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***STATEMENT OF  
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BEFORE THE  
HOUSE VETERANS' AFFAIRS COMMITTEE  
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY  
MARCH 25, 2014***

Chairman Flores, Ranking Member Takano and Members of the Subcommittee:

Thank you for inviting DAV to submit testimony for this legislative hearing of the House Veterans' Affairs Subcommittee on Economic Opportunity. As you know, DAV is a non-profit veterans service organization comprised of 1.2 million wartime service-disabled veterans dedicated to a single purpose: empowering veterans to lead high-quality lives with respect and dignity. DAV is pleased to be here today to present our views on the bills under consideration by the Committee.

**H.R. 2942, To amend title 38, United States Code, to reestablish the Professional Certification and Licensure Advisory Committee of the Department of Veterans Affairs.**

H.R. 2942 would reauthorize the Department of Veterans Affairs (VA) Professional Certification and Licensure Advisory Committee and extend its operational authority to December 31, 2019.

The Committee would advise the Secretary with respect to the requirements of organizations or entities offering licensing and certification tests to individuals for which payment for such tests may be made under chapter 30, 32, 33, 34, or 35 of title 38 and such other related issues as the Committee determines to be appropriate.

Members of the Committee would be appointed by the Secretary, without regard to the prior composition of the Committee.

DAV does not have a resolution on this issue and has no position on this legislation.

**H.R. 3056, the Warriors' Peer-Outreach Pilot Program Act**

H.R. 3056, would direct the Secretary of Veteran Affairs to carry out a three-year pilot program to place peer counselors providing outreach and support services to veterans utilizing Post-9/11 GI Bill benefits under Chapter 33. The pilot would provide peer-outreach and peer-support services to students veterans of Operation Enduring Freedom, Operation Iraqi Freedom,

and Operation New Dawn at one four-year public university, one community college and one private non-profit college. Peer counselors must either be using, or have successfully used, their entitlement to educational assistance under Chapter 33.

The program also looks to pair veterans with peers of similar service and educational pursuits to establish an immediate relationship, someone not only familiar with the military service, but with experience utilizing their own Chapter 33 benefits. A preference would be given to those potential peer counselors that have served in combat operations, with special consideration given to veterans who have recovered or are recovering from a mental health condition. The bill seeks to maximize supportive services to post-9/11 veterans to ensure their successful completion of their educational goals.

The Secretary would be required to provide training to the veterans employed by the pilot program and to develop requirements and measures for assessing the effectiveness of program services. The program would also make as a condition of implementation at an institution of higher learning the employment of a post-9/11 veteran that has used or is using benefits under Chapter 33. For a school to be eligible to participate, they would need to provide office space with the capability for veterans to use information technology equipment and appropriate information technology support services for the individual who will provide peer-outreach and peer-support services at such institution.

DAV does not have a specific resolution on this bill, but does not oppose its favorable consideration.

### **H.R. 3614, the Military Skills to Careers Act**

H.R. 3614, the Military Skills to Careers Act, would make grants to states that agree to adhere to certain standards in how they implement their professional licensing and certification programs.

In order to be eligible for a grant, a state would be required to issue licenses or credentials to veterans without requiring them to undergo any training or apprenticeship if the veteran receives a satisfactory score on completion of the state's required examination, has been awarded a military occupational specialty that is substantially equivalent to or exceeds the requirements of the state for the issuance of the license or credential; has engaged in the active practice of the occupation to be licensed or certified for at least two of the five years preceding the date of application; and pays any fees required by the state for the license or credential.

The legislation would allow the Secretary to waive some of these requirements if the state certifies to the Secretary that it already takes into account previous military training for the purposes of issuing licenses or credentials; permits veterans to completely satisfy through examination any training or testing requirements for a license or credential with respect to which a veteran has previously completed military training; and for any credential or license for which a veteran is unable to completely satisfy such requirements through examination, substantially reduces training time required to satisfy such requirement based on the military training received by the veteran.

States would be required to submit annual reports to VA about their licensing and credentialing programs for veterans with a description of the results of these exams, disaggregated by occupational field.

DAV supports H.R. 3614 in accordance of DAV National Resolution No. 168, which calls for states to establish a clear process so military training meets civilian certification and licensure requirements once they leave the military.

