

**STATEMENT FOR THE RECORD OF
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OF THE
DISABLED AMERICAN VETERANS
BEFORE THE
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES
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Mr. Chairman and Members of the Subcommittee:

On behalf of the Disabled American Veterans (DAV), a non-profit organization comprised of 1.2 million service-disabled veterans focused on building better lives for America's disabled veterans and their families, I am pleased to offer our statement for the record on the bills under consideration today.

H.R. 3329, Vet Success Enhancement Act of 2011

H.R. 3329 would amend section 3103, title 38, United States Code, to extend the eligibility period for veterans to enroll in vocational rehabilitation programs from the current twelve-year period to fifteen-years.

The Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment's (VR&E's) VetSuccess program assists veterans with service-connected disabilities in preparing for, finding and keeping jobs suitable to their skill sets. For veterans with severe service-connected disabilities that impact their ability to immediately work, other services are offered to help them live as independently as possible. Veterans are eligible for VR&E's VetSuccess program if they have an other than dishonorable discharge as well as a service-connected disability rating of at least 10 percent, or a memorandum rating of 20 percent or more from the VA. The VetSuccess program is also open to active duty military who expect they will be separated with an honorable discharge and who also have a memorandum rating of 20 percent or more from the VA.

Under current law, the basic period of eligibility for VetSuccess cannot exceed 12 years from either the date of separation from active duty, or the date the veteran was notified by VA of their service-connected disability rating. This 12-year eligibility period can only be extended if a Vocational Rehabilitation Counselor determines that a veteran has a serious employment handicap.

We certainly appreciate the intent to extend the eligibility period offered by this legislation, but in accordance with DAV Resolution No. 222, we would recommend it be amended to completely remove any time limit for eligibility to VR&E benefits for qualified disabled veterans. Despite efforts to keep veterans informed of their benefits, not all disabled veterans are aware of their possible entitlements to VR&E programs at the time they are awarded

service connection for disabilities. Many veterans do not necessarily see themselves as needing vocational rehabilitation until later in life, which often occurs after the 12-year eligibility rule excludes them from the benefit. Just as VA puts no time limit on when a veteran may submit a claim for disability compensation, we assert that there should be no time limit for access to VR&E benefits either. Moreover, removing the time limits on eligibility could also help reduce the backlog of disability compensation claims since veterans seeking VR&E benefits after 12 (or even 15) years have passed would not have to submit new claims, or reopen old ones, in hopes of being granted a new service connection to once again make them eligible for VR&E benefits.

Although passage of H.R. 3329 would be a positive step forward, DAV recommends that the legislation be amended to remove any delimiting period for eligibility to VR&E benefits.

H.R. 3483, Veterans Education Equity Act of 2011

H.R. 3483, the Veterans Educational Equity Act of 2011, would provide equity under the Post-9/11 G.I. Bill to veterans attending college who do not meet residency requirements at public schools.

The Post-9/11 G.I. Bill offers veterans of the current conflicts the opportunity to further their education. Recent changes allow veterans attending private schools to receive up to \$17,500 in tuition and fee payments from VA. However, those attending public schools are only entitled to receive the highest in-state tuition and fee payments, regardless of whether or not they meet residency requirements for the state. As a result, many who do not qualify for in-state tuition face significant out-of-pocket costs to attend the public school of their choice, as opposed to those who chose education to attend private school that may nearly be fully financed. If adopted, this bill would extend the \$17,500 reimbursement cap for student-veterans attending public schools who do not meet residency requirements for in-state tuition.

Although DAV does not have a specific resolution pertaining to this legislation, we are not opposed to its favorable consideration.

H.R. 3524, Disabled Veterans Employment Protection Act

H.R. 3524 would extend Uniformed Services Employment and Reemployment Rights Act (USERRA) protections – including retention, seniority and benefits – to covered individuals who are absent from employment for medical treatment of a service-connected disability. The bill would allow employees taking such leave to either take unpaid leave or they could choose to use any vacation, annual, medical, or similar leave with pay that accrued prior to their medical treatment. The bill would limit the application of this Act to periods of absence for not more than 12 workweeks during any 12-month period.

Currently under USERRA, employers are required to make reasonable accommodations for disabled veterans; however, employers are not specifically required by law to allow veterans with service-connected disabilities to be absent from the workplace to receive medical treatment for them.

