cumulative	7175	7724	9336	10939	15223	18645	21158	21158
		+/-	2952	728	2134	2123	5672	4532	3328	<b>21469</b>
<b>Children</b>	10385	Cumulative	13337	14065	16199	18322	23994	28526	31854	31854
<b>6-12 years (34%)</b>	3531	+/-	1004	248	725	722	1929	1541	1131	7299
		Cumulative	4535	4782	5508	6229	8258	9699	10830	10830
<b>13-18 years (29%)</b>	3012	+/-	856	211	619	616	1645	1314	965	6226
		Cumulative	3868	4079	4698	5314	6959	8273	9238	9238
<b>Total School Age</b>	6543	+/-	1860	459	1344	1337	3574	2855	2096	13525
		Cumulative	8403	8862	10206	11543	15117	17972	20068	20068





## **Appendix B. MOU between the PAT**



**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE**

**TEXAS VETERANS COMMISSION (TVC)  
THE ADJUTANT GENERAL'S DEPARTMENT (AGD)  
TEXAS MILITARY FORCES (TXMF)  
TEXAS HEALTH AND HUMAN SERVICES COMMISSION  
TEXAS VETERANS LAND BOARD  
VETERANS COUNTY SERVICE OFFICERS ASSOCIATION OF TEXAS  
DEPARTMENT OF VETERANS AFFAIRS, BENEFITS ADMINISTRATION  
DEPARTMENT OF VETERANS AFFAIRS, HEALTH ADMINISTRATION  
DEPARTMENT OF VETERANS AFFAIRS, VET CENTERS  
DEPARTMENT OF LABOR  
TEXAS EMPLOYER SUPPORT FOR THE GUARD AND RESERVE  
VETERANS OF FOREIGN WARS  
AMERICAN LEGION  
TRIWEST HEALTHCARE ALLIANCE  
HUMANA MILITARY HEALTHCARE SERVICES**

**SUBJECT:** "Partners Across Texas" is an interagency and multi-organizational collaboration to enhance support for Texas Army and Air National Guard Service and Family Members and all Military Veterans within the State of Texas

**1. Reference.** All Texas State Agencies, Commissions, and Boards enter into this agreement by their authorities under Chapters 771 and 434 of the Texas Government Code. The VBA, VHA, VISNs, and the Vet Centers enter into this agreement under the authority of the Department of Veterans Affairs.

**2. Purpose.** The purpose of this partnership is to establish a framework for a mutually reinforcing, multi-organization relationship that benefits all Texas National Guard service members and veterans within the State of Texas and enhances the services available to them and their families. This MOU does not preclude its participating organizations from continuing to provide support to military veterans from all the armed service branches and components within the State of Texas.

**3. Understanding.**

a. It is the intent of the participating agencies and organizations that this MOU will be expanded as appropriate to include other interagency partners, both public and private. Additionally, any partner may withdraw from this agreement at any time with at least 30 days written notice.

b. MOU partners are joining together, as mandated by their respective missions and regulatory responsibilities, to serve military service members, veterans, and their families for their valuable and honorable service to our Country. Collaboration between the participating organizations in enhancing support to Texas National Guard members, veterans and their families will focus on the following issues and services:

(1) Identifying and exchanging primary points of contact within each agency or organization to facilitate communications, coordination and referrals.

(2) Participating in unit pre-deployment briefings, post-deployment reintegration training, Family Activity Days, and Community Events for Texas National Guard Soldiers and Airmen and their families.

(3) Providing assistance to Texas National Guard family members during and after deployments, including state emergency operations. This includes urgent financial issues, employment opportunities, and family issues during reintegration.

(4) Providing information on the full range of state and federal benefits and entitlements and assistance with claims through direct contact at each event, referrals, and through information in the HHSC 2-1-1 Call centers which operate 24/7.

(5) Assisting all Texas military veterans with the medical conditions associated with their military service.

(6) Providing employment services to veterans and spouses and coordinating with the Employer Support of the Guard & Reserve (ESGR) to assist in resolving conflicts between service members and employers.

(7) Leveraging Veterans Service Organizations and non-profit organizations to enhance and expand veterans programs and services.

(8) Encouraging, in an active and systematic way, Texas National Guard personnel/veterans and family members to make use of available services and benefits.

(9) The Texas Military Forces' Transition Assistance Advisors will coordinate support for the Texas Days and the Military Family Activity Days events with the participating members of this MOU. The TXMF State Family Program will coordinate pre-deployment and reintegration training activities. Each will publish a schedule of events including dates, and locations with the points of contact. They will also provide an estimate of the number of military and family members who will attend each event.

c. All individually identifiable health information shall be treated as confidential by the parties in accordance with all applicable federal, state and local laws, rules and regulations governing the confidentiality and privacy of individually identifiable health information, including, but without limitation, the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

#### **4. Department of Defense Yellow Ribbon Reintegration Program.**

a. Section 582 of the National Defense Authorization Act (NDAA) -08 directs that “The Secretary of Defense shall establish a national combat veteran reintegration program to provide National Guard and Reserve members and their families with sufficient information, services, referral, and proactive outreach opportunities through the entire deployment cycle. This program shall be known as the Yellow Ribbon Reintegration Program.”

b. The legislation makes specific reference to “programs of outreach to members of the Armed Forces and their family members to educate such members and their family members about the assistance and services available to them under the Yellow Ribbon Reintegration Program. Such assistance and services may include the following:

- (1) marriage counseling
- (2) services for children
- (3) suicide prevention
- (4) substance abuse awareness and treatment
- (5) mental health awareness and treatment
- (6) Post Deployment Health Reassessment Assessment (PDHRA)
- (7) financial counseling
- (8) anger management counseling
- (9) domestic violence awareness and prevention
- (10) employment assistance
- (11) preparing and updating family care plans
- (12) development of strategies for living with a member of the Armed Forces with post traumatic stress disorder or traumatic brain injury
- (13) family readiness and reintegration services that address the unique needs of service members and their families who live in remote areas
- (14) assisting Members of the Armed Forces and their families find and receive assistance with military family readiness and Service member reintegration
- (15) referral services
- (16) development of strategies and programs that recognize the need for long-term follow-up services for reintegrating service members and their families for extended periods following deployments
- (17) assisting service members and their families in receiving services and assistance from the Department of Veterans Affairs, including referral services.

c. The Yellow Ribbon Reintegration Program is a comprehensive process that ensures service members and their families are better prepared and sustained throughout the deployment cycle. It facilitates well-being and provides a means to identify those who may need assistance with the challenges inherent to extended deployments. shall consist of informational events and activities for members of the National Guard and Reserves, their families, and community members to facilitate access to services supporting their health and well-being through the four phases of the deployment cycle.

d. The Deployment Cycle consists of four phases (1) Pre-deployment, (2) Deployment, (3) Demobilization, and (4) Post-Deployment-Reconstitution.

**(1) Pre-Deployment Phase.** The Pre-Deployment Phase shall constitute the time from first notification of mobilization until deployment of the mobilized Texas National Guard unit. Events and activities shall focus on providing education and ensuring the readiness of members of the unit, their families, and affected communities for the rigors of a combat deployment. During this stage, units mobilize at their armory and together with their families will receive a pre-deployment briefing from the TXNG. State Family Programs will ask the Veteran service agencies and organizations to participate in these briefings. Units will then report to their designated mobilization installation where they will undergo administrative actions, briefings, training, counseling, and medical evaluations to ensure they are prepared for deployment.

**(2) Deployment Phase.** The Deployment Phase shall constitute the time from deployment of the mobilized Texas National Guard unit until the unit arrives at a demobilization station inside the continental United States. Events and services provided shall focus on the challenges and stress associated with separation and having a member in a combat zone. Information sessions shall utilize Texas Military Forces' resources in coordination with the Employer Support of Guard and Reserve Office, Transition Assistance Advisors, and the State Family Programs Director. The TXMF Family Program will coordinate Reintegration Training for military families during this phase. This training will take place up to three months prior to the unit redeploying.

**(3) Demobilization Phase.** The Demobilization Phase shall constitute the period from arrival of the Texas National Guard unit at the demobilization station until its departure for home station. Initial reintegration activity will begin here as Members are provided education about the resources available to them as well as connecting them with service providers who can assist them in overcoming the challenges of reintegration.

(a) Texas Days. The Texas National Guard will provide a reintegration team at the Demobilization Station during this phase to provide information to the Soldiers and identify any issues or problems. These personnel will provide referrals for personnel services, veteran benefits, and points of contact for all Soldiers processing through demobilization. Key representatives may include any veteran service agencies or organizations that can provide support to the service member. The TXNG Transition Assistance Advisors will coordinate with these agencies and organizations regarding their participation.

**(4) Post-Deployment-Reconstitution Phase.**

(a) The Post-Deployment-Reconstitution Phase shall constitute the period from arrival at home station until 180 days following demobilization. Activities and services provided shall focus on reconnecting members with their families and communities and providing resources and information necessary for successful

reintegration. Reintegration events shall begin with elements of the Initial Reintegration Activity program that were not completed during the Demobilization.

(b) The Texas National Guard shall hold reintegration activities at the 30-day, 60-day, and 90-day interval following demobilization. These activities shall focus on reconnecting members and their families with the service providers from the Initial Reintegration Activity to ensure that members and their families understand what benefits they are entitled to and what resources are available to help them overcome the challenges of reintegration. The Reintegration Activities shall also provide a forum for members and their families to address negative behaviors related to combat stress and transition.

(c) **Military Family Activity Days.** Units will conduct a Family Activity Day as part of their normal drill schedule within 1-6 months after re-deployment to assist their service members and their families to enhance their well-being and reintegrate into their pre-deployment lives. The TXMF Transition Assistance Advisors and State Family Program personnel will plan and coordinate with the unit commander for these days.

(1) Participants will provide personalized customer service in the areas of Veteran's benefits & entitlements, counseling, employment, and family support and assistance.

(2) MOU partners agree to provide representatives as part of a regional team to participate in weekend Family Activity Days at local armories without seeking financial reimbursement.

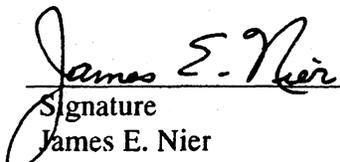
**5. "Partners Across Texas" Participating Organizations.** MOU partners will play an integral role as cohorts in this total effort. They will provide the necessary support to the Texas National Guard throughout the four stages of the Deployment Cycle and will provide referrals and information on Veterans Benefits, assistance with VA claims, employment, counseling, and reintegration issues. Representatives include:

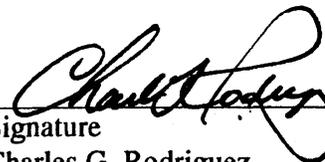
- a. Texas Veterans Commission
- b. Texas Veterans Land Board
- c. Texas Health and Human Services Commission
- d. Veterans County Service Officers Association of Texas
- e. Veteran's Benefits Administration
- f. Veteran's Health Administration
- g. VA Vet Centers
- h. Department of Labor: Veterans Employment & Training Service
- i. Texas Military Forces (TXMF) Transition Assistance Advisors, State Family Program, and State Surgeon Office
- j. Employer Support of the Guard and Reserve
- k. Veterans of Foreign Wars
- l. American Legion
- m. TriWest Healthcare Alliance
- n. Humana Military Healthcare Services

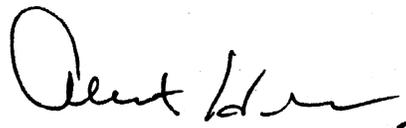
**6. Effective Date.** This MOU is effective upon signature by the participating agencies organizations. The undersigned agree to make every effort to provide professional and seamless service delivery to all Texas National Guard military members, retirees and veterans within the State of Texas and enhance the services available to them and their families. The expressed goal of these services is to minimize the strains associated with mobilizations and deployments for military service and family members, and to encourage the member's use of all services and benefits which may assist in their reintegration adjustment after re-deployment.

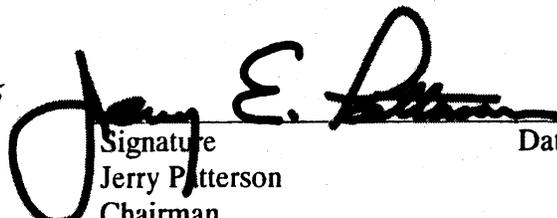
This MOU is effective upon signature by the participating offices, agencies, and organizations.

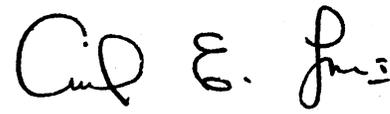
Rick Perry  
Governor of Texas

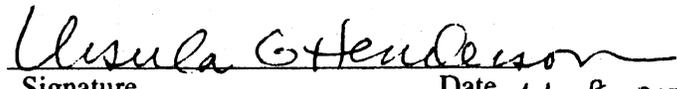
  
Signature Date 8-29-07  
James E. Nier  
Executive Director  
Texas Veterans Commission

  
Signature Date 20 Oct 07  
Charles G. Rodriguez  
Lieutenant General (TX), TXARNG  
Adjutant General of Texas  
Commander, Texas National Guard

  
Signature Date 2-18-08  
Albert Hawkins  
Executive Commissioner  
Texas Health and Human Services Com

  
Signature Date 10-25-07  
Jerry Patterson  
Chairman  
Texas Veterans Land Board

  
Signature Date 10-29-07  
Carl E. Lowe II, Director Waco TX  
Dept of Veterans Affairs Regional  
Office

  
Signature Date 11-8-07  
Ursula G. Henderson, Director Houston  
TX Dept of Veterans Affairs Regional  
Office

This MOU is effective upon signature by the participating offices, agencies, and organizations.

Aaron Strickland 9-12-07

Signature Date  
Aaron Strickland  
Deputy Regional Manager for  
Readjustment (Vet Centers)  
Counseling Service, Region 3B

George Gray 3/4/08

Signature Date  
George Gray  
Network Director, VISN 16

Thomas J. Stranova 08-13-07

Signature Date  
Thomas J. Stranova  
Network Director, VISN 17

Patricia A. McKlem 12/18/07

Signature Date  
Patricia A. McKlem  
Network Director, VISN 18

John McKinny 8-21-07

Signature Date  
John McKinny  
Veterans' Employment and Training  
Service (VETS)  
U.S. Department of Labor

Jerry D. Icenhower 8 Nov 07

Signature Date  
Jerry D. Icenhower, MG (Retired)  
Chairman, Texas ESGR  
Employer Support of the Guard and  
Reserve

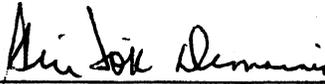
Roy Grona 8-29-07

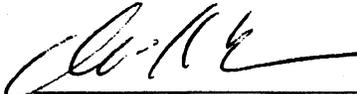
Signature Date  
Roy Grona  
State Adjutant  
Veterans of Foreign Wars,  
Texas Coalition of Veterans  
Organizations

William West 9/4/07

Signature Date  
William West  
Department Adjutant  
American Legion of Texas

This MOU is effective upon signature by the participating offices, agencies, and organizations.

 31 Jan 08  
Signature Date  
Alice Demarais  
Market Vice President  
TriWest Healthcare Alliance

 31 Jan 08  
Signature Date  
Chris Meilinger, MHA, FACHE  
South Market Director  
Southwest Market Area  
Humana Military Healthcare Services

 1-29-08  
Signature Date  
Olie L. Pope Jr.  
Public Relations Officer  
Veterans County Service Officers  
Association of Texas

**Appendix A (Participating Agencies, Commissions, Boards, and Organizations) to the *Partners Across Texas* MOU**

**1. Texas Military Forces** includes the Texas Army and Air National Guard and the Texas State Guard. Additionally it includes the Adjutant General's Department (a state agency) under the Governor of Texas. [www.texasnationalguard.us/](http://www.texasnationalguard.us/)

(a) The mission of the Texas Military Forces is to "provide mission-ready forces, responsive to community, State and nation." Missions include responding to State natural or man-made disasters and emergencies, homeland security operations, counterdrug operations, and deploying overseas to support the warfighting combatant commanders.

(b) The Texas National Guard consists of the Texas Army National Guard (TXARNG) and Texas Air National Guard (TXANG). The TXARNG consists of the 36<sup>th</sup> Infantry Division and various separate commands that include a multitude of combat, combat support and combat service support units. The TXANG consists of two Fighter Wings who conduct F-16 pilot training for the USAF and air sovereignty missions, a security squadron, and one Airlift Wing that provides tactical airlift.

(c) The Texas State Guard consists of statewide unpaid volunteers including six Civil Affairs Regiments, two Air Wings, one Maritime Regiment, and one Medical Brigade (Medical Reserve Corps). Their Mission is to provide mission-ready, military forces to assist State and local authorities in homeland security, State emergencies and Community service.

(d) The Soldier and Airman Support Center is located at Camp Mabry, Austin Texas and consists of the following TXMF support offices.

State Family Program and Family Assistance Center  
Military Family Life Consultant  
Military One Source Consultant [www.militaryonesource.com/](http://www.militaryonesource.com/)  
Employer Support of the Guard and Reserve (ESGR)  
Support Services  
TXMF State Chaplain  
TRICARE Representative  
VA Service Representative  
Equal Employment Office  
State Military Records  
Military Photo Lab

(e) Texas Military Forces State Family Program offers a variety of services to Texas Army and Air National Guard Families in Texas. [www.texasnationalguard.us/family-readiness/](http://www.texasnationalguard.us/family-readiness/)

(1) They coordinate reintegration activities and offer resource referral services and pre/post deployment briefings to Service Members and their Families on resources

and benefits available to them, to include: TRICARE Medical, TRICARE Dental, Veterans Service Organizations, Employment Services, Emotional Counseling, Financial Resources, and Youth Programs. They will coordinate all pre-deployment and reintegration training activities for each Texas National Guard unit.

(2) The TXMF State Family Program also assists TXNG Service and Family members with critical cases such as illnesses or deaths in the family. They train Family Readiness Group Volunteers to become a functional and successful support system for Service and Family Members and assist them with community outreach.

(f) The TXMF Transition Assistance Advisors ensure a smooth and seamless transition for Guard members returning from active-duty deployments. Duties include:

- (1) Provide information and assistance
- (2) Communicate with appropriate Veterans Service Organizations
- (3) Participate in National Guard activities
- (4) Develop processes as needed
- (5) Participate in councils/coalitions
- (6) Establish and maintain contact with Service Organizations
- (7) Interpret and clarify changes in various Veteran's Affairs entitlements
- (8) Coordinate Military Family Activity Days and Texas Days for all TXNG units that have re-deployed and demobilized.

(g) TXMF State Surgeon Office is assigned to The Adjutant Generals Special Staff and is responsible for the coordination and integration of joint/interagency health service support among the Texas Army and Air National Guard, State and Local medical authorities (Department of State Health Services), and Federal Partners (FEMA, NORTHCOM, VHA, VBA, Vet Centers, etc...).

(1) This ensures maximum use and efficiency are attained from TXMF resources in support of medical mission requirements.

(2) The State Surgeon manages the Joint Mental Health Program for the TXMF and is further tasked in the establishment of health care delivery systems that promote wellness, physical and mental conditioning, and medical surveillance.

(3) They are also the point of contact for Humana Military Healthcare and TriWest Healthcare Alliance for medical benefits for military members and their families.