**H.R. 4031, the Department of Veterans Affairs Management Accountability Act of 2014**

H.R. 4031, the Department of Veterans Affairs Management Accountability Act of 2014, would provide the Secretary with a new authority to remove any individual from the Senior Executive Service if the Secretary determines the performance of the individual warrants such removal. The Secretary would be able to remove the individual completely from federal service or transfer the individual to a General Schedule position at any grade the Secretary determines appropriate.

DAV agrees that the Secretary must have the ability to hold all employees accountable for performing their duties in order to ensure that veterans receive all of the benefits and service they have earned from their service. We have long advocated that VA must place accountability at the core of its efforts to reform the claims processing system and end the backlog. While H.R. 4031 is intended to provide the Secretary with new tools to remove employees, the Secretary recently testified that he already has sufficient tools to hold all of his employees fully accountable and it is not clear how this legislation would interact with VA's existing accountability and due process statutes affecting VA employees. DAV is also concerned about the potential for adverse impact of this legislation on VA's ability to hire and retain quality employees.

DAV has no specific resolution on this proposal and has no position on this legislation.

**H.R.4037, the Improving Veterans' Access to Vocational Rehabilitation and Employment Act of 2014**

H.R. 4037, the Improving Veterans' Access to Vocational Rehabilitation and Employment Act of 2014, would make changes to eligibility and prioritization rules for veterans seeking Vocational Rehabilitation and Employment (Voc Rehab) services.

Section 2 of the bill would create a new metric that determines the percentage of veterans "rehabilitated to the point of employability." This percentage would be calculated by dividing the number of veterans who complete their rehabilitation plans each year into the number of veterans participating in vocational rehabilitation programs during that year plus the number entitled to participate in the program.

DAV has no specific resolution on this proposal but would not oppose its favorable consideration. While this new metric would provide information about the percentage of

veterans completing their rehabilitation plans, we would also ask that VA refine its metric for assessing how many veterans are “rehabilitated” and gainfully employed as a result. Currently VA’s standard measure requires that a veteran retain employment for just 60 days in order to be considered a successful “rehabilitation;” we would suggest that the length of employment should be tracked and measured at long intervals, such as six months or one year.

Section 3 of this bill would require that all education and training courses paid for by VR&E be approved courses for purposes of existing VA education support programs under Chapter 30 and 33. While this would remove some of the burden facing VR&E counselors in determining appropriate courses and providers for veterans, we are concerned that it could unnecessarily limit the ability of veterans to receive appropriate training and education at non-approved locations. Although there is a waiver provision contained in this section, it is unclear how and when waivers should be granted, as well as whether the waiver would be authorized at the local level, or whether Central Office approval would be required. This additional administrative function has the potential to create additional obstacles in efficiently administering the VR&E program.

We have greater concerns about the impact of this provision in relation to courses and training that would be considered under the Independent Living (IL) program. Participants within this program often require more specialized and unique services that may fall outside those typically authorized by VA’s educational programs. This provision could significantly restrict a VR&E counselor’s ability to approve the unique courses and training required by IL participants, who are not anticipated to be looking for work anytime in the near future. IL’s goal is to improve the quality of their lives, and VR&E needs wide latitude to accomplish this noble mission.

DAV recommends that the Committee work with VA and veterans organizations to refine this language to ensure that VR&E retains sufficient flexibility to meet both participants and programmatic needs.

Section 4 of this bill would allow veterans to receive assistance under the Specially Adapted Housing (SAH) program when it is determined by VR&E that the veteran has need for these services due to the disability or disabilities that entitled them to vocational rehabilitation services. This provision would leave the facilitation and implementation of needed home adaptations to the VA office most familiar with the administration of this program.

DAV has no resolution on this proposal but would not oppose its favorable consideration.

Section 5 of the bill would authorize the Secretary to create a priority system for processing veterans applications for vocational rehabilitation services. In determining “priority processing,” the Secretary would consider the need of the applicant, including income, disability evaluations, severity of employment handicaps, whether the veteran is eligible for IL services and income. The construct of this provision is similar to how VA provides priority to certain claims for disability compensation and pension. While we understand the desire to “prioritize” work, we would remind the Subcommittee that VR&E has yet to reach its intended counselor to client ratio of 1:125. Without adequate staffing and resources, it is unlikely they will be able to

keep pace with current and future demands, regardless of any efficiencies that might be gained through prioritizing their work-load.

DAV has no resolution on this proposal but would not oppose its favorable consideration.

