

***STATEMENT FOR THE RECORD OF
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OF THE
DISABLED AMERICAN VETERANS
BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES
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Chairman Miller, Ranking Member Filner and Members of the Committee:

On behalf of the Disabled American Veterans (DAV) and our 1.2 million members, all of whom are wartime disabled veterans, I am pleased to offer our statement for the record on three bills under consideration today.

H. R. 2433 - Veterans Opportunity to Work Act of 2011

This bill addresses several areas important to veterans. Section 101 establishes a three-year retraining program, providing up to 12 months of monthly compensation for eligible veterans. To be eligible, veterans must be between 35 and 60 years of age and pursue education or training through an accredited community college or technical school that leads to either an associate's degree or certification in a high-demand civilian occupation. Special consideration will be given to those veterans who have been unemployed for at least 26 continuous weeks.

This program sounds similar to the Service Members Occupational Conversion and Training Act (SMOCTA), which was established in 1993 in response to the downsizing of the military and its impact on veterans, particularly those who had no readily transferable skills. SMOCTA provided assistance in the form of reimbursements to employers to offset the cost of training recently separated service members. It also provided funds for assessments, development of training plans, and supportive services for trainees.

This provision is in concert with the intent of DAV Resolution No. 100, which supports efforts to eliminate employment barriers that impede the transfer of military job skills to the civilian labor market.

Section 201 would require the Secretaries of Labor, Defense, Homeland Security, and Veterans Affairs to contract with businesses that provide Transition Assistance Program (TAP) participants with counseling, employment and training opportunities and other services as they plan to leave their respective branches of the military. While TAP participants should be provided the best in both information and delivery of services during this important time, we are also aware that contracts have been let by the Departments of Defense, Labor and Veteran Affairs to modernize their segments of this program.

While we appreciate the interest in further improvements to this program, requiring that TAP be contracted out may be too prescriptive at this time. Therefore we recommend mandates

to contract out these services be held in abeyance until such a time that the changes currently underway can be fully assessed.

Section 202 would make participation in TAP mandatory for all military service members except for urgent operational requirements. This is in line with DAV Resolution No. 230, which acknowledges the criticality of TAP attendance for military personnel being discharged from the service. The Department of Defense (DOD) has generally been opposed to mandatory attendance. This opposition should be overcome by this section's additional language, which provides waivers in the face of operational requirements. While the Services naturally have their focus on their mission, an equally strong case can be made that making TAP attendance mandatory may make the transition to civilian employment smoother and reduce the unemployment benefits that DOD would otherwise have to pay.

In accordance with DAV Resolution 304, we would also recommend that this section be amended to include mandatory attendance for members of the National Guard and Reserve, who are not typically afforded the opportunity to attend.

Section 203 would require contractor-provided reports on course participation. As with section 201, while we appreciate the interest in further improvements to this program, this requirement may be too prescriptive at this time. Therefore, we recommend mandates to have contractor-provided reports be held in abeyance until such a time that the changes currently underway can be fully assessed.

Section 204 directs the Secretaries of Labor and Defense to track how long TAP participants are unemployed after leaving the military, their initial salaries, or how long they attend college or a technical school during the first 12 months after discharge. Although DAV does not have a resolution on this matter, we are not opposed to its favorable consideration. Tracking data such as this may provide valuable insights into current and future course structure and methods of instructions.

Section 301 would reauthorize and mandate the licensure and certification demonstration project that was recommended in title 38, Section 4114. The Veterans Benefits, Health Care and Information Technology Act of 2006 asked, but did not require, that the Department of Labor (DOL) Assistant Secretary for Veterans' Employment and Training carry out a demonstration project that would identify the equivalencies between at least 10 military occupational specialty-related skills and civilian occupations, as well as ways to eliminate barriers between military training and civilian licensure or credentialing for those military occupational specialties. This section of H.R. 2433 would adjust the parameters of the demonstration project to evaluate at least five but not more than 10 military specialties.

The important distinction of making such a demonstration project mandatory is critical as our nation searches for ways to reduce the unemployment rates that afflict our veterans. This provision is in line with DAV Resolution No. 100, which supports efforts to eliminate employment barriers that impede the transfer of military job skills to the civilian labor market.