**2. Texas Veterans Commission.** The Texas Veterans Commission (TVC) will provide a statewide point of contact to the partners in this MOU. Once initial coordination is completed between TVC and the Texas Military Forces, TVC staff will coordinate contact with local Texas National Guard units to finalize arrangements for dates and times to provide outreach services in the individual armories. [www.tvc.state.tx.us/](http://www.tvc.state.tx.us/)

(a) Veterans Employment Services Division. The Veterans Employment Services Division of the Texas Veterans Commission provides employment services to veterans and spouses in Texas. Local Veterans' Employment Representatives (LVER) and Disabled Veterans Outreach Program (DVOP) specialists provide and facilitate a full range of employment and training services to meet the needs of all veterans, especially newly separated and transitioning military personnel. These services will be provided either on site or referred to Workforce Centers as necessary.

(b) Claims Representation and Counseling Division. The Claims Representation and Counseling Division of the Texas Veterans Commission provides veterans, their dependents and survivors assistance in filing claims with the V.A. Veterans Counselors will provide and facilitate a full range of services to meet the needs of all veterans and their families including: Compensation (Service Connected); Pension (Non-Service Connected); Death benefits; Educational assistance; Home loans; Insurance; Hospitalization; outpatient care; and, Representation for veterans during the appeals process at the Waco and Houston Regional Offices in the event that their claim is denied.

(c) Veterans Education Program. The Texas Veterans Commission (TVC) as the State Approving Agency for all courses, programs, or tests pursued by veterans and other eligible persons. It will provide awareness of benefits and services to veterans and will increase outreach around the state which will help maximize the number of individuals using the GI Bill. They provide veterans with:

(1) A current list of schools & training establishments in each veteran's area and throughout Texas.

(2) A contact list of VA Certifying Officials.

(3) Information concerning licensing & certification test reimbursement.

(4) List of all State Approving Agencies if you decide to relocate to another state.

(d) Claims Assistance. TVC, the Veterans Benefits Administration, and veteran service organizations will work to provide accredited service at the time and location determined by the Texas National Guard. The accredited service officer in cooperation with the Operation Enduring Freedom, Operation Iraqi Freedom Coordinator from the VA Regional Office will be responsible for providing information on all VA benefits and entitlements and will assist with filing for benefits. This Coordinator will provide benefit information and take claims from all service members.

**3. Veterans County Service Officers Association of Texas.** Veterans Service Officers are located in most counties throughout Texas. County VSOs assist veterans with resources, awareness and services for many local, state, and federal benefits.

(a) The mission of the County Veterans Service Officers Association of Texas is to develop professional, highly qualified county service officers who are dedicated to

providing outstanding services, claim assistance, outreach, education and support to all eligible veterans, dependents and survivors. The Association develops collaborative partnerships with the Department of Veterans Affairs, the Texas Veterans Commission and the National Association of County Veterans Service Officers.

(b) The Texas Veterans Commission works closely with Veterans County Services Officers by providing training, assisting with outreach, and coordinating with benefits programs. VSOs contact information is located at [www.tvc.state.tx.us/County-Service-Officers.html](http://www.tvc.state.tx.us/County-Service-Officers.html)

**4. Veterans Benefits Administration (VBA): Benefits and Entitlements:**  
[www.vba.va.gov/](http://www.vba.va.gov/)

(a) The VBA Counselor will have current information on VA benefits and entitlements and will conduct interviews to take claims. The number of counselors will depend upon the number of service members attending. A VBA Counselor will provide a variety of handouts and advise the Guard Members to take whatever interests them. However, they will always provide them with a copy of the IS1 (VA Pamphlet 80-07-01) which is the Federal Benefits for Veterans and Dependents.

(b) The Unit Commander must have all medical records available for unit Members. The VBA Counselor will review these records with Guard Members who want to file a disability compensation claim to determine what disabilities can be claimed as service connected. A photocopy machine will be necessary to copy the originals.

(c) The VBA Counselor will need an area to conduct separate interviews because of the Privacy Act. It does not need to be a separate room but a table with chairs, far enough apart that the conversation cannot be heard by someone else.

**5. Veteran Health Administration (VHA): Mental Health Services.** There are three sources of physical and/or mental health care available to veterans returning from deployment. Each service entity below offers overlapping, yet unique services for the deployment needs of Texas National Guard veterans, and family members.  
[www1.va.gov/health/index.asp/](http://www1.va.gov/health/index.asp/)

(a) A network of ten VA Medical Centers, 34 Outpatient Clinics and fourteen VA Readjustment Counseling Service Vet Centers offer a comprehensive array of medical readjustment counseling and mental health services. Veterans suffering from post-deployment stress problems, such as PTSD, depression, or substance abuse, are likely qualified for services in all three settings. Network participants are skilled at considering the needs of each individual seeking assistance, and making referrals as needed. Therefore, entry at any point in this service network should lead to the best treatment option possible for a given veteran. Services for family members are more limited to specific programs.

(b) VA Medical Centers provide the following services:

- (1) Outpatient mental health services, including specialized services for women veterans
- (2) Specialized inpatient and residential hospitalization for stress disorders related to traumatic combat stress exposure
- (3) Acute inpatient hospitalization for general mental health conditions
- (4) Alcohol and Substance abuse treatment
- (5) Residential treatment and psychosocial rehabilitation services
- (6) Inpatient and ambulatory care for physical health conditions
- (7) Nursing home and domiciliary care

(c) See Appendix B for the list of VA Medical Centers and Community Based Outpatient Clinics in Texas. The specific services offered at each clinic are available in the Texas HHSC 2-1-1 data base or on the VA website: [www.va.gov](http://www.va.gov).

(d) VA Readjustment Counseling Service - Vet Centers provide the following services:

- (1) Readjustment counseling at 14 Vet Centers in the State of Texas for any service member who served in any war-zone or peace-keeping mission or who report sexual trauma during any period of military duty.
- (2) Readjustment counseling includes assessment, individual and/or group therapy.
- (3) Family and/or couples counseling related to the veteran's readjustment problems that affect the family or the couple.
- (4) Bereavement services for family members of service members who were killed in the line of duty.
- (5) Alcohol/drug abuse screening, assessment, and referrals to treatment programs.
- (6) Referrals to VA Medical Centers for medical and specialized treatment programs and to VA Regional Offices, Veteran Service Organizations, or State and County Veteran Service Offices for veteran benefits assistance.
- (7) Outreach to and liaison with National Guard, Reserve and Active Duty units to assist with post-deployment related assessments, briefings, and/or to provide information regarding Vet Center/Readjustment Counseling Services.
- (8) Community education to inform the public of the needs of veterans and the services of the Vet Center.
- (9) Information and referral to community resources.
- (10) Services are confidential and at no cost to the veteran or family.

(e) Vet Centers in Texas:

- |     |                |                |
|-----|----------------|----------------|
| (1) | Amarillo       | (806) 354-9779 |
| (2) | Austin         | (512) 416-1314 |
| (3) | Corpus Christi | (361) 854-4730 |
| (4) | Dallas         | (214) 361-5896 |

(5)	El Paso	(915) 772-0013
(6)	Fort Worth	(817) 921-9095
(7)	Houston	(713) 523-0884
(8)	Houston	(713) 682-2288
(9)	Laredo	(956) 723-4680
(10)	Lubbock	(806) 792-9782
(11)	McAllen	(956) 631-2147
(12)	Midland	(432) 697-8222
(13)	San Antonio	(210) 472-4025
(14)	Killeen	TBA

**6. Texas Veterans Land Board.** The tradition of rewarding veterans with land as thanks for their military service began in the days of the Republic of Texas. The Texas VLB continues the tradition by offering them low interest loans for land, homes, and home improvements, all at no cost to the taxpayer. Additionally, they fund the Texas State Veteran Home Program and Texas State Veteran Cemetery Program.

[www.glo.state.tx.us/vlb/](http://www.glo.state.tx.us/vlb/) Programs include:

(a) **VLB LAND Loans** for 30-yr fixed-rates on up to \$60,000 for tracts of at least 1 acre with 5% down

(b) **VLB Home Loans** are for the purchase of a primary residence; up to \$325,000 on 15 or 30-year fixed-rate terms; all loans are originated by VLB Lenders using FHA, VA or Conventional financing guidelines. This program may not be used to refinance.

(c) **VLB Home Improvement Loans** are originated by the VLB; up to \$25,000 for a 20-year loan; for substantial improvements to primary residence; FHA-insured; Health and Safety "Rapid Response" loans available.

(d) **Veteran Cemeteries** available to Veterans, their spouses, and dependent children. Veterans interred free of charge. Currently located in Killeen and Mission.

(e) **Veterans long-term care Homes** exclusively for Texas Veterans, their spouses and Gold Star Parents; Medicare and Medicaid certified; Certified Alzheimer's units; Spacious private and semi-private rooms; supported by volunteers and veterans. Homes now open in Bonham, Big Spring, El Paso, Amarillo, Floresville, McAllen and Temple.

**7. Health and Human Services Commission.** HHSC oversees the operations of the health and human services system, provides administrative oversight of Texas health and human services programs, and provides direct administration of some programs. The HHSC has sponsored the **TexVet Initiative** in conjunction with the VHA, VBA, and Military Treatment Facilities in Texas, Texas Military Forces, Texas Department of Health Services, Texas Veterans Commission and TAMU Health Science Center College of Medicine through the use of its 2-1-1 Call Centers. [www.211texas.org/211/index.jsp](http://www.211texas.org/211/index.jsp)

(a) **The TexVet Initiative** was created to link veterans and their families with their loved ones with information about the services and benefits for which they are eligible. The **Texas 2-1-1 Telephone Information and Referral Network** provides direction and advice to those seeking services through live operators who are trained call center staff members. Methods of providing information and referral services to the Texas military community include the TexVet Website, 2-1-1 Texas Information and Referral Network, and meetings with military personnel and their families. All participating agencies and organizations must submit a 2-1-1 Agency/Organization Profile to the 2-1-1 Texas Information and Referral Network within the Health and Human Services Commission.

(b) **TexVet** is a telephone based information and referral network that:

- (1) Attempts to contain all available information about available services for veterans, military personnel and their families
- (2) Develops comprehensive information about health, family, and community issues and resources related to military service.
- (3) Provides referrals to the proper agency or organization

**8. Department of Labor: Veterans Employment & Training Service (VETS).** The mission statement for VETS is to provide veterans and transitioning service members with the resources and services to succeed in the 21st century workforce by maximizing their employment opportunities, protecting their employment rights and meeting labor-market demands with qualified veterans today. [www.dol.gov/](http://www.dol.gov/)

(a) DOL/VETS investigates claims of non-reinstatement or improper reinstatement under the Uniformed Services Employment and Reemployment Rights Act (USERRA). A service member who feels their rights under USERRA have been violated may file a claim with DOL/VETS or the Employers' Support of the Guard and Reserves (ESGR). The ESGR attempts to resolve the complaint through an informal process. If ESGR cannot resolve the issue, the complaint is referred to VETS, which begins a formal investigation. Service members may attempt a resolution through ESGR first, or file directly with VETS by calling (512) 463-2814.

(b) VETS also provides Uniformed Services Employment and Re-employment Rights briefings to service personnel prior to and after deployment.

(c) VETS also investigates cases where qualified veterans are not properly awarded preference in federal hiring.

(d) In partnership with Department of Defense, Department of Veterans Affairs, and Texas Veterans Commission, VETS provides a 2 ½ day to 4 day workshop (Transition Assistance Program, or TAP) for military service members and their family members who are transitioning from military service to civilian careers. The TAP program is available at 12 military installations in Texas.

(e) Topics covered range from managing the stress of changing careers to job search, resumes, interviewing techniques, and education and veterans benefits available to veterans. Recognizing that the reserve components and National Guard often don't have the opportunity to take advantage of the TAP workshops, VETS and Texas Workforce Commission developed an on-line TAP program available at <http://www.hirevetsfirst.gov/e-tap/LMS/about/about.cfm>.

(f) Additionally, VETS and Texas Veterans Commission facilitators are available to present an abbreviated 1 ½ day workshop for demobilized unit members and their families at the unit's location and at no cost to the unit. Unit commanders interested in the TAP workshop should contact VETS at (512) 463-2814.

**9. Veterans of Foreign Wars (VFW). [www.texasvfw.org/](http://www.texasvfw.org/)** For over 100 years the VFW has provided numerous services to all veterans and military service members from all branches of the military and their families. The Texas VFW Military Assistance Program (MAP) provides the following services:

(a) Unit Grants. The MAP Provides grants of up to \$30,000.00 per military unit for Pre Deployment and Post Deployment gatherings.

(b) Operation Uplink. Provides an average of 20,000 free, pre-paid phone cards per month to deployed service members at an annual cost of \$1,560,000.00.

(c) Unmet Needs. Unmet Needs can give a one-time grant up to \$2,500 for any active duty or activated service member and their families, including those within three years of discharge experiencing financial hardship due to deployment or activation.

(d) Wounded Warrior Grants. Provides grants up to \$10,000 to offset expenses for any service member who was wounded or diagnosed with a medical condition as a result of service in OIF/OEF.

(e) Service Officer Program. Provides trained and certified service officers free of charge who work with the veteran or military member and their families to navigate the different federal benefits extended through the Veterans Administration.

(f) The VFW has signed a MOU with the National Guard Bureau to expand outreach support to National Guard Service Members and their Families. This involves establishing lines of communication and a working relationship with the State National Guard Joint force headquarters in each state.

**10. American Legion**. The American Legion serves the needs of all veterans and their families. They have sponsored a program called, "Heroes to Hometowns" which is a transition program for severely injured service members returning home from OEF/OIF. The "Heroes to Hometowns" establishes a support network and coordinates resources for severely injured service members returning home. Heroes to Hometowns can provide: [www.tvc.state.tx.us/VetOrganizations.html](http://www.tvc.state.tx.us/VetOrganizations.html)

- A Welcome Home celebration
- Government Claims Assistance
- Temporary Financial Assistance and Pro-Bono Financial Planning
- Housing Assistance, Home and Vehicle Adaptation
- Transportation to hospital visits
- Family Support, Childcare, Counseling, and Entertainment options

**11. Employer Support of the Guard and Reserve (ESGR).** The Uniformed Service Employment and Reemployment Rights Act of 1994 (USERRA) is a federal statute that provides job protections and employment rights to military service member employees who serve on military duty. The ESGR staff provides technical assistance to veterans, National Guard members, and reservists who experience problems between their military commitments and civilian jobs. ESGR staffs also assist employers by providing information about the USERRA statute, explaining employer and employee responsibilities, as well as military leave policies. <http://www.esgr.net/> or <http://www.agd.state.tx.us/esgr/>

**12. TriWest Healthcare Alliance** is the managed care support contractor responsible for administering the TRICARE medical benefit in the TRICARE West Region that includes the 9 western counties of Texas (El Paso, Hudspeth, Culberson, Loving, Reeves, Jeff Davis and Presidio, Parmer and Bailey). National Guard and Reserve members separating from Active Duty under Title 10 USC, are generally entitled to participate in the Transitional Assistance Management Program (TAMP) for six months (180 days) after separation. Medical and behavioral health care for Guard/Reserve members and their families are available under this program. TRICARE Reserve Select, a premium based health care plan available to eligible members who remain in the National Guard and Reserves, provides medical and behavioral health care in hospitals and clinics throughout the state. Information on enrollment and accessing all TRICARE benefits available to National Guard and Reserve members will be provided at pre and post deployment briefings, during Family Activity Days, Texas Days, or similar events held in the TriWest counties whenever possible. The goal will be to provide this information and access as early and often as possible to assist Reserve and Guard members with all areas of their transition home. <http://www.triwest.com/>

**13. Humana Military Healthcare Services (TRICARE South)** Humana Military has been a TRICARE contractor since 1995, and provides health care services to 2.8 million active duty and retired military and their families in the South Region of the United States. In the State of Texas (exclusive of the nine westernmost counties surrounding El Paso), Humana Military operates 16 TRICARE Service Centers and supports 12 military treatment facilities. Nearly one third of Humana Military employees are TRICARE beneficiaries including the President and CEO, Senior Regional Executive Director and the three Market Office Executive Directors.

Humana Military's support to the Guard and Reserve will be evident through four different means: Unit briefings, Outreach to Guard and Reserve Families, Senior Leadership Outreach and participation in Guard and Reserve Conferences. Upon request

Humana Military will conduct unit briefings throughout the State of Texas. By conducting more than 300 unit briefings, over 37,000 National Guardsmen, Reservists and their family members were briefed through December 2007. Besides the unit briefings we will coordinate visits to family day activities at the unit and state level. All aspects of TRICARE benefits will be discussed during these briefings. During these events, we will have the opportunity to resolve claims issues, facilitate enrollments and provide the necessary guidance to our deserving beneficiaries. As part of our Outreach Program beginning in July of 2007, visits to National Guard and Reserve Command Senior Commanders will take place. In addition to these scheduled visits, Humana Military will schedule visits with senior Guard and Reserve military leaders at the national level. Lastly, Humana Military will conduct yearly national and state level conferences to the National Guard and Reserve Components. These events provide an excellent venue for Humana Military to educate the Guard and Reserve members through briefings, presentations and booth displays.