DAV strongly supports passage of H.R. 3524, consistent with DAV Resolution 197, which calls for extending job protections under USERRA to cover employee leaves of absence due to medical treatments related to service-connected disabilities.

H.R. 3610, Streamlining Workforce Development Programs Act of 2011

H.R. 3610 would consolidate federal job training programs in an effort to improve their effectiveness and reduce costs. The bill would consolidate 33 of the 47 federal job training programs into several block grant funds for distribution to the states. The Workforce Investment Funds would provide job training services to adults, unemployed workers, and youth seeking employment. The State Youth Workforce Investment Fund would assist disadvantaged youth with a focus on school completion. The Veterans Workforce Investment Fund would deliver employment and training services to veterans. Lastly, the Targeted Populations Workforce Investment Fund would assist special populations such as Native Americans and seasonal farm workers. The legislation would require state and local leaders to set “common performance measures” for all employment and job training programs and an independent evaluation of DOL programs every five years. Governors would determine the workforce areas that best serve their states and use the various block grants accordingly. States would then submit one statewide workforce development plan to the federal government for all job training and related programs.

DAV has concerns about the effect such a consolidation would have on veterans’ jobs and training programs administered by the DOL Veterans Employment and Training Service. Although DAV has long been concerned about the effectiveness of the DOL’s ability to effectively manage veterans’ employment and training programs, we do not believe that H.R. 3610 would create a more effective or accountable program to help our nation’s veterans find meaningful employment. Instead, DAV supports alternate legislation, H.R. 4072, which would move DOL’s current veteran employment programs into the VA, in order to create greater collaboration and synergy with related VA programs, such as the Vocational Rehabilitation and Employment and the Education services. As such, DAV does not support passage of H.R. 3610.

H.R. 3670

H.R. 3670 would amend the Aviation and Transportation Security Act to require the Transportation Security Administration (TSA) to fully comply with USERRA when making and carrying out personnel decisions. When TSA was established to address aviation security following the attacks of September 11, 2001, Congress allowed transportation security officers to be included in a select category of federal employees considered vital to national security, and therefore exempt from USERRA. As a result, TSA employees who may be called up from reserve to active duty status do not enjoy all of USERRA’s job protections to prevent them from suffering loss as a result of their service. Although TSA claims to have adopted some of the USERRA protections voluntarily, this legislation would apply the full USERRA protections to all TSA employees.

Consistent with the intent of DAV Resolution 213, DAV supports passage of H.R. 3670 in order to ensure that veterans, including disabled veterans, do not suffer employment losses as a result of continued service in our nation’s armed forces.

H.R. 4048, Improving Contracting Opportunities for Veteran-Owned Small Businesses Act of 2012

H.R. 4048 would amend Section 8127 of title 38, United States Code, to require VA to include the value of goods and services procured through the Federal Supply Schedule (FSS) when determining whether they are meeting the goals established for contracting with veteran-owned and service-disabled veteran-owned businesses (SDVOSBs). The FSS is comprised of large contracts negotiated by the General Services Administration that allow federal customers, including VA, to purchase more than four million products and services from over 8,000 commercial suppliers. Although VA as a matter of practice is currently including FSS purchases in its current annual reporting under Section 8127, this legislation would codify this practice for this and future Administrations.

DAV does not have a resolution specific to this issue; however, we are not opposed to the passage of this legislation as it could prove beneficial to disabled veteran business owners.

H.R. 4051, TAP Modernization Act of 2012

H.R. 4051 would direct the Secretary of Labor to establish a three-year pilot program to provide Transition Assistance Program (TAP) training at off-base locations within three to five states having the highest rates of veteran unemployment. The selection of locations within each of the chosen states would have to be done at a sufficient number of locations to meet the needs of the state's specific population. While the purpose of the pilot program is to offer TAP at locations other than military installations, and thereby eliminate some of the obstacles and restrictions inherent in such locations, it could be offered at a National Guard or reserve facility as long as that facility is not located on an active duty military installation. Annual reports from the Secretary of Labor would be required each year by March 1, and following completion of the pilot program, the Government Accountability Office (GAO) would be required to evaluate and report to Congress on the feasibility of expanding the pilot program to other locations nationwide.

DAV has long supported expanded access to TAP for all military personnel, including members of the National Guard and Reserves as detailed in Resolution No. 217. Consistent with the intention of this resolution, DAV supports passage of H.R. 4051 to further extend access to this important benefit.