Section 302 would modify the reporting requirements of the DOL with the addition of data on veteran job counseling, training, placement programs and earnings as well as those who participated in an education, certificate or licensure course of study. While DAV does not have a resolution on this matter, we are not opposed to adoption of this provision.

Section 303 would require DOL, in concert with state workforce agencies, to implement new performances measures to evaluate the priority of services provided to eligible veterans as compared to the overall customer base. The further clarification and reporting to ensure priority of service is in line with DAV Resolution 234, which addresses the role of Disabled Veterans' Outreach Program Specialists (DVOPS) and Local Veterans' Employment Representatives (LVERs).

Section 304 establishes a requirement that all those who completed a course of study provided by the National Veterans' Employment And Training Services Institute be given a pass/fail final exam and the results of the exam provided to the organization that employs the participants. DAV has no resolution on this matter.

Section 305 directs the establishment of a three-year pilot program to assist unemployed veterans with skills training leading to qualification for employment. Up to 10 states that have the highest national unemployment rates could participate in the program. While this pilot program may provide important assistance to unemployed veterans, it would do so at the expense of DOL's state grants program, which funds DVOPS and LVERs. Specifically, it would allow participating states to use up to 25 percent of state grant funding to cover the cost of the pilot program. This means that the 10 states with the highest unemployment levels could reduce DVOP and LVER staff funding by 25 percent in order to provide the training.

In accordance with DAV Resolution 101, which calls for adequate funding for all veterans' employment and training programs, we would recommend that this section be amended to exclude funding from state grant programs and provide additional funding to support this pilot program.

Section 306 mandates that the sole duty of DVOPS and LVERs will be to assist eligible veterans in finding suitable employment. In addition, audits will be performed on a regular basis to ensure this is the case. DAV has long held that DVOPS and LVERs have been placed in the difficult position of wanting to assist veterans but being directed to perform other tasks such as working on public assistance related programs, including food stamps. DAV supports this provision, which is in line with DAV Resolution 234.

Section 307 directs the DOD and DOL to enter into a contract to complete the DOD/DOL Credentialing Work Group study with a focus on reducing barriers to certification and licensure for transitioning members of the military as well as veterans.

DAV has long been concerned with the issue of the transferability of military training into the civilian job market. It is our view that DOD provides critical training to active duty personnel to ensure their proficiency in the military specialty. Unfortunately, while this training meets the needs of the military, it does not meet the licensure or certification needs of the states

in which service members wish to live and work once they leave the military. Additional information on how to improve upon the employment prospects of veterans is welcome. This provision is in line with DAV Resolution No. 100, which supports efforts to eliminate employment barriers that impede the transfer of military job skills to the civilian labor market.

Section 401 clarifies the employment benefits covered under the Uniformed Services Employment and Reemployment Rights Act (USERRA). USERRA protects service members' reemployment rights when returning from a period of service in the uniformed services, including those called up from the reserves or National Guard, and prohibits employer discrimination based on military service or obligation. This section would stipulate that such protections extend to any advantage that is earned as a result of that employment to include rights and benefits offered by employers.

We recommend this section be amended to include medical treatment for service-connected conditions in accordance with DAV Resolution 141. While USERRA requires employers to release employees to perform military duty, and employers are required to make reasonable accommodations regarding these disabilities, currently employers are not specifically required by law to allow veterans with service-connected disabilities to be absent from the workplace to receive treatment for these disabilities. Amending this section to expand employment protections would resolve this discrepancy.

Section 501 extends the Department of Veterans Affairs' (VA's) loan guaranty program for an additional ten years for the purchase or construction of cooperative housing units. Programs to provide cooperative housing are an important resource in the multifaceted effort to end veterans' homelessness. Therefore, in accordance with DAV Resolution 223, we support the extension of the guaranty of loans for the purchase or construction of cooperative housing.

Section 502 reauthorizes the Homeless Veterans Reintegration Program (HVRP). The HVRP is an important program focusing on employment of homeless veterans, which provides assistance for those with significant problems including substance-use disorder, PTSD, serious social problems and legal issues. In accordance with DAV Resolution 223, we support this provision to provide sustained funding to improve services for homeless veterans.

H.R. 1941 – Hiring Heroes Act of 2011

This bill provides enhancements to several programs impacting veterans.

Section 2 provides a two-year extension, from December 31, 2012 to December 31, 2014, of a program that provides rehabilitation and vocational benefits to severely wounded members of the Armed Forces under the Wounded Warrior Act.