To schedule a unit brief visit the Tricare South website at  
**<http://www.tricare.mil/trosouth/default.cfm>**

## Appendix B (VHA Medical Facilities) to the *Partners Across Texas* MOU

### VHA Medical Facilities

Name of VA Facility	ADDRESS	CITY	STATE	ZIP
Abilene Clinic	6200 Regional Plaza, Suite 1200	Abilene	TX	78606
Aldeo CBOC	317 FM 187 North	Aledo	TX	76008
Alice CBOC (Victoria County)	215 South Dr	San Diego	TX	78134
Amarillo VA Healthcare System	6010 Amarillo Boulevard	Amarillo	TX	79106
Audie Murphy Medical Center	7400 Merton Minter Blvd.	San Antonio	TX	78229
Austin Outpatient Clinic	2901 Montopolis Drive Austin	Austin	TX	78741
Beaumont Clinic	3420 Veterans Circle	Beaumont	TX	77707
Beeville CBOC (Bee County)	302 South Hillside Dr	Beeville	TX	78102
Bridgeport CBOC (Wise County)	808 Woodrow Wilson Ray Circle	Bridgeport	TX	76426
Brownwood CBOC	2600 Memorial Park Drive	Brownwood	TX	76801
Bryan/College Station CBOC	1605 Rock Prairie Rd., Ste. 212	College Station	TX	77845
Cedar Park CBOC	701 Whitestone Blvd	Cedar Park	TX	78613
Charles Wilson VA Outpatient Clinic	1301 Frank Avenue	Lufkin	TX	75901
Childress Clinic	P.O. Box 1030, Hwy 83 North	Childress	TX	79201
Conroe Outpatient Clinic	800 Riverwood Ct., Suite 100	Conroe	TX	77304
Corpus Christi Outpatient Clinic	5283 Old Brownsville Road	Corpus Christi	TX	78405
Dallas VA Medical Center	4500 South Lancaster Road	Dallas	TX	75216
Denton CBOC	3537 I35 East Suite 207	Denton	TX	76201
El Paso VA Healthcare System	5001 North Piedras Street	El Paso	TX	79930
Fort Worth Outpatient Clinic	300 W. Rosedale Street	Ft. Worth	TX	76104
Frank M. Tejada VA Outpatient Clinic	5788 Eckhart Road	San Antonio	TX	72840
Ft. Stockton Dr Subodh Malik Clinic	501 N Main	Ft. Stockton	TX	79935
Galveston Outpatient Clinic	6115 Avenue L	Galveston	TX	77551
Harlingen Outpatient Clinic	1629 Treasure Hills Blvd, Suite 5-B	Harlingen	TX	75880
Kerrville VA Medical Center	3600 Memorial Blvd	Kerrville	TX	78028
Laredo Outpatient Clinic	6551 Star Court Laredo	Laredo	TX	78041
Lubbock Clinic	6104 Avenue Q South Drive	Lubbock	TX	79412
McAllen Clinic	2101 S. Row Blvd.	McAllen	TX	78501
Michael E. DeBaKey VA Medical Center	2002 Holcombe Blvd	Houston	TX	77030
Odessa Clinic	4241 N. Tanglewood, Suite 201	Odessa	TX	79762
Olin E Teague Veterans' Center	1901 Veterans Memorial Drive	Temple	TX	76504
Palestine CBOC	2000 So. Loop 256, Suite 124	Palestine	TX	75801
Paris	635 Stone Ave	Paris	TX	75462
Sam Rayburn Memorial Veterans Medical Center	1201 E. 9th Street	Bonham	TX	75418
San Angelo Clinic	2018 Pulliam	San Angelo	TX	76905
San Antonio Dental Clinic	848410 Data Point	San Antonio	TX	78230
Sherman Clinic	2612 N Loy Lake	Sherman	TX	75090
Stamford Clinic	Box 911 Hwy 6 East	Stamford	TX	79553
Stratford Clinic	1220 Purnell, P.O. Box 1107	Stratford	TX	79084
Texarkana CBOC	910 Realtor Ave	Texarkana	TX	71854
Texas City Clinic	9300 EF Lowry Expressway, Suite 206	Texas City	TX	77591
Tyler CBOC	3414 Golden Rd	Tyler	TX	75701
Victoria Clinic	1502 E Airline Dr	Victoria	TX	77901
Waco VA Medical Center	4800 Memorial Drive	Waco	TX	76711
Waxahachie	207 Ferris Avenue	Waxahachie	TX	75165
West Texas VA Healthcare System	300 Veterans Blvd.	Big Spring	TX	79720
Wichita Falls Clinic	1800 7 <sup>th</sup> Street	Wichita Falls	TX	76301





## Appendix C. TVC Press Release regarding FVA



# TEXAS VETERANS COMMISSION

### Contact Information

John House  
1700 N. Congress, Suite 602  
Austin, Texas 78711-2277  
512-936-6677 / Fax 512-475-2395  
john.house@tvc.state.tx.us

# Press Release

For Immediate Release: October 29, 2008 Release No. 20081029-01

## Fund for Veterans' Assistance Receives \$10,000 from VFW

AUSTIN – The Fund for Veterans' Assistance received a \$10,000 donation from the Department of Texas Veterans of Foreign Wars at the Texas Veterans Commission quarterly commission meeting Oct. 20, 2008.

The donation was made on behalf of the VFW by Department Commander Jerry Murphree and Department Adjutant-Quartermaster Roy Grona and was accepted by Texas Veterans Commission Chair Karen Rankin.

The fund, which is administered by the Texas Veterans Commission, was created to enhance or improve veterans' assistance programs and make grants to local communities to address veterans' needs.

Currently, organizations or individuals can make donations to the fund by submitting them to the Texas Veterans Commission at:

Texas Veterans Commission  
Fund for Veterans Assistance  
P.O. Box 12277  
Austin, Texas 78711-2277

Under Section 170(c)(1) of the Internal Revenue Code, the Texas Veterans Commission is a tax-exempt organization. Gifts to the Fund for Veterans Assistance and/or the Texas Veterans Commission are deductible to the full extent of the law. The Texas Veterans Commission will provide a written acknowledgement of all charitable contributions.

For more information about the Fund for Veterans Assistance, please call 512-463-6564.







## **Appendix D. Current Members of the FVACC**

Allen Bergeron, City of Austin - Veterans Consultant

Jennifer M. Cernoch, Ph.D., Chapter President, Operation Homefront of Texas

Roy Grona, Department Adjutant – Quartermaster, Veterans of Foreign Wars

Jim Morrison, Vice-President – IAP Worldwide Services

Sergeant Major Gene Overstreet, President/CEO NCOA

Dr. Steven L. Ray, Webster University/Adjutant Professor

Lt. General Leroy Sisco, U.S. Army (Ret), Military Warriors Support Foundation

Brig. Gen. Thomas G. Smith, U.S. Army (Ret.)

Randolph Thomson

Sergeant Julio Trevino, U.S. Army (Ret.)

David Weaver, General Counsel, Texas State Securities Board











# TEXAS VETERANS COMMISSION

*Keep*

Stephen F. Austin Building, Suite 620  
P.O. Box 12277, Austin, Texas 78711-2277  
(Phone) 512/ 463-6564; (FAX) 512/ 475-2395  
Veterans' HOTLINE: 1-800-252-VETS (8387)  
E-Mail: info@tvc.state.tx.us  
Web: www.tvc.state.tx.us

RECEIVED NOV 13 2008

August 18, 2008

The Honorable Steve Ogden  
Texas Senate  
P.O. Box 12068  
Capitol Station  
Austin, Texas 78711

Dear Senator Ogden:

In response to your request for information during the VAMI Hearing on August 11<sup>th</sup>, 2008, regarding the breakdown of pending claims in the Houston and Waco U.S. Department of Veterans Affairs (VA) Regional Offices, the Texas Veterans Commission (TVC) has compiled the following data for your review.

KARENS. RANKIN  
Brigadier General, USAF (Retired)  
Chair

T.P. O'MAHONEY  
Vice Chairman

EZELL WARE, JR.  
(BG) (CA) (Retired)  
Secretary

ELISEO "AL" CANTU, JR.  
Member

JOHN B. McKINNEY  
Member

JAMES E. NIER  
Executive Director

CHARLES BUERSCHINGER  
Deputy Executive Director

JAMES O. RICHMAN  
Director, Claims  
Representation & Counseling

BILL WILSON  
Director  
Veterans Employment Services

CONSUELO M. JACKSITS  
Director  
Veterans Education

VA Claims Backlog Structure:

	Waco VARO	Houston VARO	State Total
New Claims for service connection or increase in existing rating	19,432	19,817	39,249
Original or reopened claims for non-service connected pension	456	207	663
Surviving spouse service connected death claims	356	351	707
Surviving spouse non-service connected death claims	142	460	602
Claims to add dependents, nursing home claims, clothing allowance, etc.	2,713	6,416	9,129
Totals	23,099	27,251	50,350

It has been the experience of TVC that VA's normal processing time for these claims is from six to nine months. The VA claims process is complicated, and the evidentiary requirements are often burdensome to the veteran. The recent report by the President's Commission on Care for America's Returning Wounded Warriors, co-chaired by Bob Dole and Donna Shalala, recommended major changes in VA claims process. The difficulty with Veterans receiving adequate and timely benefits has also drawn the attention of many in Congress. We are providing a copy of excerpts from the Congressional Record dated Tuesday, July 29<sup>th</sup>, 2008. (Attachment)

The Honorable Steve Ogden  
August 18, 2008  
Page 2

TVC's impact on the processing time is limited, but significant. Many claims are delayed (or denied and must be appealed) due to incomplete information. It is the philosophy of TVC to have its claims granted at the lowest level, by ensuring each claim contains all the necessary information and documents when they are initially filed. This works to the advantage of the claimant, because it allows VA to approve the claim more quickly without going back to the veteran for additional information. TVC recognizes that certain cases must be expedited; TVC has arranged with VA to move such "hardship" cases to the front of the line. Hardship cases include, but are not limited to, claims by the terminally ill and pension claims for those entering one of our Texas State Veterans' Homes.

Sincerely,



**JAMES E. NIER**  
Executive Director

cc: Senator Leticia Van de Putte, Chair  
Senator Eliot Shapleigh, Vice Chair  
Senator Craig Estes, Member  
Senator Chris Harris, Member

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# Congressional Record



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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 154

WASHINGTON, TUESDAY, JULY 29, 2008

No. 127

## House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. CARSON of Indiana).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
July 29, 2008.

I hereby appoint the Honorable ANDRÉ CARSON to act as Speaker pro tempore on this day.

NANCY PELOSI,  
Speaker of the House of Representatives.

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

### INTRODUCTION OF PUBLIC HEALTH RESOLUTION

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. ROYBAL-ALLARD) for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker, the future health of America is at a crossroad, requiring us to make a critical decision. Will we choose the road that promises a healthier future for all Americans or will we choose to continue down the path that has led the United States to lag behind 28 United Nations countries in life expectancy?

Incredibly, the United States annually spends \$2.2 trillion on health care, more than any other nation. Seventy-five percent of that health care budget is spent largely on preventable chronic disease conditions. Yet the United States has the highest rate of preventable deaths among the majority of in-

dustrialized nations. Even more troubling is the fact that the number of people in the United States with preventable chronic diseases continues to rise steadily.

If unchecked, public health experts agree that nearly half of our population will suffer from at least one chronic disease by the year 2025.

Mr. Speaker, we can no longer ignore the science that links nearly 60 percent of premature deaths in our country to preventable environmental conditions, to social circumstances or to negative behavioral choices. We have known for almost a decade, for example, that being overweight and physically inactive accounts for more than 300,000 premature deaths each year in the United States, second only to tobacco-related deaths.

While we continue to ignore this preventable reality, our Nation's obesity epidemic shows no sign of abating. It may very well be that today's children will be the first in a generation to have shorter, less healthy lives than their parents.

However, there is good news. The road to a healthy future often requires only simple, small choices that have proven to be effective in reducing the incidence and severity of many chronic diseases. They include better eating habits, exercising more and taking an aspirin every day.

Unfortunately, these proven preventive strategies fail to reach large numbers of people at risk for chronic diseases. One reason for failure is our health system continues to prioritize medical care based on disease treatment rather than health care focused on prevention and on the control of diseases before they become more costly and difficult to treat.

Next year, as a new Congress and as a new administration work to fix our broken health care system, it is imperative we prioritize disease prevention and public health in the formulation of any health policy.

For that reason, I am introducing a resolution today calling for an increased Federal commitment to prevention and public health. I am pleased to be joined in this effort by my co-chairs from the Study Group on Public Health: Representatives JIM MCGOVERN and KAY GRANGER; Representative JIM MORAN from the Prevention Caucus; and Representative DIANA DEGETTE of the Diabetes Caucus.

Mr. Speaker, the future health of our country is at a critical point in our history. New research has shown that investing in clinical- and community-level prevention saves lives and significantly reduces health care costs.

It is, therefore, essential that the road we choose to a timely, accessible, effective, and affordable health care system includes a focus on public health and prevention. Both are key elements to reaching our goal of a strong and healthy nation.

I urge my colleagues to support this resolution.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 36 minutes a.m.), the House stood in recess until noon.

□ 1200

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CARNAHAN) at noon.

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord, is it what people say or what others say about us that mirrors our

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in **this typeface** indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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H7171

Mr. Speaker, in 1994 under Public Law 103-446, the Veterans' Benefits Improvements Act, Congress established the Advisory Committee on Minority Veterans. The committee is comprised of veterans who represent their respective minority groups and are recognized authorities in fields pertinent to their needs. The committee's goal is to promote the use of VA programs, benefits, and services by minority veterans, to make benefits and services more accessible to minority veterans, and to evaluate current programs and make recommendations on how the VA can better serve minority veterans.

As I said, current authority for the committee is set to expire December 31, 2009. By supporting H.R. 674, we eliminate the expiration date and permanently extend this important committee to ensure the perspectives of minority veterans are considered during the establishment of VA benefits and services. I urge my colleagues to support the bill.

Mr. Speaker, I yield back the balance of my time.

#### GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I would again ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 674.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GUTIERREZ. I rise today to urge my colleagues to support H.R. 674, legislation to make the Advisory Committee on Minority Veterans permanent. I have sponsored this legislation along with Congresswoman CORRINE BROWN, who serves on the Veterans' Affairs Committee. Current law mandates the termination of the Advisory Committee on Minority Veterans (ACMV) on December 31, 2009. This bill would simply repeal the provision of law that sunsets this important committee so that its critical work on behalf of minority veterans can continue.

The Advisory Committee on Minority Veterans operates in conjunction with the VA Center for Minority Veterans. This committee consists of members appointed by the Secretary of Veterans Affairs and includes minority veterans, representatives of minority veterans groups and individuals who are recognized authorities in fields pertinent to the needs of minority veterans.

The Advisory Committee on Minority Veterans helps the VA Center for Minority Veterans by advising the Secretary on the adoption and implementation of policies and programs affecting minority veterans, and by making recommendations to the VA for the establishment or improvement of programs in the department for which minority veterans are eligible.

The Committee has consistently provided the VA and Congress with balanced, forward-looking recommendations, many of which go far beyond the unique needs of minority veterans. In 2002, the Committee met in my hometown of Chicago and warned that in the Chicago regional office, "it was mentioned that it was much easier to deny benefits than to

grant benefits because of stringent requirements of the Veterans Benefits Administration and the Court of Appeal for Veterans Claims."

The Chicago Sun-Times later exposed that Illinois veterans ranked 50th in disability benefit compensation. That information sparked a campaign by the Illinois Congressional Delegation to rectify the situation. Since then, the VA Inspector General has issued his report and recommendations, and the Secretary has pledged additional staff and resources to the Chicago regional office.

The Committee will also be needed in the future since the unique concerns of minority veterans will become increasingly important for our nation over the next decade.

Currently, 17 percent of the troops serving in Iraq and Afghanistan are African-American, while 11 percent are Hispanic. The concerns of these veterans and others will not disappear on December 31, 2009, nor should the Committee that represents them. The Advisory Committee on Minority Veterans has helped our minority veterans from past wars with programs to address their concerns. We should not shortchange our newly returning soldiers by allowing this Committee's tenure to expire.

Many specific issues of concern to minority veterans need to be addressed further. Minority veterans confront the debilitating effects of post-traumatic stress disorder (PTSD) and substance abuse in greater numbers. Minority veterans suffer from a higher incidence of homelessness. Access to health care for Native American veterans is also a common problem. In addition, access to adequate job training is a difficulty for many minority veterans, a high percentage of whom qualify as low-income, category A veterans.

Unfortunately, discrimination and cultural insensitivity remain problematic for minority veterans at many VA facilities. The Advisory Committee on Minority Veterans still has a lot of work to do, and I urge my colleagues to support this legislation to make this important Committee permanent.

Mr. BUYER. Mr. Speaker, I rise in support of H.R. 674, a bill to amend title 38, United States Code, to permanently establish the Advisory Committee on Minority Veterans, which is set to expire December 31, 2009.

I commend my colleague from Illinois, LUIS GUTIERREZ for introducing this bill.

Mr. Speaker, in 1994, under Public Law 103-446, the Veterans' Benefits Improvements Act, Congress established the Advisory Committee on Minority Veterans.

The Committee is comprised of veterans who represent their respective minority groups and are recognized authorities in fields pertinent to their needs. The Committee's goal is to: promote the use of VA programs, benefits, and services by minority veterans; make benefits and services more accessible to minority veterans; and, evaluate current programs and make recommendations on how VA can better serve minority veterans.

As I previously stated, authority for the Committee will expire December 31, 2009. By supporting H.R. 674, we eliminate the expiration date and permanently extend this important committee to ensure the perspectives of minority veterans are considered during the establishment of VA benefits and services.

I urge my colleagues to support the bill.

Mr. FILNER. Mr. Speaker, I urge my colleagues to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 674.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LAMBORN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

### VETERANS DISABILITY BENEFITS CLAIMS MODERNIZATION ACT OF 2008

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5892) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to modernize the disability benefits claims processing system of the Department of Veterans Affairs to ensure the accurate and timely delivery of compensation to veterans and their families and survivors, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5892

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Disability Benefits Claims Modernization Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Findings.

#### TITLE I—MATTERS RELATING TO MODERNIZING THE DISABILITY COMPENSATION SYSTEM OF DEPARTMENT OF VETERANS AFFAIRS

Sec. 101. Office of Survivors Assistance.  
Sec. 102. Study on readjustment of schedule for rating disabilities.  
Sec. 103. Study on employee work credit system of Veterans Benefits Administration.  
Sec. 104. Study on work management system.  
Sec. 105. Certification and training of employees of Veterans Benefits Administration responsible for processing claims.  
Sec. 106. Annual assessment of quality assurance program.  
Sec. 107. Expedited treatment of fully developed claims and requirement for checklist to be provided to individuals submitting incomplete claims.  
Sec. 108. Study and report on employing medical professionals to assist employees of Veterans Benefits Administration.  
Sec. 109. Assignment of partial disability ratings to qualifying veterans.  
Sec. 110. Review and enhancement of use of information technology at Veterans Benefits Administration.

Sec. 111. Treatment of claims upon death of claimant.

**TITLE II—MATTERS RELATING TO UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS**

Sec. 201. Annual reports on workload of United States Court of Appeals for Veterans Claims.

Sec. 202. Modification of jurisdiction and finality of decisions of United States Court of Appeals for Veterans Claims.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) At the end of fiscal year 2007, there were nearly 24,000,000 veterans in America.

(2) According to the latest Annual Report from the Veterans Benefits Administration, there were 3,582,255 veterans and survivors receiving compensation and pension benefits under laws administered by the Secretary of Veterans Affairs at the end of fiscal year 2006.

(3) The number of veterans and survivors at the end of fiscal year 2006 included 2,725,824 veterans receiving service-connected disability benefits, 326,939 survivors receiving service-connected death benefits, 239,856 veterans receiving non-service-connected disability benefits, and 200,636 survivors receiving non-service-connected death benefits.

(4) During fiscal year 2006, almost 250,000 beneficiaries began receiving benefits with 162,805 of these being veterans whose compensation claims were granted.

(5) Since October 7, 2001, the number of claims for new or increased benefits has risen sharply, exceeding 838,000 in 2007.

(6) The Department of Veterans Affairs projects that the number of claims will surpass 1,000,000 by the end of fiscal year 2008.

(7) The number of disability compensation claims pending before the Department stands at nearly 630,000, as of the date of the enactment of this Act, about a quarter of which have been backlogged for over six months.

(8) Processing times have increased from an average of 177 days in 2006 to 183 days in 2007.

(9) The paper-based, labor-intensive process employed by the Department leaves many disabled veterans and survivors waiting months or years to receive the benefits they have earned.

(10) The most prevalent disabilities among veterans that are service-connected are auditory, with almost 840,000 veterans receiving compensation for such a disability, followed by musculoskeletal disabilities and arthritis.

(11) Post-traumatic stress disorder is the sixth most common disability, with more than 289,399 service-connected veterans.

(12) In 2006, the Veterans Health Administration treated 345,713 veterans with post-traumatic stress disorder, which was an increase of 27,099 over 2005.

(13) By January 2008, of the 1,600,000 veterans who served in the Armed Forces after October 7, 2001, the Veterans Health Administration had treated 59,838 for post-traumatic stress disorder.

(14) Disabilities are evaluated in accordance with the Department of Veterans Affairs Schedule for Rating Disabilities (referred to in this section as the "VASRD") under title 38, United States Code of Federal Regulations, part 4.

(15) This schedule was originally created in 1917 and was last comprehensively revised in 1945.

(16) The VASRD contains many outdated and archaic criteria and lacks more commonly accepted medical practices and procedures.

(17) Studies conducted by the Institute of Medicine found it to be an inadequate instru-

ment for compensating disabilities for the average impairments of earning capacity, especially in areas of mental health, unemployment, and for younger and severely injured veterans, and recommended it be revised using more modern medical concepts.