H.R. 4052, Recognizing Excellence in Veterans Education Act of 2012

H.R. 4052 would establish an honorary award within the VA to recognize institutions of higher learning that provide superior services to veterans, based upon specified criteria established by the Secretary.

DAV has no resolution on this matter and has no position on this legislation.

H.R. 4057, Improving Transparency of Education Opportunities for Veterans Act of 2012

H.R. 4057 would direct VA to develop a comprehensive policy to improve outreach and transparency to help educate veterans and members of the Armed Forces about institutions of higher learning that they may be interested in attending. The legislation is designed to provide veterans considering enrolling in such institutions with information to guide their decisions, including the creation of a mechanism to allow veterans access to feedback from students as well as State Approving Agencies. The legislation would also require VA to conduct a market survey to determine whether an off-the-shelf online tool exists to help veterans in making decisions about postsecondary education and training opportunities.

DAV has no resolution on this matter and has no position on this legislation.

H.R. 4072, Consolidating Veteran Employment Services for Improved Performances Act of 2012

H.R. 4072 would essentially move the Veterans Employment and Training Service (VETS) from the Department of Labor (DOL) to the VA, placing it inside the Veterans Benefits Administration (VBA). The bill would transfer all current functions, personnel, assets, and liabilities under the following programs from DOL to VA:

- Job counseling, training, and placement services for veterans under chapter 41 of title 38, United States Code.
- Employment and training of veterans under chapter 42 of such title.
- Administration of employment and employment rights of members of the uniformed services under chapter 43 of title 38.
- Homeless veterans reintegration programs under chapter 20 of such title.

Funding for these programs, which is currently requested as part of DOL's budget, would become part of VA's annual budget request. A new Deputy Under Secretary for Veterans' Employment and Training would be established within VA to oversee these functions, along with any other employment, unemployment, and training programs affecting veterans. This legislation would also consolidate the current positions of Local Veterans' Employment Representative (LVER) and Disabled Veterans Outreach Program (DVOP) Specialist into a new position called Veterans Employment Specialist. Current LVERs and DVOPs, who are employed directly by states, would be retained and reclassified to these new positions. Although their basic job functions would remain the same, rather than having LVERs work only with non-disabled veterans and DVOPs work only with disabled veterans, all Veterans Employment Specialists would be responsible for assisting all veterans. However, in performing their work, Veterans Employment Specialists would provide priority of service to disabled veterans as required by current law. Further, states would be required to give hiring preference for these positions to disabled veterans first, then to non-disabled veterans before non-veterans.

DAV has long been concerned about the effectiveness of the DOL's veteran employment and training programs. Both GAO and DOL's Office of Inspector General Office (OIG) have found numerous areas of concern over the years related to outreach, seamless transition, internal

controls, and the measuring and reporting of performance goals and outcomes for veterans, yet such problems remain. Management problems at VETS and continuing high veteran unemployment rates further raise doubts about the effectiveness of DOL's VETS program. At the same time, VA has been expanding its focus on employment as evidenced by the Vocational Rehabilitation service's change to the Vocational Rehabilitation and Employment Service (VR&E), as well as the recent establishment of the position of Deputy Under Secretary for Economic Opportunity responsible for VR&E, Education and Home Loan Guaranty services.

In this environment, DAV supports passage of H.R. 4072 with the following recommendation to strengthen the intent of the legislation. Rather than create a new Deputy Under Secretary within VBA, DAV recommends that a new Under Secretary for Economic Opportunities be created to oversee a new Veterans Economic Opportunities Administration (VEOA), consisting of the transferred VETS programs, along with the existing VR&E and Education services. Creation of this fourth administration with VA would help to increase collaboration and synergy amongst VA's employment, training and education programs benefiting veterans. In addition, it would allow VBA to keep its focus on the enormous challenge of transforming the broken claims processing system in order to reduce, and eventually eliminate, the staggering backlog of pending claims.

In addition, DAV would urge the Committee to ensure that as this legislation moves forward, it retain and strengthen, whenever possible, the priority of providing services to disabled veterans, and the preference for hiring disabled veterans, within VA's employment programs and VA in general. Furthermore, it is vital that federal funding for veterans employment programs be protected, which may require the creation of new line items within VA's budget submission.

Mr. Chairman, this concludes my testimony.