Section 6 of this bill would change the definition of “serious employment handicap,” one of the criteria used to determine if veterans are entitled to receive vocational rehabilitation services. Under this new definition, the bar to receive services would be raised for veterans with disability evaluations rated 10 percent and veterans seeking access to services beyond the 12 year eligibility period, resulting in a significant number of veterans losing their entitlement to receive this valuable assistance.

Essentially, this provision would restrict access to vocational rehabilitation services by imposing more stringent requirements upon those veterans necessitating a Serious Employment Handicap (SEH) determination to receive access to service. The current definition of “serious employment handicap” is “...a significant impairment, resulting in substantial part from a service-connected disability rated at 10 percent or more, of a veteran’s ability to prepare for, obtain, or retain employment...” If this section were enacted, that definition would change to “...a significant impairment, resulting from the service-connected disability, that is directly related to the veteran's ability to prepare for, obtain, or retain employment...”

In accordance with DAV National Resolution No. 001, DAV strongly opposes this section because it would effectively remove one of the most valuable benefits currently available to thousands of disabled veterans seeking to transition into civilian employment.

#### **H.R.4038, the Veterans Benefits Administration Information Technology Improvement Act of 2014**

H.R. 4038 would require the Secretary of Veterans Affairs, to the maximum extent possible, to make improvements to VBA’s information technology (IT) systems to ensure that all original and supplemental claims for veterans educational assistance are adjudicated electronically, and processed using a rules-based method. The bill would require the Secretary to reduce redundancy and inefficiencies by ensuring that payments of subsistence allowance for veterans participating in this program are processed and paid out of only one corporate IT system. The Secretary would also be required to enhance the IT system supporting veterans participating VA’s educational programs to ensure more accurate accounting of services and outcomes.

Although DAV has no specific resolution on this proposal, we are not opposed to its favorable consideration.

#### **H.R. 4147, the Student Veterans IT Upgrade Act**

H.R. 4147, the Student Veterans IT Upgrade Act, would require VA to study and report on the current status and future plans for the IT system used to administer educational services. This provision would require VA’s Chief Information Officer, in coordination with the Deputy

Under Secretary for Economic Opportunity, would be required to submit this report in 180 days to the Committees on Veterans' Affairs of the Senate and the House of Representatives. The report would include VA's current plan to update these IT systems, a detailed implementation plan, and a financial analysis of the costs involved.

DAV has testified on several occasions before the House Veterans' Affairs Subcommittee on Economic Opportunity regarding the current state of VR&E's IT infrastructure, which lacks adequate capacity and capability. In its present state, it does not allow veterans to file claims for vocational rehabilitation benefits and services electronically. We have recommended that rather than continue to patch and upgrade the current Corporate Winston-Salem, Indianapolis, Newark, Roanoke, Seattle (CWINRS) system, that VR&E be integrated into the Veterans Benefit Management System, and we would recommend that any forward looking IT plan for VBA take this approach for all business lines.

Although DAV has no specific resolution on this proposal, we are not opposed to its favorable consideration.

#### **H.R. 4150, the Veterans Employment and Training Service Longitudinal Study Act of 2014**

H.R. 4150 would authorize a long-term longitudinal study to examine the effectiveness of the job counseling, training and placement services for veterans provided by the Veterans Employment and Training Service (VETS) in the Department of Labor. The study would be performed by a non-government entity over a period of at least five years, using a statistically valid sample of veterans who have received services, as well as those who did not seek or receive any services from VETS.

The provision specifies a number of questions that the longitudinal study must address, and includes one question about whether the veteran participated in a VA vocational rehabilitation program. We would recommend that additional questions be included about the effectiveness of the VR&E program services in order to increase the value of this research.

Although DAV has no specific resolution on this proposal, we do not oppose its favorable consideration.

#### **H.R. 4151, the Veterans Education Survey Act of 2014**

H.R. 4151 would require the Secretary to contract with a non-government entity to conduct a survey of individuals who have received or are receiving educational assistance under on of VA many education programs under chapters 30, 32, 33, and 35 of title 38, United States Code. The purpose of the survey would be to provide insights into how veterans accessed, used, valued and benefited from VA education programs. The survey, which could be done electronically, must be completed no later than 180 days after VA enters into the contract. We would recommend that additional questions be included about the VR&E education and training program services in order to increase the value of this research.

Although DAV has no specific resolution on this proposal, we do not oppose its favorable consideration.

Mr. Chairman, this concludes our testimony.