(18) The Department of Veterans Affairs must modernize the claims processing system of the Veterans Benefits Administration to make it a first-class, veteran-centered system that uses 21st century technologies and paradigms and reflects the dignity and sacrifices made by disabled veterans, their families, and survivors.

**TITLE I—MATTERS RELATING TO MODERNIZING THE DISABILITY COMPENSATION SYSTEM OF DEPARTMENT OF VETERANS AFFAIRS**

**SEC. 101. OFFICE OF SURVIVORS ASSISTANCE.**

(a) IN GENERAL.—Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

**“§ 321. Office of Survivors Assistance**

“(a) ESTABLISHMENT.—The Secretary shall establish in the Veterans Benefits Administration an Office of Survivors Assistance (in this section referred to as the ‘Office’) to provide direct assistance regarding all benefits and services delivered by the Department—

“(1) to survivors and dependents of all deceased veterans; and

“(2) to survivors and dependents of all deceased members of the Armed Forces.

“(b) DUTIES.—The Office shall—

“(1) be responsible for ensuring that—

“(A) survivors and dependents of deceased veterans and deceased members of the Armed Forces have access to applicable benefits and services under this title;

“(B) programs carried out by the Department under this title for such survivors and dependents are carried out in a manner that is responsive to such survivors and dependents and their unique needs;

“(C) regular and consistent monitoring of benefits delivery occurs;

“(D) appropriate referrals are being made with respect to such survivors and dependents by, to, and within the Veterans Benefits Administration, Veterans Health Administration, and National Cemetery Administration; and

“(E) such survivors and dependents are treated with dignity and respect by personnel of the Department; and

“(2) act as a primary advisor to the Secretary on all matters related to the policies, programs, legislative issues, and other initiatives affecting such survivors and dependents.

“(c) ANNUAL REPORT.—The Secretary shall identify and include the activities of the Office in the annual report to Congress under section 529 of this title.

“(d) GUIDANCE FROM STAKEHOLDERS.—In establishing the Office, the Secretary shall seek guidance from interested stakeholders, including appropriate employees, employee representatives, managers, and appropriate public and private entities, including veteran service organizations and other service organizations.

“(e) RESOURCES.—The Secretary shall ensure that appropriate personnel, funding, and other resources are provided to the Office to carry out its responsibilities.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“321. Office of Survivors Assistance.”

**SEC. 102. STUDY ON READJUSTMENT OF SCHEDULE FOR RATING DISABILITIES.**

(a) STUDY ON ADJUSTMENT OF SCHEDULE.—

(1) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a study on adjusting the schedule for rating disabilities adopted and applied by the Secretary under section 1155 of title 38, United States Code, so as to base the schedule on standards, practices, and codes in common use by the medical, mental health, and disability professions that are current as of the date of the enactment of this Act.

(2) CONTENTS OF STUDY.—In conducting the study under this subsection, the Secretary shall—

(A) determine how the schedule could be adjusted to take into account the loss of quality of life and loss of earnings that result from specific disabilities;

(B) examine the nature of the disabilities for which disability compensation is payable under laws other than laws administered by the Secretary;

(C) examine whether disparities exist between the rating of physical and mental disabilities, especially with respect to how the severity of mental disabilities should be adjudicated to ensure parity with physical disabilities whereby a veteran can be rated totally disabled while maintaining some level of employment;

(D) measure the effect of disabilities on the psychological states, physical integrity, and social adaptability of veterans with such disabilities; and

(E) examine the effect of a veteran's injury or combination of injuries on—

(1) the average loss of the veteran's earnings capacity, including the veteran's inability to work in certain occupations;

(2) the veteran's quality of life, including activities of independent living, recreational and community activities, and personal relationships, including the inability to participate in favorite activities, social problems related to disfigurement or cognitive difficulties, and the need to spend increased amounts of time performing activities of daily living; and

(3) the extent to which benefits for veterans may be used to encourage veterans to seek and undergo vocational rehabilitation.

(3) CONSULTATION.—In conducting the study under this subsection, the Secretary shall consult with appropriate public and private entities, agencies, and veterans service organizations, and shall employ consultants.

(4) DEADLINE FOR COMPLETION.—The Secretary shall complete the study required under this subsection by not later than 180 days after the date of the enactment of this Act.

(5) REPORT TO CONGRESS.—Not later than 60 days after completing the study required under this subsection, the Secretary shall submit to Congress a report on the study. The report shall include—

(A) the results of the study on quality of life and the payment of compensation for service-connected disabilities for which the Secretary entered into a contract on January 28, 2008;

(B) the Secretary's findings and conclusions with respect to adjusting the schedule for rating disabilities adopted and applied by the Secretary under section 1155 of title 38, United States Code, to account for the loss of quality of life and loss of earnings that result from specific disabilities;

(C) the Secretary's findings and conclusions with respect to—

(1) the report of the Veterans' Disability Benefits Commission;

(2) the report of the President's Commission on the Care for America's Returning Wounded Warriors;

(3) the report of the Institute of Medicine entitled “A 21st Century System for Evaluating Veterans for Disability Benefits”; and

(iv) any other independent or advisory commission report on matters relating to such schedule that the Secretary determines is appropriate;

(D) the Secretary's recommendations with respect to the appropriate disabilities for inclusion in the schedule;

(E) the Secretary's recommendations with respect to the amount of compensation payable to veterans for the loss of quality of life and the basis for such recommendations;

(F) the Secretary's recommendations with respect to the amount of compensation payable to veterans for average loss of earnings capacity and the appropriate standards for determining whether a disability has caused a veteran to incur a loss of earnings capacity;

(G) the Secretary's assessment of the effect of the treatment of mental disabilities under the schedule for rating disabilities, as in effect on the date of the enactment of this Act; and

(H) the Secretary's determination with respect to whether the regulations prescribed pursuant to section 1154 of title 38, United States Code, are consistent with providing, to the maximum extent possible, the benefit of the doubt to veterans covered by that section in the absence of official military records pertaining to the service-connection of a veteran's disability, and in particular, of post-traumatic stress disorder, when a determination of service-connection would be consistent with the duties, conditions, and hardships of service in the Armed Forces.

(b) SUBMISSION OF PLAN.—

(1) PLAN REQUIRED.—Not later than 120 days after the date on which the Secretary submits the report required under subsection (a)(5), the Secretary shall submit to Congress a plan to readjust the schedule for rating disabilities adopted and applied by the Secretary under section 1155 of title 38, United States Code. In developing the plan required under this subsection, the Secretary shall consider the report submitted under subsection (a)(5) and shall provide for the readjustment of such schedule for rating disabilities to—

(A) align the schedule with medical concepts considered best practices as of the date of the enactment of this Act, including those provided in the Current Procedural Terminology Manual, International Classification of Diseases, the Diagnostic and Statistical Manual of Mental Disorders, and applicable American Medical Association Guides;

(B) bridge the gap between the schedule, as in effect on the date of the enactment of this Act, and medical understandings, as of such date, of injuries and diseases and the affects of such injuries and diseases on the ability of a person suffering from them to function;

(C) prioritize such readjustment with respect to post-traumatic stress disorder, other mental disorders, neurological disorders, traumatic brain injury, orthopedic disabilities, and digestive disabilities;

(D) ensure that the schedule is automated in accordance with the review and comprehensive plan of the Secretary under section 110 of this Act; and

(E) ensure that a transition plan is provided to ease the transition from the schedule for rating disabilities, as in effect on the date of the enactment of this Act, to the implementation of the schedule for rating disabilities, as proposed to be readjusted by the plan under this subsection.

(2) TIMELINE FOR READJUSTMENT.—The Secretary shall include in the plan submitted under the subsection a proposed timeline for when the Secretary intends to readjust the schedule. Such proposed timeline may not exceed three years.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such

sums as may be necessary to carry out subsections (a) and (b).

(d) ADVISORY COMMITTEE ON DISABILITY COMPENSATION.—

(1) ESTABLISHMENT.—Subchapter III of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

“§546. Advisory Committee on Disability Compensation

“(a) ESTABLISHMENT.—(1) There is in the Department the Advisory Committee on Disability Compensation (hereinafter in this section referred to as the ‘Committee’).

“(2) The Committee shall consist of not more than 18 members appointed by the Secretary from among individuals who—

“(A) have demonstrated significant civic or professional achievement; and

“(B) have experience with the provision of disability compensation by the Department or are leading medical or scientific experts in relevant fields.

“(3) The Secretary shall seek to ensure that members appointed to the Committee include individuals from a wide variety of geographic areas and ethnic backgrounds, individuals from veterans service organizations, individuals with combat experience, and women.

“(4) The Secretary shall determine the terms of service and pay and allowances of the members of the Committee, except that a term of service may not exceed two years. The Secretary may reappoint any member for additional terms of service.

“(b) RESPONSIBILITIES OF COMMITTEE.—(1) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the maintenance and periodic readjustment of the schedule for rating disabilities under section 1155 of this title.

“(2)(A) In providing advice to the Secretary under this subsection, the Committee shall—

“(i) assemble and review relevant information relating to the needs of veterans with disabilities;

“(ii) provide information relating to the nature and character of disabilities arising from service in the Armed Forces;

“(iii) provide an on-going assessment of the effectiveness of the schedule for rating disabilities; and

“(iv) provide on-going advice on the most appropriate means of responding to the needs of veterans relating to disability compensation in the future.

“(B) In carrying out its duties under subparagraph (A), the Committee shall take into special account the needs of veterans who have served in a theater of combat operations.

“(c) ANNUAL REPORT.—(1) Not later than March 31 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that relate to the payment of disability compensation. Each such report shall include—

“(A) an assessment of the needs of veterans with respect to disability compensation;

“(B) a review of the programs and activities of the Department designed to meet such needs; and

“(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

“(2) Not later than 90 days after the receipt of a report under paragraph (1), the Secretary shall transmit to the Committees on Veterans Affairs of the Senate and House of Representatives a copy of the report, together with any comments and recommendations concerning the report that the Secretary considers appropriate.

“(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

“(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to that section.

“(d) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—(1) Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Committee under this section.

“(2) Section 14 of such Act shall not apply to the Committee.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end of the items relating to subchapter III the following new item:

“546. Advisory Committee on Disability Compensation.”

SEC. 103. STUDY ON EMPLOYEE WORK CREDIT SYSTEM OF VETERANS BENEFITS ADMINISTRATION.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a study on the employee work credit system of the Veterans Benefits Administration of the Department of Veterans Affairs, which is used to measure the work production of employees of the Veterans Benefits Administration.

(b) CONTENTS OF STUDY.—In carrying out the study under subsection (a), the Secretary shall consider the advisability of implementing—

(1) performance standards and accountability measures to ensure that—

(A) claims for benefits under the laws administered by the Secretary are processed in an objective, accurate, consistent, and efficient manner; and

(B) final decisions with respect to such claims are consistent and issued within the average amount of time required to process a claim, as identified by the Secretary in the most recent annual report submitted by the Secretary under section 7734 of title 38, United States Code;

(2) guidelines and procedures for the prompt processing of such claims that are ready to rate upon submission;

(3) guidelines and procedures for the processing of such claims submitted by severely injured and very severely injured veterans, as determined by the Secretary; and

(4) requirements for assessments of claims processing at each regional office for the purpose of producing lessons learned and best practices.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under this section and the progress of the Secretary in implementing the new system for evaluating employees of the Veterans Benefits Administration required under subsection (d).

(d) EVALUATION OF VETERANS BENEFITS ADMINISTRATION EMPLOYEES.—

(1) NEW SYSTEM REQUIRED.—By not later than 180 days after the date on which the Secretary of Veterans Affairs submits to Congress the report required under subsection (d), the Secretary shall establish a new system for evaluating the work production of employees of the Veterans Benefits Administration. Such system shall—

(A) be based on the findings of the study conducted by the Secretary under this section;

(B) focus on evaluating the accuracy and quality of ratings decisions made by such employees; and

(C) not resemble or be based on any concept on which the system in effect as of the date of the enactment of this Act is based.

(2) **SUSPENSION OF AWARD OF WORK CREDITS.**—If the Secretary of Veterans Affairs does not implement the new system for evaluating work production as required under paragraph (1), the Secretary may not award a work credit to any employee of the Veterans Benefits Administration until the Secretary has implemented such system.

**SEC. 104. STUDY ON WORK MANAGEMENT SYSTEM.**

(a) **IN GENERAL.**—The Secretary of Veterans Affairs shall conduct a study on the work management system of the Veterans Benefits Administration of the Department of Veterans Affairs, which is designed to improve accountability, quality, and accuracy, and reduce the time for processing claims for benefits under laws administered by the Secretary that are adjudicated by the Veterans Benefits Administration.

(b) **CONTENTS OF STUDY.**—In conducting the study required under subsection (a), the Secretary shall consider—

- (1) accountability for claims adjudication outcomes;
- (2) the quality of claims adjudicated;
- (3) a simplified process to adjudicate claims;
- (4) the maximum use of information technology applications;
- (5) rules-based applications and tools for processing and adjudicating claims efficiently and effectively; and
- (6) methods of reducing the time required to obtain information from outside sources.

(c) **REPORT TO CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under this section.

**SEC. 105. CERTIFICATION AND TRAINING OF EMPLOYEES OF VETERANS BENEFITS ADMINISTRATION RESPONSIBLE FOR PROCESSING CLAIMS.**

(a) **EMPLOYEE CERTIFICATION REQUIRED.**—

(1) **IN GENERAL.**—Subchapter II of chapter 77 of title 38, United States Code, is amended by adding at the end the following new section:

**“§ 7735. Employee certification**

“(a) **DEVELOPMENT OF CERTIFICATION EXAMINATION.**—The Secretary shall develop a certification examination for appropriate employees and managers of the Veterans Benefits Administration who are responsible for processing claims for benefits under the laws administered by the Secretary. The Secretary shall develop such examination in consultation with examination development experts, interested stakeholders, including such appropriate employees, employee representatives, and managers, and appropriate public and private entities, including veterans service organizations and other service organizations.

“(b) **EMPLOYEE AND MANAGER REQUIREMENT.**—The Secretary shall require appropriate employees and managers of the Veterans Benefits Administration who are responsible for processing claims for benefits under the laws administered by the Secretary to take a certification examination.

“(c) **LIMITATION.**—The Secretary may not satisfy any requirement of this section through the use of any certification examination or program that exists as of the date of the enactment of the Veterans Disability Benefits Claims Modernization Act of 2008.”

(2) **DEADLINES FOR IMPLEMENTATION.**—The Secretary of Veterans Affairs shall—

(A) develop the certification examination required to be developed under section 7735 of title 38, United States Code, as added by subsection (a), by not later than one year after the date of the enactment of this Act; and

(B) implement procedures for administering the certification of employees under such section and begin administering the certification examination required under such section by not later than 90 days after the date on which the development of such certification examination is complete.

(3) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end of the items relating to subchapter II the following new item:

“7735. Employee certification.”

(b) **EVALUATION OF TRAINING.**—

(1) **EVALUATION REQUIRED.**—The Secretary of Veterans Affairs shall enter into a contract with a private entity with experience evaluating training processes, continuing education needs, and centralized training requirements, under which that entity shall—

(A) conduct an evaluation of the items required to be included in the annual report of the Secretary under section 7734 of title 38, United States Code, that were included in the last such report submitted before the date of the enactment of this Act, that relate to the training and performance assessment programs of the Department of Veterans Affairs for employees of the Veterans Benefits Administration who are responsible for matters relating to compensation or pension benefits under the laws administered by the Secretary; and

(B) not later than 180 days after the date of the enactment of this Act, submit to the Secretary the results of such evaluation.

(2) **SUBMISSION OF RESULTS TO CONGRESS.**—The Secretary shall include the results of the evaluation required under paragraph (1) with the first annual report required to be submitted to Congress under section 529 of title 38, United States Code, submitted after the date on which the Secretary receives such results.

(3) **REPORT.**—Not later than 180 days after the date on which the Secretary submits the report referred to in paragraph (2), the Secretary shall submit to Congress a report on any actions the Secretary has taken or plans to take in response to the results of the evaluation required under paragraph (1).

**SEC. 106. ANNUAL ASSESSMENT OF QUALITY ASSURANCE PROGRAM.**

(a) **ANNUAL ASSESSMENT REQUIRED.**—Section 7731 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(c)(1) The Secretary shall enter into a contract with an independent third-party entity for the conduct of an annual assessment of the quality assurance program under this section. Each such assessment shall—

“(A) evaluate a statistically valid sample of employees of the Veterans Benefits Administration and a statistically valid sample of the work product of such employees to assess the quality and accuracy of such work product;

“(B) measure the performance of each regional office of the Veterans Benefits Administration;

“(C) measure the accuracy of the disability ratings assigned under the schedule for rating disabilities under section 1155 of this title;

“(D) compare disability ratings and evaluate consistency between regional offices;

“(E) assess the performance of employees and managers of the Veterans Benefits Administration; and

“(F) produce automated categorizable data to help identify trends.

“(2) The Secretary shall use information gathered through the annual assessments required under this section in developing the employee certification required under section 7735 of this title.

“(3) In order to carry out the quality assurance program under this subsection with respect to the administration of disability compensation and to reduce the variances between ratings in the regional offices of the Department, the Secretary shall ensure the accuracy and consistency across different offices within the Department of the treatment of claims for disability compensation, including determinations with respect to disability ratings and whether a disability is service-connected.

“(4)(A) The Secretary shall retain, monitor, and store in an accessible format data described in subparagraph (B), including development of a demographic baseline.

“(B) The data covered by this paragraph includes the following:

“(i) For each claim for disability compensation under laws administered by the Secretary submitted by a claimant—

“(I) the State in which the claimant resided when the claim was submitted;

“(II) the decision of the Secretary with respect to the claim;

“(III) the regional office and individual employee of the Department responsible for evaluating the claim; and

“(IV) the sex and race of the claimant.

“(ii) The State of the claimant's residence.

“(iii) Such other data as the Secretary determines is appropriate for monitoring the accuracy and consistency of decisions with respect to such claims.

“(5) Nothing in this subsection shall require the Secretary to replace the quality assurance program under this section, as in effect on the date of the enactment of the Veterans Disability Benefits Claims Modernization Act of 2008.”

(b) **REPORT TO CONGRESS.**—Section 7734 of such title is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph (3):

“(3) the results and findings of the most recent annual assessment conducted under section 7731(c) of this title; and”.

**SEC. 107. EXPEDITED TREATMENT OF FULLY DEVELOPED CLAIMS AND REQUIREMENT FOR CHECKLIST TO BE PROVIDED TO INDIVIDUALS SUBMITTING INCOMPLETE CLAIMS.**

(a) **EXPEDITED TREATMENT OF FULLY DEVELOPED CLAIMS.**—

(1) **IN GENERAL.**—Subchapter I of chapter 51 of title 38, United States Code, is amended by adding at the end the following new section:

**“§ 5109C. Expedited treatment of fully developed claims**

“(a) **EXPEDITED TREATMENT REQUIRED.**—The Secretary shall take such actions as may be necessary to provide for the expeditious treatment by the appropriate regional office of the Veterans Benefits Administration of any fully developed claim to ensure that any such claim is adjudicated not later than 90 days after the date on which the claim is submitted.

“(b) **NOTICE OF REQUIRED INFORMATION AND EVIDENCE.**—Nothing in this section shall affect the responsibility of the Secretary to provide notice under section 5103 to a claimant and a claimant's representative of required information and evidence that is necessary to substantiate a fully developed claim.