Extending this benefit provides service members with disabilities important assistance in identifying the training requirements and resources they may need in order to achieve their rehabilitation and employment goals.

This is line with DAV Resolution No. 307, which supports strengthening of the Vocational Rehabilitation and Employment (VR&E) program to meet the demands of disabled veterans.

Section 3 would expand the authority of the VA to pay employers to provide on-the-job training to veterans who have not been rehabilitated to the point of employability. Presently, the VA can make payments to employers for providing on-the-job training to veterans who have been rehabilitated to the point of employability in individual cases when it is determined that these payments are necessary help a veteran obtain needed on-the-job training or to begin employment. This provision extends this flexibility to veterans who have not been rehabilitated to the point of employability. Although DAV has no applicable resolution, we are not opposed to its passage.

Section 4 would provide up to an additional 24 months of vocational rehabilitation and employment services to veterans who have exhausted *both* these benefits *and* state-provided unemployment benefits and begin the new additional vocational rehabilitation program within six months of the date that the unemployment benefits begin. DAV has no applicable resolution but is not opposed to its passage.

Section 5 of the measure requires VA to engage, on a periodic basis for up to one year, with each veteran who has participated in its VR&E program, to determine whether the veteran is employed. This provision is in line with DAV Resolution No. 307, which calls for VR&E to provide for placement follow-up with employers for at least six months.

Section 6 of this measure would make participation in TAP mandatory for all military service members, as does Section 202 of H.R. 2433. DOD has generally been opposed to mandatory attendance in the past. Opposition to this section of the bill could be overcome by amending it to include additional language which provides waivers of service members' attendance in the face of operational requirements. Mandatory attendance is in line with the intent of DAV Resolution No. 230, which recognizes the importance of TAP and the Disabled Transition Assistance Program for those servicemembers transitioning to civilian status.

Section 7 would require the DOL to contact all TAP participants twice over a 180-day period to determine their employment status. Although DAV does not have a resolution on this matter, we are not opposed to its favorable consideration.

Section 8 creates a competitive grant program for nonprofit organizations that provide mentorship and job training programs that are designed to lead to job placements. Although DAV does not have a resolution on this matter, we are not opposed to its passage.

Section 9 requires that each service member receive an individualized assessment of jobs they may qualify for when they participate in TAP. Although DAV does not have a resolution on this matter, the provision could benefit transitioning servicemembers. Therefore, we are not opposed to its favorable consideration.

Section 9 also requires the DOD, the DOL and VA to jointly contract for a study to identify any equivalencies between military occupational specialty-related skills and the qualifications required for various positions of civilian employment in the private sector. Then all those participating in TAP will be provided an individualized assessment of their military occupation as it relates to civilian employment opportunities.

This provision is in concert with the intent of DAV Resolution No. 100, which supports efforts to eliminate employment barriers that impede the transfer of military job skills to the civilian labor market.

Section 10 modifies federal hiring practices to encourage the hiring of separating service members and would allow them to begin the federal employment application process prior to separation. This is in line with the intent of DAV Resolution 305, which supports veterans' preference in public employment.

Section 11 would authorize DOL Veterans Employment and Training Service to conduct outreach efforts through DVOPS and LVERs to unemployed veterans and assist them in finding employment. While DAV does not have a resolution on this matter, we are not opposed to its favorable consideration.

Section 12 would direct DOD to establish a pilot program to provide separating service members, who are on terminal leave, work experience with civilian employees and contractors of the DOD to facilitate the transition of those members from service in the Armed Forces to employment in the civilian labor market. DAV has no resolution on this matter but is not opposed to its adoption.

Section 13 directs, as does H. R. 2433, Section 301, that DOL conduct a licensure and certification demonstration project. The important distinction of making such a demonstration project mandatory is critical as our nation searches for ways to reduce the unemployment rates that afflict our veterans. This provision is in line with DAV Resolution No. 100, which supports efforts to eliminate employment barriers that impede the transfer of military job skills to the civilian labor market.

H. R. 169

This bill would require the Secretary of Veterans Affairs to include on the main page of the VA's website a hyperlink to the VetSuccess website and to publicize the website. DAV has no resolution on this matter but is not opposed to its passage.

Mr. Chairman, this concludes my testimony.