“(c) **FULLY DEVELOPED CLAIM DEFINED.**—For purposes of this section, the term ‘fully developed claim’ means a claim for a benefit under a law administered by the Secretary—

“(1) for which the claimant—

“(A) received assistance from a veterans service officer, a State or county veterans service officer, an agent, or an attorney; or

“(B) submits along with the claim an appropriate indication that the claimant does not intend to submit any additional information in support of the claim and does not require additional assistance with respect to the claim; and

“(2) for which the claimant submits a certification in writing that is signed by the claimant stating that at the time of signature, no additional information is available or needs to be submitted in order for the claim to be adjudicated.”

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end of the items relating to subchapter I the following new item:

“5109C. Expedited treatment of fully developed claims.”

(3) **DEADLINES FOR IMPLEMENTATION.**—By not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a process for expediting claims under section 5109C of title 38, United States Code, as added by paragraph (1).

(b) **PROVISION OF CHECKLIST TO INDIVIDUALS SUBMITTING INCOMPLETE CLAIMS.**—

(1) **CHECKLIST.**—Section 5103 of title 38, United States Code, is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

“(b) **PROVISION OF CHECKLIST.**—In providing notice of required information and evidence to a claimant and a claimant’s representative, if any, under subsection (a), the Secretary shall provide to the claimant and any such representative a checklist that includes a detailed description of information or evidence required to be submitted by the claimant to substantiate the claim.”

(2) **EFFECTIVE DATE.**—Subsection (b) of section 5103 of title 38, United States Code, as added by paragraph (1) shall apply with respect to notice provided after the date that is one year after the date of the enactment of this Act.

(3) **DEADLINE FOR CREATION OF CHECKLIST.**—By not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall create the checklist required under such subsection, as so added.

(4) **SUBMITTAL TO CONGRESS.**—Not later than 60 days after the Secretary creates the checklist required by such subsection, as so added, the Secretary shall submit to Congress the checklist.

**SEC. 108. STUDY AND REPORT ON EMPLOYING MEDICAL PROFESSIONALS TO ASSIST EMPLOYEES OF VETERANS BENEFITS ADMINISTRATION.**

(a) **STUDY.**—The Secretary of Veterans Affairs shall conduct a study to evaluate the need of the Veterans Benefits Administration of the Department of Veterans Affairs to employ, in addition to medical professionals of the Veterans Health Administration, including medical professionals who are not physicians, to act as a medical reference for employees of the Administration so that such employees may accurately assess medical evidence submitted in support of claims for benefits under laws administered by the Secretary. In no case shall any such medical professional be employed to rate any disability or evaluate any claim. In conducting the study, the Secretary shall conduct statistically significant surveys of employees of the Administration to ascertain whether, how, and to what degree medical professionals could provide assistance to such employees.

(b) **REPORT TO CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under subsection (a).

(c) **ACCESS TO MEDICAL PROFESSIONALS.**—If the Secretary hires medical professionals pursuant to the study conducted under this section, the Secretary shall ensure that employees employed by all regional offices of the Veterans Benefits Administration have access to such medical professionals.

**SEC. 109. ASSIGNMENT OF PARTIAL DISABILITY RATINGS TO QUALIFYING VETERANS.**

(a) **IN GENERAL.**—Chapter 11 of title 38, United States Code, is amended by inserting after section 1155 the following new section:

“§ 1156. Partial disability ratings

“(a) **ASSIGNMENT OF PARTIAL RATINGS.**—For the purpose of providing disability compensation under this chapter to a qualifying veteran, the Secretary shall assign a partial disability rating to the veteran as follows:

“(1) In the case of a qualifying veteran described in subsection (b)(3)(A), a rating of 100 percent.

“(2) In the case of a qualifying veteran described in subsection (b)(3)(B), a rating of 50 percent.

“(b) **QUALIFYING VETERAN.**—For the purposes of this section, a qualifying veteran is a veteran—

“(1) who has been discharged from active duty service for 365 days or less;

“(2) for whom a permanent disability rating is not immediately assignable under the regular provisions of the schedule for rating disabilities under section 1155 of this title or on the basis of individual unemployability; and

“(3) who has—

“(A) a severe disability for whom substantially gainful employment is not feasible or advisable; or

“(B) a wound or injury, whether healed, unhealed or incompletely healed for whom material impairment of employability is likely.

“(c) **EXAMINATIONS.**—A medical examination of a qualifying veteran is not required to be performed before assigning a partial disability rating to the veteran under this section, but the fact that such an examination is conducted shall not prevent the Secretary from assigning such a rating.

“(d) **TERMINATION OF PARTIAL RATING.**—(1) Except as provided in paragraph (2), a partial disability rating assigned to a veteran under this section shall remain in effect until the earlier of the following dates:

“(A) The date on which the veteran receives a permanent disability rating based on the schedule for rating disabilities under section 1155 of this title.

“(B) The date that is 365 days after the date of the veteran’s last separation or release from active duty.

“(2) The Secretary may extend a partial disability rating assigned to a veteran under this section beyond the applicable termination date under paragraph (1), if the Secretary determines that such an extension is appropriate.”

(b) **EFFECTIVE DATE.**—Section 1156 of title 38, United States Code, as added by paragraph (1), shall take effect on the date of the enactment of this Act.

(c) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1155 the following new item:

“1156. Partial disability ratings.”

**SEC. 110. REVIEW AND ENHANCEMENT OF USE OF INFORMATION TECHNOLOGY AT VETERANS BENEFITS ADMINISTRATION.**

(a) **REVIEW AND COMPREHENSIVE PLAN.**—By not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall conduct a review of the use of information technology at the Vet-

erans Benefits Administration and develop a comprehensive plan for the use of such technology in processing claims for benefits under laws administered by the Secretary of Veterans Affairs that would reduce subjectivity, avoidable remands, and regional office variances in disability ratings.

(b) **INFORMATION TECHNOLOGY.**—The plan developed under subsection (a) shall include—

(1) the use of rules-based processing and information technology systems and automated decision support software at all levels of processing claims;

(2) the enhancement of the use of information technology for all aspects of the claims process;

(3) a technological platform that allows for the use of information that members of the Armed Forces, veterans, and dependents have submitted electronically, including uploaded military records, medical evidence, and other appropriate documentation, and the capability to view applications for benefits submitted online;

(4) the use of electronic examination templates in conjunction with the schedule for rating disabilities under section 1155 of title 38, United States Code;

(5) making such changes as may be required to the information technology system of the Department so as to ensure that users of such system are able to access the service medical records of the Department of Defense by not later than one year after the date on which the plan is implemented;

(6) the provision of bi-directional access to medical records and service records between the Department of Veterans Affairs and the Department of Defense; and

(7) the availability, on the Internet website of the Department, of a mechanism that can be used by a claimant to check on the status of any claim submitted by that claimant and that provides information on—

(A) whether a decision has been reached with respect to such a claim, notice of the decision; or

(B) if no such decision has been reached, notice of—

(i) whether the application submitted by the claimant is complete;

(ii) whether the Secretary requires additional information or evidence to process the claim;

(iii) the estimated date on which a decision with respect to the claim is expected to be made; and

(iv) the stage at which the claim is being processed as of the date on which such status is checked.

(c) **REVIEW OF BEST PRACTICES AND LESSONS LEARNED.**—In carrying out this section, the Secretary shall review best practices and lessons learned within the Department of Veterans Affairs and the use of the technology known as “Vista” by other Government entities and private sector organizations who employ information technology and automated decision support software.

(d) **REDUCTION OF CLAIMS PROCESSING TIME.**—In carrying out this section, the Secretary shall ensure that a plan is developed that, within three years of implementation, would reduce the processing time for each claim processed by the Veterans Benefits Administration to not longer than the average amount of time to required to process a claim, as identified by the Secretary in the most recent annual report submitted by the Secretary under section 7734 of title 38, United States Code.

(e) **CONSULTATION.**—In carrying out this section, the Secretary of Veterans Affairs shall consult with information technology designers at the Veterans Health Administration, Vista managers, the Secretary of Defense, appropriate officials of other Government agencies, appropriate individuals in

the private and public sectors, veterans service organizations, and other relevant service organizations.

(f) REPORT TO CONGRESS.—By not later than January 1, 2009, the Secretary shall submit to Congress a report on the review and comprehensive plan required under this section.

**SEC. 111. TREATMENT OF CLAIMS UPON DEATH OF CLAIMANT.**

(a) TREATMENT OF BENEFICIARY OF VETERAN'S ACCRUED BENEFITS AS CLAIMANT FOR PURPOSES OF INCOMPLETE CLAIMS UPON DEATH OF VETERAN.—Chapter 51 of title 38, United States Code, is amended by inserting after section 5121 the following new section: “§5121A. Substitution in case of death of claimant

“(a) SUBSTITUTION.—If a veteran who is a claimant dies while a claim for any benefit under a law administered by the Secretary, or an appeal of a decision with respect to such a claim, is pending and awaiting adjudication, the person who would receive any accrued benefits due to the veteran under section 5121(a)(2) of this title shall be treated as the claimant for the purposes of processing the claim to completion, except that such person may only submit new evidence in support of the claim during the one-year period beginning on the date of the death of the veteran.

“(b) LIMITATION.—Only one person may be treated as the claimant under subsection (a).

“(c) DESIGNATION OF THIRD PARTY.—If the person who would be eligible to be treated as the claimant under subsection (a) certifies to the Secretary that the person does not want to be treated as the claimant for such purposes, such person may designate the person who would receive the benefits under section 5121(a)(2) upon the death of the person who would otherwise be treated as the claimant under subsection (a) to be treated as the claimant for the purposes of processing the claim to completion.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5121 the following new item:

“5121A. Death of claimant.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the claim of any veteran who dies on or after the date of the enactment of this Act.

**TITLE II—MATTERS RELATING TO UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS**

**SEC. 201. ANNUAL REPORTS ON WORKLOAD OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.**

(a) IN GENERAL.—Subchapter III of chapter 72 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 7288. Annual report

“The chief judge of the Court shall annually submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report summarizing the workload of the Court during the last fiscal year that ended before the submission of such report. Such report shall include, with respect to such fiscal year, the following information:

- “(1) The number of appeals filed.
- “(2) The number of petitions filed.
- “(3) The number of applications filed under section 2412 of title 28.
- “(4) The number and type of dispositions, including settlements.
- “(5) The median time from filing to disposition.
- “(6) The number of oral arguments.
- “(7) The number and status of pending appeals and petitions and of applications described in paragraph (3).

“(8) A summary of any service performed by recalled retired judges during the fiscal year.

“(9) The number of decisions or dispositions rendered by a single judge, multi-judge panels and the full Court.

“(10) The number of cases pending longer than 18 months.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 7287 the following new item:

“7288. Annual report.”

**SEC. 202. MODIFICATION OF JURISDICTION AND FINALITY OF DECISIONS OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.**

(a) MODIFICATION.—Section 7252(a) of title 38, United States Code, is amended—

(1) by striking the third sentence; and

(2) by adding at the end the following new sentence: “The Court shall have power to affirm, modify, reverse, remand, or vacate and remand a decision of the Board after deciding all relevant assignments of error raised by an appellant for each particular claim for benefits. In a case in which the Court reverses a decision on the merits of a particular claim and orders an award of benefits, the Court need not decide any additional assignments of error with respect to that claim.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to a decision of the Board of Veterans' Appeals made on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, this bill comes to us from the chairman of our Disability Assistance and Memorial Affairs Subcommittee, a very active, committed, new Member, Mr. HALL from New York, and I would yield to him as much time as he may consume.

Mr. HALL of New York. Thank you, Chairman FILNER.

While we celebrated Independence Day this month, many Americans were unaware that immediately after the Continental Congress signed the Declaration of Independence, it ratified the Military Pension Law of 1776 thereby creating the first Federal disability compensation program.

There should be no doubt that the United States has a proud tradition of providing benefits and services to our current population of 24 million veterans, more than 2.7 million of whom receive compensation from the Department of Veterans Affairs, a department full of committed, well-intended, and skilled people who nonetheless are struggling with our current situation. The VA is in dire need of change, and it is time to modernize the disability claims system.

I would like to thank Representatives JOE DONNELLY of Indiana, PHIL HARE of Illinois, ZACK SPACE of Ohio, and JERRY MCNERNEY of California and subcommittee Ranking Member DOUG LAMBORN of Colorado for contributing to this bill. They, too, have recognized the problems in a system that had a

backlog of more than 838,000 claims in 2007, and that unbelievable backlog is projected to surpass 1 million claims in 2009.

This escalating backlog means that far too many veterans and survivors wait for months, years, or decades for their claims to be adjudicated. This is a national disgrace and violates our contract with every person who serves in our Armed Forces.

In my own district, I see time and again the tragic human toll of these egregious delays. A World War II Navy veteran from Westchester County, Ken MacDonald, tried since 1947 to receive compensation for injuries he suffered not once, but twice on ships that were sunk out from under him. Only last year, 60 years later, with the help of our office, was his claim approved. He received over \$100,000 in back pay and a pension for the rest of his life—but think of the decades he suffered, the opportunities he lost.

We have thousands of veterans coming home injured from Iraq and Afghanistan. We have Vietnam veterans whose claims have never been fully resolved. It is a disgrace for our Nation to allow them to suffer and face financial hardship and health care problems when the VA should process and accept their legitimate claims promptly.

Families suffer also. In June, a news story broke of Wayne Kirtley, a 54-year-old veteran who was misdiagnosed twice by the VA, resulting in his premature death. When he filed a claim against the VA, it was denied. Eight months later, the veteran died while his appeal was pending. Under current law, the claim dies with the veteran. Kirtley was worried about his wife, Helen, and wanted to ensure that she would be taken care of with VA benefits. But that has not yet happened. H.R. 5892 would allow Helen to continue her husband's claim with the VA and submit additional evidence which she currently cannot do.

Recent commissions and task forces, the Veterans' Disability Benefits Commission, the Commission on the Care for America's Returning Wounded Warriors, and the Government Accountability Office have documented problems at the VBA. Over the last 18 months, my subcommittee has held extensive hearings in Washington and in Goshen, New York, to hear the testimony of veterans themselves and of the Veterans Service Organizations.

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I have incorporated many of their suggestions into H.R. 5892. The bill proposes to overhaul the VA disability benefit system so that veterans and survivors can receive the benefits they have earned easily and quickly. Here is what the bill will change:

In today's VA, a veteran's claim is often held up until every medical condition is evaluated, the average wait being over 6 months. Under this bill, a severe, undisputed injury, such as a lost leg or arm, will be compensated

immediately. Lesser injuries that take more time to evaluate will be handled separately. Today's VA claims processing system is labor-intensive and paper-based with the loss of paper files being a major cause of delays. This bill brings the VA into the 21st century by requiring the use of modern information technology.

The VA also relies on outdated medical concepts and on an archaic rating schedule. This bill updates the definitions of diseases and disorders to bring them in line with current medical knowledge, and it takes a comprehensive approach to disability ratings, including factors such as the loss of quality of life and of future earnings capacity.

It is hard to believe, but today, when a veteran dies while his or her claim is being considered, the surviving wife or child has to start all over again at square one even if that claim has been stuck in the backlog for years. This bill allows the spouse or child to step into the shoes of the veteran while the claim continues, saving them months or years of frustration and of waiting.

This bill recognizes the rights and needs of family members by establishing a new unit called the Survivors Office. The VA has always proclaimed as part of its mission caring for the widows and for the orphans of veterans, but it has never had an office specifically focused on them.

Finally, another title of the bill deals with the United States Court of Appeals for veterans' claims. My hope is that we can eliminate the hamster wheel effect that bounces veterans back and forth between different levels of the appeals process, reducing today's unacceptable backlog of cases.

A nimble, quick, responsive VA claims system could go a long way to helping our Nation live up to its commitment to care for wounded veterans and their families. It could help prevent suicides, bankruptcies, poverty, family disruptions, and homelessness among our Nation's disabled veterans.

We can and must change the way Washington handles the claims of our injured veterans. We must give them easier access to the benefits they have earned and end forever the adversarial, inefficient and frustrating claims process they are now forced to endure. I believe H.R. 5892 puts the VA on a new course for the 21st century, giving them the resources and new approaches to make better, faster decisions, to achieve more accurate ratings and to treat all veterans and their families fairly and with respect. I urge all of your support.

Mr. LAMBORN. Mr. Speaker, I, too, rise in support of H.R. 5892, as amended, the Veterans Disability Benefits Claims Modernization Act of 2008, to direct the Secretary of Veterans Affairs to modernize the VA disability benefits claims processing system and to ensure the accurate and timely delivery of compensation to veterans and their families.

I commend my colleague from New York, Subcommittee Chairman JOHN HALL, for introducing this comprehensive bill, which has been a culmination of thought and of a great deal of cooperative effort to make substantial improvements to the veterans' benefits claims process. I appreciate the bipartisan manner in which we have worked together to bring this bill to the floor.

Not long ago, the VA's health care system was in such a poor state that it was derided in movies like *Born on the Fourth of July*. Now the VA's state-of-the-art medical care is cited in top medical journals and in a number of other respected publications. I believe the VA can make similar progress on the benefits side of the department.

This bipartisan bill is intended to improve benefits claims processing so that our veterans receive their benefits with the speed and accuracy that they deserve. It is comprised of a number of measures that have as their foundation the collective recommendations of Democrats, Republicans, veterans' service organizations, and two blue ribbon commissions on veterans' benefits.

These recommendations include the utilization of information technology, a quality and training assessment program for the certification of each VA claims processor, a study of a new rating schedule that reflects the loss of quality of life and the loss of earnings.

The VA rating schedule now is a complex set of regulations used to determine the appropriate level of compensation for veterans' disabilities. We must ensure that the rating schedule compensates veterans for both the loss of earnings and for the loss of quality of life. The schedule must also be reflective of the contemporary job market to ensure parity in disability ratings.

While the VA has made adjustments over the course of many decades, it is still obviously important that Congress continues to work with VA and with its stakeholders to ensure that the rating schedule is as accurate and is as up to date as possible.

In addition, H.R. 5892 will allow an eligible dependent to substitute for a claimant who passes away while a disability claim is pending rather than to begin the claims process all over again. This provision was taken from H.R. 3047, a bill that I introduced, and I'm glad to see it included in this bill.

By supporting H.R. 5892, we will initiate steps to ensure that VA benefits and services are of unsurpassed value to veterans. I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I would yield 3 minutes to the gentleman from Illinois (Mr. HARE).

Mr. HARE. Thank you, Mr. Chairman.

Mr. Speaker, I rise in strong support of H.R. 5892, the Veterans Disability Benefits Claims Modernization Act of 2008, and I commend Chairman HALL for his tireless work on this issue.

The disability backlog of more than 800,000 claims in the VA is a moral black eye for our country. We made a promise to those who served in uniform, and we have failed to keep that promise. The legislation before us today takes a critical step in restoring that promise. This bill is a comprehensive approach to fixing the flaws that exist in claims decisions and in the structure at the Veterans Benefits Administration, the VBA.

The largest factors contributing to the claims backlogs are the broken culture and processes at the VA. There is a lack of accountability on raters, poor quality assurance measures, a broken work credit system, virtually no training for the VBA personnel, and an outdated information technology system.

H.R. 5892 squarely addresses these problems by creating a more accountable and accurate system that rewards raters for the quality of their work, and it holds them accountable for their mistakes, ensuring that claims are processed correctly the very first time.

I want to thank Chairman HALL for working with me to include specific language on mental health in the study of the readjustment schedule. Of those veterans from Iraq and Afghanistan who have accessed VA care, 40 percent have sought mental health care. It is critical that any study on the rating schedule takes a good look at mental health conditions to ensure that those veterans receive fair compensation.

I am disappointed that we had to remove the original section 101 language from H.R. 5892, which provided a service connection presumption for post-traumatic stress disorder by clearly defining who was considered a "combat veteran." The provision decreased the burden of proof for combat veterans, increasing their access to disability benefits.

I appreciate Mr. HALL's efforts to address this issue in separate legislation, and I look forward to working with him to ensure that it becomes law.

H.R. 5892 is a strong piece of legislation that will improve the way veterans' claims are processed. Again, I view this as a work in progress, and I look forward to continuing efforts until the backlog goes from 800,000 to zero.

Mr. LAMBORN. Mr. Speaker, I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, I would yield 2 minutes to our new Member from Indiana (Mr. DONNELLY), another very active and committed member who is concerned about our veterans in America.

Mr. DONNELLY. I want to thank the chairman for his work, and I want to thank Chairman HALL as well.

Mr. Speaker, H.R. 5892 helps seriously disabled veterans receive immediate disability benefits for an injury where combat connectedness and severity is not in question. These veterans should receive their disability benefits as soon as possible to add to other benefits and payments that they may be getting.

When a disabled servicemember comes home to a family and to bills, every little bit helps. The VA has the authority to provide immediate temporary benefits to a severely injured servicemember until a claim is processed. However, we are concerned that they do not use this authority as often as possible. We want to make the VA's application of this authority mandatory. Under this bill, if you qualify for temporary benefits, you automatically will get these benefits instead of waiting for the VA to act.

Mr. Speaker, America's veterans have fought and have sacrificed for our Nation, and we owe them our greatest efforts to enable them to receive their disability benefits in a timely fashion.

My colleague Mr. HARE mentioned about the 800,000 claim backlog. He and I and all Members of this body want to see that go to zero. We will continue that work, and I urge all of my colleagues to support this legislation today.

Mr. FILNER. I have no further speakers.

Let me just say in conclusion, Mr. Speaker, that I think it's safe to say that for every single Member of this House, when they have town meetings with veterans, the single biggest complaint is the disability claims system. They've been waiting months, years even—decades—for decisions. This is an insult to their service. We have a long way to go in changing that. This bill is a big step toward erasing that incredible backlog. This situation is the biggest single factor that leads veterans to think that "VA" means veterans' adversary instead of veterans' advocate. So we have to change it. It is going to be changed as rapidly as we can, and I encourage all Members to support this bill.

#### GENERAL LEAVE

Mr. FILNER. I would ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 5892, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, we are at the conclusion of a set of eight pieces of legislation that will each one improve the quality of life for our Nation's veterans. Each one is a step forward to recognizing their service. We have thanked all the Members for working on this.

I want to thank the staff on both sides of the aisle. When you have a collection of bills like this, it takes a lot of time, especially on a weekend, unfortunately, for them. So we thank all the staff—Republican and Democrat—for getting all of the reports and all of the work done for today's bills, which really contribute to the well-being of our veterans.

Mr. BUYER. Mr. Speaker, I rise in support of H.R. 5892, as amended, the Veterans Dis-

ability Benefits Claims Modernization Act of 2008, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to modernize the VA disability benefits claims processing system, to help ensure the accurate and timely delivery of compensation to veterans and their families.

I commend the leaders of the Subcommittee on Disability Assistance and Memorial Affairs, Chairman JOHN HALL and Ranking Member DOUG LAMBORN, for introducing and developing this comprehensive bill. Their bipartisan efforts will help make substantial improvements to the veterans' benefits claims process.

Department of Veterans Affairs (VA) disability compensation payments fulfill our Nation's primary obligation to make up for the economic losses and losses of quality of life that result from service connected injuries. In recent years, VA has required increasingly longer periods to process the thousands of claims it receives each year. This has resulted in a backlog of benefits claims that VA has been struggling to overcome.

This bipartisan bill is intended to improve benefits claims processing so that our veterans receive their benefits with the speed and accuracy that they deserve. It is comprised of a number of recommendations for improvement that originated in other bills. Such recommendations include: better utilization of information technology, a quality and training assessment program for the certification of each VA claims processor, and a study of a new rating schedule to help ensure that the VA rating schedule, which consists of a complex set of regulations used to determine the appropriate level of compensation for veterans' disabilities, adequately compensates veterans for both loss of earnings and loss of quality of life.

Our veterans, who have sacrificed so much for the freedoms we cherish, must be assured that the compensation they receive for disabilities is based on information that is both credible and fair.

By supporting H.R. 5892, we will initiate steps to ensure that VA benefits and services are of unsurpassed value to veterans.

I urge my colleagues to support the bill.

Mr. FILNER. I would yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5892, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LAMBORN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### SUPPORTING THE GOALS AND IDEALS OF NATIONAL CAMPUS SAFETY AWARENESS MONTH

Mr. HARE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1288) supporting the goals and ideals of National Campus Safety Awareness Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. Res. 1288

Whereas college and university campuses are not immune from the crime problems that face the rest of society in the United States;

Whereas a total of 37 homicides, 8,112 forcible-sex offenses, 8,923 aggravated assaults, and 3,071 cases of arson were reported on college and university campuses from 2004 to 2006, in accordance with the reporting requirements under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. 1092(f); Public Law 89-329);

Whereas criminal experts estimate that between ¼ and ¾ of female students become the victim of a completed or attempted rape, usually by someone they know, during their college careers, but fewer than 5 percent report the assault to law enforcement;

Whereas each year, 18 percent of female students enrolled in an undergraduate program at a college or university will be victims of stalking;

Whereas 1,700 college and university students between the ages of 18 and 24 die each year from unintentional alcohol-related injuries, including motor vehicle accidents;

Whereas Security On Campus, Inc. (hereinafter referred to as "SOC"), a national non-profit group dedicated to promoting safety and security on college and university campuses, has designated September as National Campus Safety Awareness Month;

Whereas each September since 2005, SOC has partnered with colleges and universities across the United States to offer National Campus Safety Awareness Month educational programming on sexual assault, alcohol and other drug abuse, hazing, stalking, and other critical campus safety issues; and

Whereas National Campus Safety Awareness Month provides an opportunity for entire campus communities to become engaged in efforts to improve campus safety: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Campus Safety Awareness Month; and  
(2) encourages colleges and universities throughout the United States to provide campus safety and other crime awareness and prevention programs to all students throughout the year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HARE) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

#### GENERAL LEAVE

Mr. HARE. Mr. Speaker, I request 5 legislative days in which Members may revise and extend their remarks and insert extraneous material on H. Res. 1288 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?



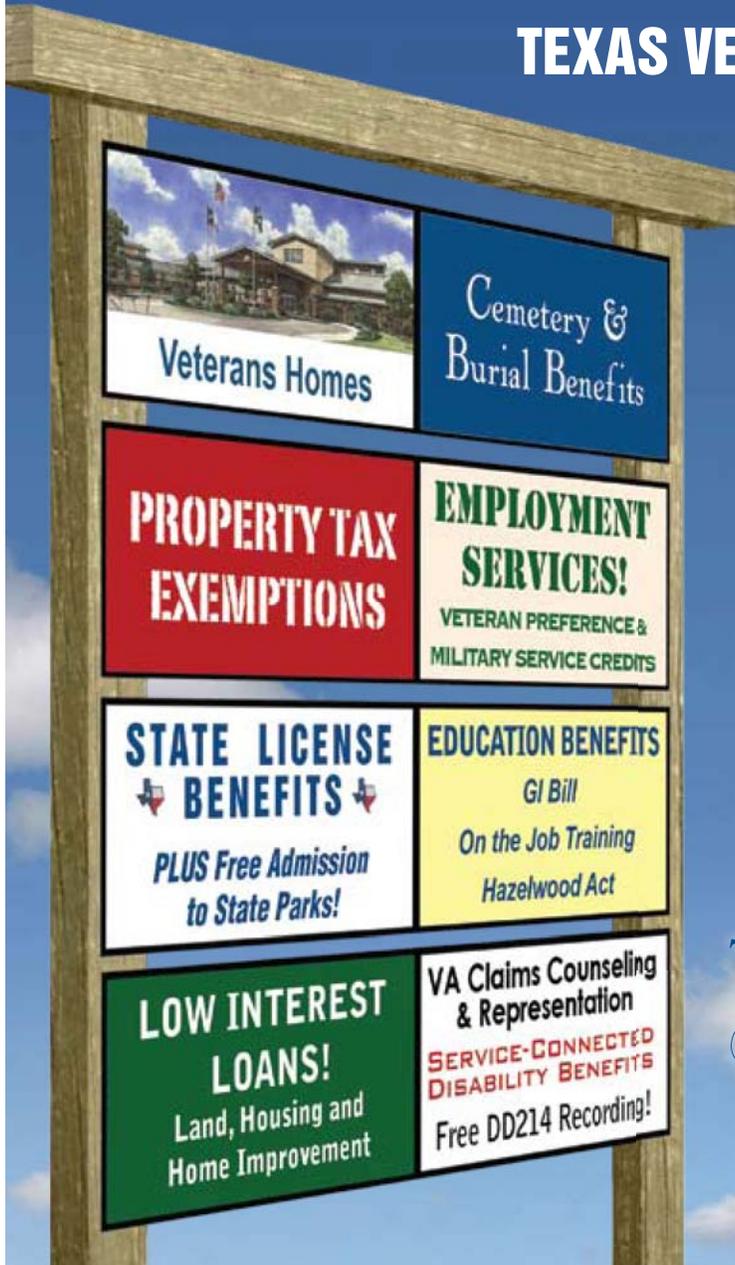




## **Appendix F. VLB and TVC Joint Brochure**

TEXAS VETERANS LAND BOARD &

TEXAS VETERANS COMMISSION



YOUR  
**ONE  
STOP  
SHOP**  
FOR

TEXAS VETERANS  
*Benefits & Services*

1 ★ 800 ★ 252 ★ VETS  
★  
WWW.TEXASVETERANS.COM

# TEXAS VETERANS LAND BOARD

# TEXAS VETERANS COMMISSION

Fellow Veterans:

Since 1836, Texas has always taken care of her veterans. Today, the Veterans Land Board and the Texas Veterans Commission serve over 1.7 million veterans of all ages. Together with the VA, we are a one-stop shop for the best veterans programs and services in the nation and we offer a wide array of special benefits available exclusively to Texas veterans. You have served your country and now Texas is proud to serve you. Please take a moment to look through this brochure to learn how to take advantage of the benefits you have earned.

Thank you for your service,



*Jerry Patterson*

Jerry Patterson  
Lieutenant Colonel, USMC (Retired)  
Chairman, Texas Veterans Land Board



*Karen S. Rankin*

Karen S. Rankin  
Brigadier General, USAF (Retired)  
Chair, Texas Veterans Commission



## ☆ TEXAS VETERANS LAND BOARD PROGRAMS ☆

The Texas Veterans Land Board was established in 1946 to help Texas veterans returning from World War II by giving them the opportunity to own their own piece of Texas. Today, no other state can match what the Texas Veterans Land Board offers: low-cost land, home and home improvement loans; nursing homes and cemeteries—all exclusively for Texas veterans or their spouses and at virtually no cost to the Texas taxpayer. The VLB constantly strives to bring new and better benefits and programs to Texas veterans.



### VETERANS LOANS

The cornerstone of the Texas Veterans Land Board is its ability to offer unique, below-market interest rate loans. **Texas Veterans Loan Programs** have given thousands of veterans the opportunity to enjoy the American dream they worked so hard to defend.

- ★ **LAND LOANS** – Up to \$80,000, one acre minimum
- ★ **HOUSING LOANS** – Up to \$325,000
- ★ **HOME IMPROVEMENT LOANS** – Up to \$25,000

### VETERANS HOMES

The **Texas State Veterans Home Program** offers affordable, long-term nursing care for Texas veterans, their spouses and Gold Star Parents. Texas veterans can now receive the professional care they deserve in the company of fellow veterans. The Texas State Veterans Home Program fulfills our debt of honor to the Texas men and women who risked their lives for our freedom. This is where honor lives.

Ussery-Roan – AMARILLO ★ Clyde W. Cospers – BONHAM  
Lamun-Lusk-Sanchez – BIG SPRING ★ Frank M. Tejada – FLORESVILLE  
Ambrosio Guillen – EL PASO ★ Alfredo Gonzalez – MCALLEN  
William R. Courtney – TEMPLE

### VETERANS CEMETERIES

All veterans deserve a dignified place of rest in memory of their service to their state and nation. The **Texas State Veterans Cemetery Program** seeks to supplement the four VA National Cemeteries in Texas by providing state-managed perpetual shrines for veterans near family and friends. Eventually, Texas could have up to seven state veterans cemeteries.

Central Texas State Veterans Cemetery ★ KILLEEN  
Rio Grande Valley State Veterans Cemetery ★ MISSION  
Cemeteries are coming to Abilene (2009) and Corpus Christi (2010)



**For more information on any of these programs, please contact the Texas Veterans Land Board**

**1-800-252-VETS**  
**www.texasveterans.com**

## ☆ THE TEXAS VETERANS COMMISSION ☆

The Texas Veterans Commission (TVC) is a state agency that assists Texas veterans, their dependents and survivors, in accessing the wide range of state and federal benefits including educational assistance, development and representation in VA claims, job search and job placement. Through its programs and services, the TVC is committed to aiding veterans in obtaining the rights and benefits they have earned.



### **VETERANS EDUCATION PROGRAM**

The Texas Veterans Commission is the Texas State Approving Agency (SAA) for the **Veterans Education Program** and for GI Bill educational benefits. The TVC reviews, evaluates, approves and oversees quality programs of education and training for payment of benefits to veterans.

Approved training programs are offered at public institutions (including universities, junior/community colleges, hospitals, police/fire academies and technical institutions) and nonpublic schools (including cosmetology/barber, Bible, flight and other vocational schools). Veterans may also receive benefits while completing apprenticeships and on-the-job training (OJT) programs.

A list of institutions/employers with approved programs, approval information and Request for Approval forms are available on the TVC Web site at [www.tvc.state.tx.us](http://www.tvc.state.tx.us), under the Veterans Education Program link.

### THE TEXAS HAZLEWOOD ACT

**What is the Hazlewood Act?** This act is a veterans education benefit of up to 150 hours of tuition at a state supported college or university.

To be eligible, veterans must:

- ☆ Be a Texas resident upon entry into the military service;
- ☆ Be a current Texas resident for tuition purposes;
- ☆ Have served at least 181 days active duty service;
- ☆ Have a military discharge of honorable or general, under honorable conditions;
- ☆ Not be in default on a federal education loan or student loan made or guaranteed by the State of Texas.

How do I claim this benefit? Contact the registrar or veterans office of the school you plan to attend.

*For more information on the Texas Hazlewood Act please visit [www.tvc.state.tx.us](http://www.tvc.state.tx.us).*

## VETERANS EMPLOYMENT SERVICES

The **Veterans Employment Services Program** serves veterans seeking assistance in employment, job training, job matching, resume writing and other career assistance through local Veterans Employment Representatives, located in more than 75 cities throughout Texas. Representatives provide one-on-one assistance to help match veteran job seekers with the best employment opportunities available. In addition, employers are matched with qualified veterans who possess numerous unique abilities gained through their military service. For assistance, veterans may visit with a Veterans Employment Representative at their local Workforce Center or register online at [www.workintexas.com](http://www.workintexas.com).



## CLAIMS REPRESENTATION & COUNSELING

The Texas Veterans Commission is the designated agency for representing the State of Texas and its veterans before the U.S. Department of Veterans Affairs (VA). Our **Claims Representation & Counseling Program** provides assistance to veterans with every aspect of the claims process for obtaining benefits from the VA. This includes initial filing of claims, compiling additional evidence or documentation required by the VA, appealing VA decisions, and providing representation at VA hearings if necessary. Through its statewide network of specially trained veterans counselors, the TVC works with veterans to ensure the best possible chance of ultimately having their claims approved.



## TEXAS WOMEN VETERANS PROGRAM

A full continuum of comprehensive medical services is available to women veterans through the **Texas Women Veterans Program**, including health promotion and disease prevention, primary care and women's gender-specific health care; e.g., hormone replacement therapy, breast and gynecological care, maternity and limited infertility (excluding in-vitro fertilization), acute medical/surgical, telephone triage, emergency and substance abuse treatment, mental health, domiciliary, rehabilitation and long-term care. Applications for enrollment in VA health care may be obtained from any VA health care facility or veterans benefits office. Call toll-free at 1-877-222 VETS (8387) to determine your eligibility or access the form from the Health Administration Eligibility Reform Web site at [www.va.gov/elig](http://www.va.gov/elig).



Every veteran has a story to tell. The Texas Veterans Land Board “Voices of Veterans” Oral History Program seeks to capture these stories to teach future generations of Texans the importance of patriotism, self-sacrifice and service to others. These stories of courage and service will inspire Texans for generations to come.

Interviews may be conducted in person or by telephone. To schedule an interview, call or log on to the Web site.

**1-800-252-VETS**  
[www.voicesofveterans.org](http://www.voicesofveterans.org)

**VETERANS PREFERENCE & MILITARY SERVICE CREDIT**

Wartime veterans have preference in employment with state agencies or offices, as do widows/widowers and children of those killed in active duty. State agencies must practice veterans preference until they have reached 40 percent veteran employment. Non-retiree veterans who are employed by the State of Texas are entitled to claim their active duty military time toward retirement. All veterans may also use their military time toward retirement if they are members of the State Teachers Retirement System.

**PROPERTY TAX EXEMPTION**

Veterans with disability ratings of 10 percent or more are eligible for property tax exemptions on the appraised value of their property. Applications must be filed between January 1 and April 30. Contact your local appraisal district office for an application.

DISABILITY	TAX EXEMPTION
10% to 30%	First \$5,000 of appraised value
31% to 50%	First \$7,500 of appraised value
51% to 70%	First \$10,000 of appraised value
71% or more	First \$12,000 of appraised value

The following qualify for maximum exemption:  
 Any veteran who is 65 years of age or older with a disability rating of 10 percent or higher.  
 Any veteran whose disability consists of the loss of use of one or more limbs or total blindness in one or both eyes.

**FREE RECORDING OF DISCHARGES**

The county clerk in each county is required to record, free of charge, the official discharge papers (DD Form 214) of a veteran who served in the U.S. Armed Forces. Once filed, it will become a confidential record for 75 years, providing veterans with a ready source from which they can obtain a certified copy of their discharge when needed.



**NO COST MEDICAL RECORDS**

Texas veterans are eligible for no cost medical records when they are obtained to file a claim for a disability against the U.S. Department of Veterans Affairs. The health care provider or health care facility is not required to provide more than one complete record for the patient or former patient without charge. Some medical facilities may charge a small administrative fee for obtaining the records.

☆☆☆ STATE LICENSE BENEFITS ☆☆☆

As a disabled veteran you may be entitled to certain license benefits. To obtain license benefits, veterans must show official proof of their disability rating (issued by the VA) at the time of application.



**SPECIAL LICENSE PLATES**

- ☆ **Who is eligible?** Applicants must have been honorably discharged. Additional guidelines and fees vary per individual plate. Contact the nearest title registration office or county tax office for information or visit Texas Online at [www.texasonline.state.tx.us](http://www.texasonline.state.tx.us).
- ☆ **What are the restrictions?** Special license plates are for personal use on an automobile or light commercial vehicle of one ton or less.
- ☆ **How can I get one?** Applications are available by calling the Texas Department of Transportation at 512-374-5010.



**FREE DRIVER'S LICENSES**

- ☆ **Who is eligible?** Any honorably discharged veteran with a service-connected disability rating of 60 percent or more, who receives compensation from the United States for the disability. Registered sex offenders are not eligible.
- ☆ **What are the restrictions?** Exemption does not apply to a Texas Identification Card or a Texas Commercial Driver's License.
- ☆ **How can I get one?** Applications are available from the Department of Public Safety's license examining offices. For locations call 512-424-2600 or go to [www.txdps.state.tx.us](http://www.txdps.state.tx.us).



**FREE FISHING AND HUNTING LICENSES**

- ☆ **Who is eligible?** Any veteran with a service-connected disability rating of 60 percent or more, or a disability consisting of the loss of a foot or leg, and who is receiving compensation from the United States for that disability.
- ☆ **What are the restrictions?** The free license is limited to license Type 502: Resident Disabled Veteran "Super Combo" Hunting and All-Water Fishing Package. The Federal Waterfowl Stamp is not included.
- ☆ **How can I get one?** Reduced cost hunting and fishing licenses can be obtained anywhere such licenses are sold. For more information contact the Texas Parks & Wildlife Department at 1-800-792-1112 or visit [www.tpwd.state.tx.us](http://www.tpwd.state.tx.us).



**FREE STATE PARK ADMISSION WITH THE TEXAS PARKLANDS PASSPORT**

- ☆ **Who is eligible?** Any veteran with a service-connected disability rating of 60 percent or more.
- ☆ **What are the restrictions?** The Passport is available to any veteran who meets the requirements, whether or not the veteran resides in Texas. The Passport does not exempt veterans from payment of other charges, such as camping fees.
- ☆ **How can I get one?** Application for the Texas Parklands Passport can be made at the headquarters office of any Texas State Park. For more information, contact the Texas Parks & Wildlife Department at 1-800-792-1112 or visit [www.tpwd.state.tx.us](http://www.tpwd.state.tx.us).



**1-800-252-VETS**  
**www.texasveterans.com**



JULY 2008

**Texas Veterans Commission**  
**P.O. Box 12277**  
**Austin, Texas 78711-2277**

**Texas Veterans Land Board**  
**P.O. Box 12873**  
**Austin, Texas 78711-2873**

The Texas General Land Office does not discriminate on the basis of race, color, national origin, sex, sexual orientation, age or disability in employment or provision of services. To request special accommodations, call the Director of Human Resources/ADA Coordinator at 512.475.1390. To contact us by TDD call 512.463.6367 or through RELAY Texas at 1.800.735.2988, or mail your request to P.O. Box 12873, Austin, Texas 78711-2873.







## **Appendix G. MOU between VLB & TVC**



**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE TEXAS VETERANS LAND BOARD  
AND  
THE TEXAS VETERANS COMMISSION  
VLB CONTRACT No. 08-134-000**

This **MEMORANDUM OF UNDERSTANDING (MOU)** will document the accord between the **TEXAS VETERANS LAND BOARD (VLB)** and the **TEXAS VETERANS COMMISSION (TVC)** collectively (the Parties), as follows.

Whereas, the TVC and the VLB serve the veterans of Texas and their families by providing and administering various benefit programs and services; and

Whereas, the veterans and their families served by each agency need and desire information about all benefits provided by both agencies; and

Whereas, the TVC and the VLB have the resources to share information about each agency's benefit programs and services for veterans and their families; and

Whereas, Section 434.007(3) of the Government Code provides that "The Commission shall cooperate with the veterans service agencies in the state;" and

Whereas, the VLB and TVC have agreed to provide information to veterans and their families about all services and benefits provided by each agency.

NOW THEREFORE, in consideration of the benefits to the State of Texas and to the veterans therein, the TVC and the VLB enter into this MOU and hereby agree as follows:

- 1) The VLB and TVC agree jointly to plan and co-host a total benefits package presentation to veterans at all Benefits Fairs and meetings. The TVC agrees to invite the VLB to TVC Veterans County Service Officer Initial Training, and all TVC conferences. Costs will be shared between the Parties, as agreed.
- 2) The VLB agrees to develop and maintain a single Home Page entry point to allow public access to information related to all available veterans benefits and services. This Home Page will include a brief statement concerning the benefits and services provided by the VLB and the TVC.
- 3) The TVC agrees to include, on a single full page in the TVC Veterans Service Officer Directory, information concerning VLB key personnel, telephone numbers, and areas of responsibility. The VLB will provide current information to the

TVC, and the TVC will provide the directory to each County Veterans Service Officer upon request.

- 4) The TVC agrees to distribute VLB 5-in-1 brochures in each TVC office. The VLB agrees to display TVC brochures in its offices and to distribute them to each veteran who requests them. Each agency will supply the material to the other as needed to maintain an adequate supply on hand. The VLB shall develop a joint brochure that provides comprehensive information about all available veterans benefits and services offered by the VLB and TVC.
- 5) The TVC and the VLB will cooperate to keep a current shared e-mail list for use by the TVC and the VLB containing contact information for County Veteran Service Officers, Veterans Service Organizations, and other interested parties, so that periodic announcements and agency information updates can be distributed more efficiently by each agency.
- 6) The TVC and the VLB agree to publish a one-half page article/column in every issue of the other agency's respective newsletter (the TVC "Journal" and the TVLB "Veterans Voice"). In addition, each agency agrees to publish in its newsletter such additional information about the other as the publisher, at its sole discretion, deems is newsworthy.
- 7) The TVC and the VLB each agree to provide program information to the other for publication in the other agency's brochures where appropriate, feasible, and agreed to between the parties. Costs will be shared between the parties as agreed for each such publication.
- 8) The TVC agrees to provide to the VLB, on a weekly basis, all DD-214 forms (Certificate of Release or Discharge from Active Duty) received for recently discharged veterans with a home address in Texas. The VLB agrees to enter the veteran's name and address into the VLB database and forward the forms on a weekly basis back to the prescribed TVC office for further use. The VLB agrees to provide an electronic copy of the weekly data collection database to TVC upon request. The VLB agrees to include TVC information on the postcard mailed to veterans included in the database, to the extent that the information does not increase the cost to the VLB. In addition, the TVC and the VLB will cooperate to build a master database of contact and profile data on veterans residing in Texas, using information from any source available to either party. Any or all such data will be provided and shared electronically between the Parties at no cost to the requesting party.
- 9) The VLB agrees to refer any veteran applying for Aid and Attendance as a resident of a Texas State Veterans Home to a TVC counselor for assistance. TVC agrees to provide claims assistance to these veterans.

08-134-000 is now 08-134-000-3265

- 10) The VLB agrees to allow the TVC to advertise the 1-800-252-VETS toll-free number as a single "Texas Veterans Hotline" for state veterans benefit information, and the VLB agrees to provide and maintain the toll-free call center facility.
- 11) The Parties hereby agree to abide by the tenets of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) concerning the privacy of medical records of Texas veterans, the requirements of which are set forth in the HIPAA Agreement, attached hereto and incorporated herein for all purposes as Attachment A.

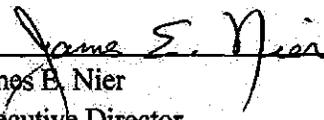
**SIGNATURE PAGE FOLLOWS**

This Agreement shall be effective as of March 1, 2008, and shall continue in perpetuity.

**TEXAS VETERANS LAND BOARD**

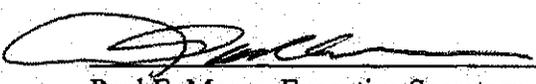
**TEXAS VETERANS COMMISSION**

  
\_\_\_\_\_  
Larry L. Laine, Chief Clerk/  
Deputy Land Commissioner

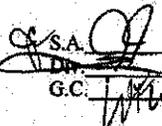
  
\_\_\_\_\_  
James E. Nier  
Executive Director

Date of execution: 3/4/08

Date of execution: 2/29/08

  
\_\_\_\_\_  
Paul E. Moore, Executive Secretary

Date of execution: 2-15-08

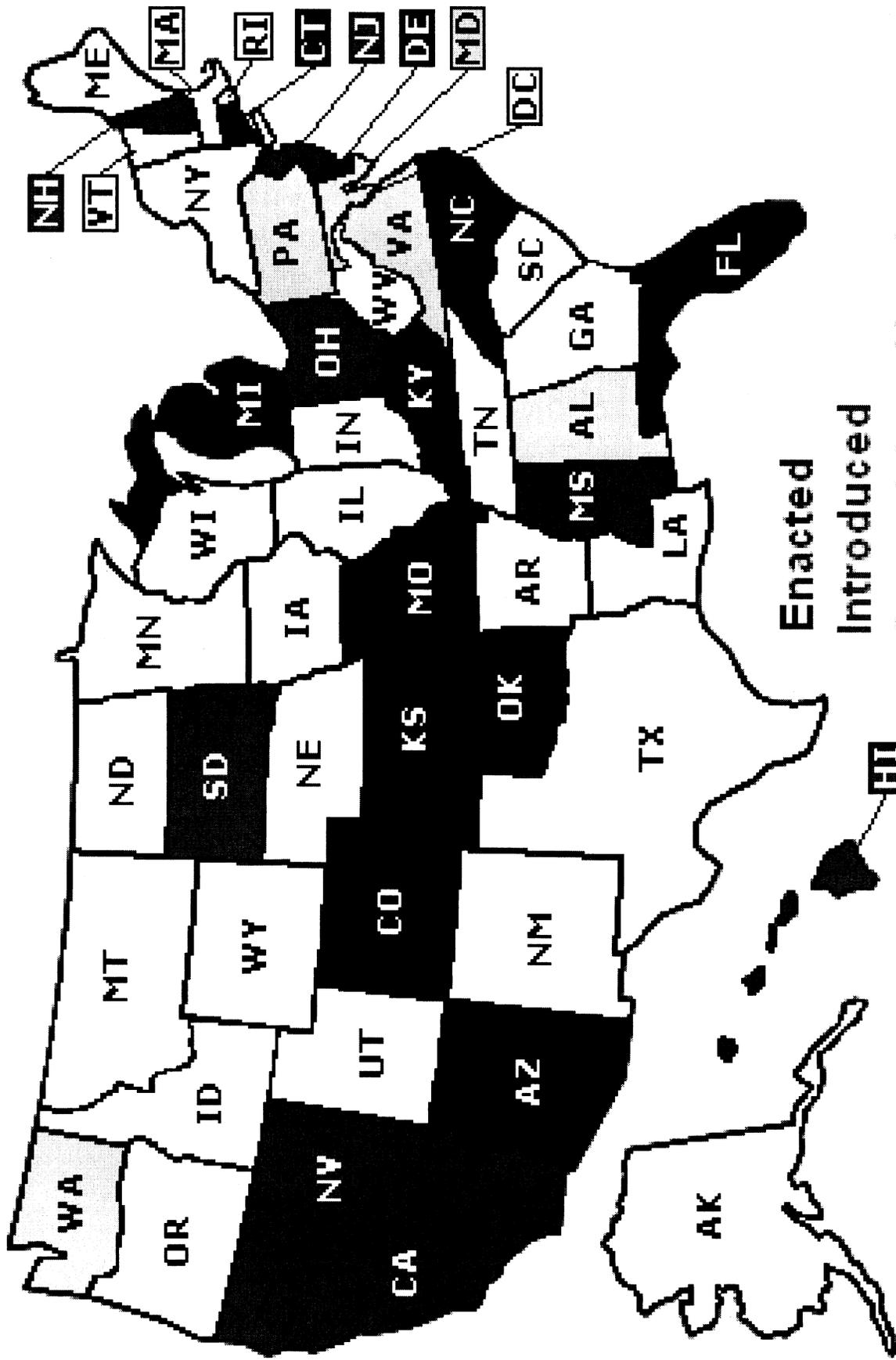
  
S.A.  
D.  
G.C.







## **Appendix H. U.S. Map Identifying States That Have Enacted the Interstate Compact**



Enacted  
Introduced  
Passed One Chamber  
Sent to Governor











**Appendix I. State-by-State Status**

Interstate Compact on Educational Opportunity for Military Children  
State-by-State Status

Updated November 3, 2008

State	Bill	Primary Sponsor	Status
Alabama	<a href="#">HB343</a>	Ford	Passed H; S awaiting 3 <sup>rd</sup> reading
Alaska			
Arizona			Signed by the Governor 4/28/08
Arkansas			
California	<a href="#">*AB 1809X</a>	Saldana, Lieu	Task force bill signed by the Governor, 8/22/08
Colorado			Signed by the Governor 6/05/08
Connecticut			Signed by the Governor 5/12/08
Delaware			Signed by the Governor 6/11/08
Florida			Signed by the Governor 6/23/08
Georgia	<a href="#">SB 345</a>	Harbison	Vetoed
Hawaii	<a href="#">HB3124 / HB3026</a> <a href="#">/*SB2877 x/</a> <a href="#">SB3046</a>	Say / Takai / Sakamoto / Hanabusa	In comm. / In comm. / Passed S as task force/ In comm.
Idaho			
Illinois	<a href="#">HB5368</a>	LaVia	Task force bill signed by Governor 7/16/08
Indiana			
Iowa			
Kansas			Signed by the Governor 4/9/08
Kentucky			Signed by the Governor 4/10/08
Louisiana			
Maine			
Maryland	<a href="#">*HB 784X / SB 457</a>	Kaiser / Astle	Task force bill signed by Governor, 5/13/08
Massachusetts			
Michigan			Signed by the Governor 6/11/08
Minnesota			
Mississippi	<a href="#">SB 2704</a>	Carmichael	Dead
Missouri			Signed by the Governor 6/11/08
Montana			
Nebraska			
Nevada	<a href="#">BDR 186</a>	Nolan	Pre-filed, 8/01/08

State	Bill	Primary Sponsor	Status
New Hampshire	<a href="#">**HB1261 AM</a>	Bedrick	Compact amendment failed
New Jersey	<a href="#">A2640 / S2297</a>	Smith / Allen	Ref'd to Military Affs / Intro'd & red'f to Edu Com
New Mexico			
New York			
North Carolina			Signed by the Governor 8/07/08
North Dakota			
Ohio	<a href="#">SB 351</a>	Spada	Intro'd 7/02/08
Oklahoma			Signed by the Governor 6/06/08
Oregon			
Pennsylvania	<a href="#">HB 2518</a>	Cohen	Passed H 9/07/08
Rhode Island			
South Carolina			
South Dakota	<a href="#">SB125</a>	Olson	Passed Edu comm. Session ended 3/17/08
Tennessee			
Texas			
Utah			
Vermont			
Virginia	<a href="#">HB 395</a>	Cole	Passed H; S carried over to 2009
Washington	<a href="#">*HB 2918 x/ SB 6426 x</a>	Wallace / Hobbs	Task Force bill signed by Governor
West Virginia			
Wisconsin			
Wyoming			
Amer. Samoa			
Dist. of Columbia			
Guam			
N. Mariana Is.			
Puerto Rico			
U.S. Virgin Islands			

\*X - Compact language removed  
\*\* AM - Compact language added





## Appendix J. Military Impacted School Districts

Districts that are directly connected to military installations

<b>Military Installation</b>	<b>School District</b>
Dyess AFB	Abilene ISD
Sheppard AFB	Burkburnett ISD
Ft. Bliss	El Paso ISD
Ft. Sam Houston	Ft. Sam Houston ISD
Ft. Hood	Killeen ISD
Lackland AFB	Lackland ISD
Randolph AFB	Randolph Field ISD
Goodfellow AFB	San Angelo ISD
Laughlin AFB	San Felipe – Del Rio ISD

Districts that serve military families who live near military installations

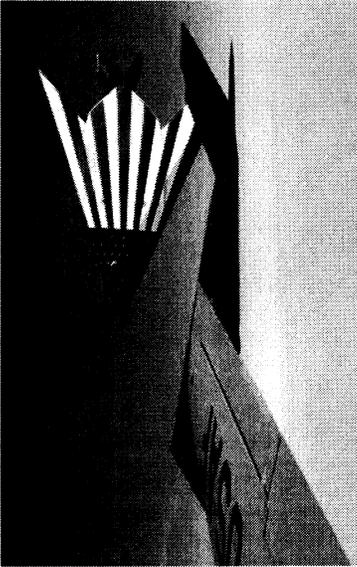
<b>Military Installation</b>	<b>School District(s)</b>
Dyess AFB	Merkel ISD, Hawley ISD, Wylie ISD
Sheppard AFB	City View ISD, Iowa Park ISD, Wichita Falls ISD
Ft. Bliss	Clint ISD, Canutillo ISD, Ysleta ISD, Socorro ISD
Ft. Sam Houston	Alamo Heights ISD, East Central ISD, Judson ISD, North East ISD, San Antonio ISD
Ft. Hood	Belton ISD, Copperas Cove ISD, Salado ISD, Florence ISD, Temple ISD, Gatesville ISD, Lampasas ISD
Goodfellow AFB	Wall ISD
Lackland AFB	Boerne ISD, Northside ISD, Medina Valley ISD, Southwest ISD
Laughlin AFB	Brackett ISD
Randolph AFB	Comal ISD, Judson ISD, North East ISD, Schertz-Cibolo UC ISD







**Appendix K. The Post-9/11 Veterans Education  
Assistance Act of 2008**



The Post- 9/11 GI Bill is a new benefit providing educational assistance to individuals who served on active duty on or after September 11, 2001.

**When Can I Receive Benefits under the Post-9/11 GI Bill?**

Post-9/11 GI Bill benefits are payable for training pursued on or after August 1, 2009. No payments can be made under this program for training pursued before that date.

**Am I Eligible?**

- At a minimum, you must have served at least 30 days of continuous active duty service after September 10, 2001 and be discharged due to a service-connected disability, or served an aggregate of 90 days of active duty service after September 10, 2001, and--
  - Be honorably discharged from Armed Forces; or
  - Be released from Armed Forces with service characterized as honorable and placed on the retired list, temporary disability retired list, or transferred to the Fleet Reserve or the Fleet Marine Corps Reserve; or
  - Be released from the Armed Forces with service characterized as honorable for further service in a reserve component; or
  - Be discharged or released from Armed Forces for:
    - o EPTS (Existed Prior to Service)
    - o HDSP (Hardship) or

- o CIWD (Condition Interfered with Duty); or
- Continue to be on active duty.

**If I am eligible for the Montgomery GI Bill (chapter 30), Montgomery GI Bill- Selected Reserve (chapter 1606,) or the Reserve Educational Assistance Program (chapter 1607), am I eligible for Post-9/11 GI Bill?**

You may elect to receive benefits under the Post-9/11 GI Bill if, on August 1, 2009, you have met the requirements to qualify for the Post-9/11 GI Bill and you are eligible for chapter 30, 1606, 1607, or are serving in the Armed Forces.

**How many months of assistance can I receive?**

Generally, you may receive up to 36 months of entitlement under the Post-9/11 GI Bill.

**How much will I receive?**

You are entitled to a percentage, as determined by your length of active duty service, of the following:

- Amount of tuition and fees charged, not to exceed the most expensive in-State undergraduate tuition at a public institution of higher education (paid to school);
- Monthly housing allowance equal to the basic allowance for housing (BAH) amount payable to a military E-5 with dependents, in same zip code as school \* (paid to you); and
- Yearly books and supplies stipend of up to \$1000\* per year (paid to you); and
- A one time payment of \$500 may be payable to certain individuals relocating from highly rural areas. (paid to you)

**\*NOTE**—Housing allowance and books and supplies stipend is not payable to individuals on active duty. Housing allowance is not payable for those pursuing training at half time or less or to individuals taking distance learning.

Individuals must serve an aggregate period of active duty after September 10, 2001, of:

Member Serves	Percentage of Maximum Benefit Payable
At least 36 months	100
At least 30 continuous days on active duty and discharged due to service-connected disability	100
At least 30 months, but less than 36 months	90
At least 24 months, but less than 30 months	80
At least 18 months, but less than 24 months	70
At least 12 months, but less than 18 months	60
At least 06 months, but less than 12 months	50
At least 90 days, but less than 06 months	40

**Examples:**

Tuition and Fees charged for full time: \$6700  
Highest In-State Tuition and Fees: \$7000

**Example 1:** If you served for three years on active duty and separated, and you are going to school full-time, in the above example you would be eligible for \$6700 for tuition and fees, the monthly housing allowance, and \$1000 for books and supplies.

**Example 2:** If you aggregated 12 months of active duty service in the guard or reserves, and were going to school full-time, you would be eligible for \$4020 (60% of \$6700) for tuition and fees, \$600 (60% of \$1000) for books and supplies

stipend, and 60% of the monthly housing allowance.

**How long am I eligible?**

You will be eligible for benefits for 15 years from your last period of active duty of at least 90 consecutive days. If you were released for a service-connected disability after at least 30 days of continuous service, you will also be eligible for benefits for 15 years.

**What does The Post-9/11 GI Bill cover?**

You may receive benefits for training programs approved for chapter 30 that are offered by an institution of higher learning. This includes graduate and undergraduate training, and vocational/technical training. You may also receive benefits for tutorial assistance and reimbursement of one licensing and certification test.

Additionally, if you were eligible for chapter 30, 1606 or 1607, and you elected to use benefits under the Post-9/11 GI Bill, you would be eligible to receive benefits for on-the-job training, apprenticeship training, correspondence courses, flight training, preparatory courses, and national exams.

**Can I transfer my entitlement to my dependents?**

If you are a member of the Armed Forces on August 1, 2009, the Department of Defense (DoD) may offer you the opportunity to transfer benefits to your spouse or dependent children. DoD and the Military Services will issue policy on use of transferability in the coming months.

Visit [www.GIBILL.VA.GOV](http://www.GIBILL.VA.GOV) for up to date information on this and other education benefits.

**DO NOT RELY SOLELY ON THE INFORMATION CONTAINED IN THIS PAMPHLET TO DETERMINE ELIGIBILITY.**

Department of Veterans Affairs  
Washington, DC

OFFICIAL BUSINESS  
Penalty for Private Use \$300



# The Post-9/11 Veterans Education Assistance Act of 2008

Factsheet 22-08-01  
July 2008

Veterans Benefits  
Administration







**Appendix L. TVC's Hazlewood Act:  
Frequently Asked Questions Brochure**

## WHAT IS THE TEXAS VETERANS COMMISSION?

The Texas Veterans Commission is a State agency that was created to serve the needs of our State's veterans. It is the purpose of the Texas Veterans Commission to serve Texas veterans, their dependents or survivors, in all matters pertaining to veterans' benefits and rights. The Texas Veterans Commission operates three programs: Claims Representation & Counseling; Veterans Employment Services; and Veterans Education. Through these programs, TVC assists veterans, their dependents and survivors with obtaining State and federal benefits, including compensation, pension, death benefits, employment assistance, educational assistance, hospitalization and outpatient care, as well as numerous other benefits and privileges. The chief aim of TVC is to serve and aid veterans, their families, their widows, orphans and dependent parents, in obtaining rights and benefits to which they may be entitled.

The Texas Higher Education Coordinating Board oversees and regulates the Texas Hazlewood Act. Contact them at:

P.O. Box 12788  
Austin, TX 78711-2788  
512-427-6456; 1-800-242-3062, Ext. 6456

## COLLEGE CHARGES COVERED

- What charges are covered?**  
The Hazlewood Act exempts qualified students taking classes at public institutions of higher education in Texas from all tuition and fee charges, but does not include property deposits or student services fees.
- What charges are not covered?**  
Books, supplies and living expenses are not covered, nor are property deposit and student services fees.
- What is the maximum amount of credit hours that can be attempted using the Hazlewood Act exemption?**  
A student using the Hazlewood benefit can attempt no more than 150 credit hours.

- How does the exemption work? Will I get a check in the mail for tuition?**  
The Hazlewood Act is an exemption from the payment of tuition and most fees. There is no money exchanging hands with this benefit. The institution the student attends absorbs the cost of tuition and some fees for that student.

## DEPENDENTS AND RESIDENCY

- Which dependents may qualify for Hazlewood Act benefits?**

Children of service members who are killed in the line of duty or who die as a result of injury or illness directly related to military service are eligible for Hazlewood Act benefits providing the child was a dependent of the Texas veteran parent at the time he/she died. The student will need to provide official military documentation indicating he/she meets the requirement.

Effective June 16, 2007, children of Texas service members who receive 100% VA disability benefits as a result of being individually unemployable are also eligible for Hazlewood Act benefits. The student will need to provide official documentation from the Department of Veterans Affairs indicating that the service member has a 100% individual unemployability rating. In addition, the child must have been a dependent of the service member when the service member sustained the disabling injury or when the service member was declared to be unemployable by the VA.

- Does the Hazlewood Act provide benefits to the spouses of veterans?**  
No. It only provides benefits to the dependent children noted in questions 5 and 10.

- Would a veteran who was a dependent when his/her parents moved to Texas and who shortly thereafter entered the service be eligible?**

To be eligible, the veteran must have been a resident of Texas at the time he/she enlisted. The residence of a dependent child is that of the parents, but parents who move to Texas would not be considered Texas residents for tuition purposes until they had been in the state 12 months. If a veteran, who, as a dependent, enlisted in fewer than 12 months after his/her parents moved to Texas, he or she would not have been a resident of Texas at the time of enlistment and is, therefore, not eligible for Hazlewood Act benefits.

- Does the dependent child of a deceased veteran using Hazlewood Act benefits have to be a Texas resident at the time he/she uses the benefit?**  
Yes. The dependent child must be classified by the institution of higher education as a resident of Texas for the term/semester for which he/she applies for the exemption.

- If the dependent child of a deceased veteran wants to use the Hazlewood Act benefit, must the parent have entered the service as a Texas resident?**  
Yes. The Hazlewood Act benefit was designed to provide assistance to Texas veterans and the dependent children of certain deceased Texas veterans.

- Can the dependent children of a member of the Texas National Guard use the Hazlewood benefit?**  
Yes. The Hazlewood Act benefit is extended to dependent children of Texas National Guardsmen and Texas Air National Guardsmen killed in the line of duty since January 1, 1946, while serving the State of Texas or the United States or who are totally disabled for purposes of employability according to the disability ratings of the Department of Veterans Affairs, regardless of whether the members are eligible to receive disability benefits from the department.

## DISABLED VETERANS

- Does the Hazlewood Act provide benefits to injured/disabled veterans?**

Yes. The Hazlewood Act is available to all veterans who meet the program requirements, regardless of injury or disability.

## DISCHARGE ISSUES

- Does a veteran have to show his/her DD214 to qualify?**

Though not required, the DD214 is the preferred form used by institutions. The veteran must provide official military documentation to prove eligibility for the Hazlewood Act exemption.

- I can't find my DD214. Where can I get a new copy?**

You can obtain a copy of your DD214 from the National Personnel Records Center in St. Louis, Missouri. The fastest way to obtain a copy is to submit your request via the NPRC website at [www.archives.gov/veterans/military-service-records/act-set-service-records.html](http://www.archives.gov/veterans/military-service-records/act-set-service-records.html). You can also make your request via mail by sending in a Standard Form 180, which can be obtained by calling the Texas Veterans Commission at 1-800-252-VETS (6387).

- What is acceptable discharge language related to the phrase "under honorable conditions"?**

Discharges that have been characterized as "honorable" or "general, under honorable conditions" are legally acceptable for qualifying for the Hazlewood Act exemption.

If other wording is used and you are unsure of its meaning, please contact the Texas Veterans Commission.



- My discharge is listed as "other than honorable." Can I use the Hazlewood exemption?**

No. You must have a discharge of "honorable" or "general, under honorable conditions." You can make a request to have your discharge status upgraded. For information, contact the Texas Veterans Commission.

- My military documents state I have an "honorable separation" as opposed to an "honorable discharge." Can I still qualify for Hazlewood Act benefits?**

Yes. In September 1996, the Texas Attorney General issued an opinion that military personnel honorably separated after being on active duty may qualify for the Hazlewood Act exemption if they meet other program requirements.

## LENGTH OF ACTIVE MILITARY DUTY

- Is the required amount of active service still 181 days? Are there any exceptions?**

The requirement is more than 180 days of active military service, excluding training, for the veteran. There are exceptions: veterans who completed all their duty prior to the conclusion of the Korean War; if the applicant is the dependent child of a veteran who dies in the line of duty, the active duty time of the veteran may be fewer than 181 days.

- If a veteran served less than 181 days of active duty service when he or she entered the service as a Texas resident, but had previously participated in active duty in the armed forces, could periods of service be combined to meet the 181-day requirement?**

Yes. The law requires more than 180 days of active duty excluding training. It does not indicate this duty time has to fall in the period of service after entering as a Texas resident.

## MILITARY DUTY ISSUES

- Can service in the Texas National Guard qualify an individual for Hazlewood Act benefits?**

No. The Hazlewood Act benefit is for veterans who served in the armed forces of the United States. The National Guard is a state unit. However, an individual in the National Guard who is called into active duty service by a branch of the United States Armed Forces who serves at least 181 days (excluding training) and

meets all other program requirements may qualify for Hazlewood Act benefits.

- Can men/women who served in Operation Desert Storm qualify for Hazlewood Act benefits?**  
Yes, as long as they meet all of the program requirements, including 181 days of active military duty, excluding training.

## RESIDENCY OF VETERAN

- Can a veteran whose place of entry is in another state qualify for Hazlewood Act benefits, if he/she was a Texas resident at the time of entry?**

Yes. The veteran must prove to the institution that he/she was a resident of Texas at the time of entry into military service.

- Does an individual have to be a U.S. citizen when he/she enters service in order to receive Hazlewood Act benefits?**

No. Effective with tuition and fee payments for spring 2008, U.S. citizenship is no longer a requirement. However, the veteran must be classified as a resident by the institution for the term or semester for which the veteran applies for the Hazlewood Act Exemption.

- If the veteran is now a Texas resident but was not a resident at the time of entering the service, can he/she qualify for Hazlewood Act benefits?**

No. The veteran must have been a resident of Texas at the time he/she entered military service.

- If someone entered the service from another state but then became a Texas resident, could he/she use the Hazlewood Act benefit?**

No. The veteran must have been a Texas resident at the time he/she entered military service.

- If someone from another state re-enlists after establishing residency in Texas, can he/she be eligible for Hazlewood Act benefits?**

Yes, but only if he/she was out of the military and living in Texas long enough to establish Texas residency (12 months). The person would then have to re-enter as a Texas resident and meet the 181-day active duty service requirement. If the person was in Texas simply because he/she was stationed here at the end of previous enlistment period, the time while stationed here does NOT



count toward the establishment of residence in Texas for the subsequent enlistment.

## STUDENT FINANCIAL AID

**26. Is financial need an eligibility requirement?**  
No. Hazlewood Act benefits are awarded regardless of financial need.

**27. If a Texas veteran has defaulted on an education loan through a loan program in another state, would he/she be eligible for an exemption?**

A default on a non-federal education loan authorized by the legislature of another state and administered by that state is not a basis for denying the Hazlewood Act benefit. A veteran who has defaulted on any federal education loan is disqualified from receiving Hazlewood Act benefits. A portion of the law indicates that defaulted loans made or guaranteed by the State of Texas also disqualify a veteran from Hazlewood Act benefits. This portion of the law relates to defaults on education loans authorized by the Texas Legislature and administered by the State of Texas. Currently, the state loans to which this provision applies are: Hison-Hazlewood Stafford Loans, Hinson-Hazlewood Health Education Loans (HELP), Hinson-Hazlewood College Access Loans (CAL), uninsured Texas Opportunity Plan Loans (TOP) and the Texas B-On-Time Student Loan administered by the Texas Higher Education Coordinating Board.

**28. Will individuals in default on a federal or state student loan be eligible to use the Hazlewood Act benefits for non-credit courses?**

If a veteran has a default, which would exclude him/her from Hazlewood Act benefits, that exclusion would apply no matter what types of classes are taken.

**29. If a veteran receives Hazlewood Act benefits and it is later discovered that he/she defaulted on an applicable federal or state loan, does he/she have to reimburse the school for the classes taken with the exemption?**

If the veteran signs a statement that he/she is not in default of any federal education loan or any education loan made or guaranteed by the State of Texas and is later found to be in default, the school can require repayment of tuition and appropriate fees.

**30. If a student is in default on a PLUS loan, can he or she receive Hazlewood Act benefits?**

PLUS loans are taken out

by the parents of students. If the parents default on their child's PLUS loan, the child is not in default. This default status does NOT have an impact on the student's eligibility for Hazlewood Act benefits.

**31. Is it possible to receive the Hazlewood Act benefits and federal VA educational benefits concurrently?**

Effective with tuition and fee payments for fall 2007, students may receive both benefits concurrently, if the federal VA benefits do not equal or exceed the Hazlewood exemption value. If the federal VA benefits do not equal or exceed the Hazlewood exemption value, the student may receive a Hazlewood exemption that equals the difference between the total tuition and fees (including student property deposit, student services, and all other fees) and the federal VA benefits. Students must provide copies of the official written notice (award letter) from the VA indicating the student's monthly rate of payment, the inclusive dates of payment, and the remaining entitlement at the end of the award period.

## TYPES OF COURSES COVERED

**32. Does the Hazlewood Act cover teacher certification fees?**

No. The teacher certification fee is not an institutional fee. It is a fee required by the State Board for Educator Certification and is paid directly to that board.

**33. Does the Hazlewood Act cover credit by examination?**

Yes. Since Texas Education Code 54.203 (a) refers to an exemption from "all dues, fees and charges..." the exemption would include charges for credit by examination.

**34. Will Hazlewood Act benefits pay for continuing education classes?**

Institutions are NOT required to offer Hazlewood Act benefits to veterans enrolled in continuing education classes for which the college or university receives no formula funding (tax support). However, the college or university may choose to permit this option.

**35. Can Hazlewood Act benefits be used for graduate school?**

Yes. Hazlewood Act benefits may be used for graduate studies, including law school or any other program of study at public institutions (other than continuing education) if the veteran has not

accumulated 150 credit hours using Hazlewood Act benefits since fall of 1995.

**36. Can veterans who are concurrently enrolled in more than one college or university (in the same semester) receive Hazlewood Act benefits for both schools?**  
Yes. But each college/university granting Hazlewood Act benefits must document the veteran's eligibility and must observe the 150-hour limit.

**37. Can the Hazlewood exemption be used to pay for courses taken via distance education (correspondence, web-based, ITV, etc.)?**

There is nothing in the Hazlewood statute that limits the means by which a course is being taught, although correspondence courses can ONLY be covered by the Hazlewood benefit if the course applies to the veterans' degree plan. An otherwise eligible student living in Texas who takes a distance education course from a Texas public institution of higher education could use the Hazlewood exemption. A student taking a class through distance education and living in another state generally cannot meet the program's residency requirement. The Hazlewood benefit requires students to be Texas residents at the time they use the program. However, an otherwise eligible person who is temporarily out of state but still classified by the institution as a resident could use the exemption for distance education courses.

**38. Are aircraft training courses covered by the Hazlewood Act?**

Yes, but each school must decide the extent to which this is true. The governing board of a junior or community college may establish a fee for extraordinary costs associated with a specific course or program such as flight training, diesel mechanics or other classes in which fees are higher than that of a normal class.

## RECORDING INFORMATION

**39. What information will be made available upon signing the release form?**

All students using the Hazlewood Act benefit are required to sign a release form, which allows the Texas Higher Education Coordinating Board, along with any institution the veteran may attend, access to the number of credit hours attempted in the current and previous years.

**40. How will the Hazlewood credit hours attempted be tracked and recorded?**

The governing board of each institution shall report to the Texas Higher Education Coordinating Board information relating to each individual receiving an exemption from

## TEXAS VETERANS COMMISSION Contact Information

State Headquarters Office  
P.O. Box 12277  
Austin, Texas 78711-2277  
Toll-Free Veterans' HOTLINE:  
1-800-252-VETS

### Claims Representation & Counseling

(512) 463-5538  
Email: info@tvc.state.tx.us  
Fax (512) 475-2395

### Veterans Employment Services

(512) 463-6826  
Email: VetJobs@tvc.state.tx.us

### Veterans Education

Toll-Free Information:  
1-877-898-3833  
Local: (512) 463-3168  
Fax: (512) 463-3932  
Email: VetsEd@tvc.state.tx.us

You may visit our website for contact information for the State Veterans Claims Centers, Veterans County Service Offices, Veterans Employment Representatives (DVOP/ILVER) and Veterans Education Program Specialists.  
[www.tvc.state.tx.us](http://www.tvc.state.tx.us)



The Texas Veterans Commission does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or providing services.

Comments concerning veterans' programs or delivery of services may be addressed to:

Texas Veterans Commission  
P.O. Box 12277  
Austin, Texas 78711-2277



TEXAS VETERANS  
COMMISSION

EDUCATION BENEFITS  
FOR TEXAS VETERANS

HAZLEWOOD  
ACT:

Frequently  
Asked Questions

JANUARY  
2008

Prepared by the  
TEXAS  
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Comal County Commissioners Court  
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Dr. Marco Montoya  
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Family Violence Prevention Services  
Fort Hood  
Fort Sam Houston  
HNTB Corporation  
Jennie Costilow  
Kendall County Commissioners Court  
Lackland AFB  
Lackland ISD  
Mama Bexar Rescue Center  
Members & Staff, Texas Senate Committee on Veteran Affairs & Military Installations  
Military Impacted Schools Association  
Military Transformation Task Force  
Military Warriors Support Foundation  
National Conference of State Legislatures  
Operation Homefront  
Randolph Field ISD  
Real Estate Council of San Antonio  
Returning Heroes Home  
San Antonio Water System  
Senator John Carona and staff  
Texas A&M University Health Science Center College of Medicine at Round Rock  
Texas Association of Federally Impacted Schools  
Texas Coalition of Veterans Organization  
Texas Comptroller of Public Accounts

Texas Council of Community Mental Health and Mental Retardation Centers  
Texas Department of State Health Services  
Texas General Land Office/Texas Veterans Land Board  
Texas Health and Human Services Commission  
Texas Higher Education Coordinating Board  
Texas House Research Organization  
Texas Military Forces  
Texas Military Preparedness Commission  
Texas Online  
Texas Parks and Wildlife Department  
Texas Senate Research Center  
Texas Sunset Advisory Commission  
Texas Traumatic Injury Advisory Council/Brain Injury Alliance of Texas  
Texas Veterans Commission  
Texas Workforce Commission  
The American Legion  
The Center for Health Care Services  
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The City of Kingsville  
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Val Verde County Commissioners Court  
Veterans County Service Officers Association of Texas  
Vietnam Veterans of America

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