EXECUTIVE SUMMARY ON PENDING LEGISLATION:
H.R. 3329, H.R. 3483, H.R. 3610, H.R. 3670, H.R. 3524,
H.R. 4048, H.R. 4051, H.R. 4052, H.R. 4057, and H.R. 4072

The American Legion supports H.R. 3329. The American Legion believes service members and veterans do not understand their eligibility to VR&E services and the benefits of the program until later in life when they become so disabled that their disabilities create an employment barrier and, by, changing section 3103 of title 38, United States Code, veterans will be given ample opportunity to pursue these benefits in a reasonable time frame. The American Legion supports H.R. 3483. The American Legion believes the current law unintentionally burdens a significant number of America’s service members and veterans, requiring them to pay out-of-pocket thousands of dollars in nonresidential tuition rates. This legislation is absolutely essential to thousands of veterans who were promised funding for their college education. The American Legion opposes H.R. 3610. Key provision of this legislation is to address the overlapping programs provided by the federal government to veterans; however, it does little, if anything, to address the differences in eligibility, objectives, and service delivery to their respective clients, in this case, America’s veterans.

The American Legion supports H.R. 3670. The American Legion believes as an agency of the United States government, TSA has a responsibility to fully comply with the law, and, according to USERRA, to be a “model employer” in the protection of employment and reemployment rights of our nation’s veterans and Reservists.

The American Legion supports H.R. 3524. The American Legion believes there is a need to clarify and strengthen USERRA to require employers to accommodate the absences of service-connected veterans for medical services. The American Legion supports H.R. 4048. The American Legion believes any regulations, policies, and procedures disseminated by the VA that deny SDVOSB / VOSB their contracting preference and priority as defined by the United States Court of Federal Claims is a violation of law; furthermore, enforcement of the rule of law is vital to Department of Veterans Affairs compliance. The American Legion supports H.R. 4051. The American Legion believes H.R. 4051 allows for veterans and their spouses to be better informed on education, employment and business opportunities once they transition into the civilian workforce; as well as provide information on military occupations that require licenses, certificates, or other credentials at the local, state, or national levels.

The American Legion has no position on H.R. 4052. The American Legion supports H.R. 4057. The American Legion believes that transparency which provides enough information to the decision maker(s) to allow service members and veterans to make fully-informed decisions about institutions of higher learning can help to mitigate some of the issues associated with this choice, and help to ensure that their choice which is in line with their goals and objectives. The American Legion supports H.R. 4072. The American Legion supports placing all DOL-VETS programs dedicated to serving veterans under Department of Veteran Affairs; in turn, increasing the coordination between the various education, rehabilitation and employment programs whose goals are to enable veterans to successfully compete in the workforce.
STATEMENT OF
STEVE L. GONZALEZ, ASSISTANT DIRECTOR
NATIONAL ECONOMIC COMMISSION
THE AMERICAN LEGION

BEFORE THE

SUBCOMMITTEE ON ECONOMIC OPPORTUNITY
COMMITTEE ON VETERANS’ AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES

ON

PENDING LEGISLATION:
H.R. 3329, H.R. 3483, H.R. 3610, H.R. 3670, H.R. 3524,

MARCH 8, 2011
Chairman Stutzman, Ranking Member Braley and distinguished Members of the Subcommittee:

On behalf of the 2.4 million members of The American Legion I thank you for this opportunity to submit The American Legion’s views on the legislation being considered by the Subcommittee today. We appreciate the efforts of this Subcommittee to address the different needs of the men and women who are currently serving and those who served during past conflicts.

**H.R. 3329**

*To amend title 38, United States Code, to extend the eligibility period for veterans to enroll in certain vocational rehabilitation programs.*

The number of service members, National Guard, and reservists who separate from active duty with service-connected disabilities has risen as a result of the engagement of the U.S. Armed Forces in Iraq and Afghanistan. The program’s purpose is to counsel and rehabilitate veterans, with an emphasis on employment and independent living. The program provides comprehensive services and assistance to enable veterans with service-connected disabilities and employment handicaps to achieve maximum independence in daily living, to become employable, and to obtain and maintain suitable employment.

However, the period of eligibility for VA Vocational Rehabilitation and Employment (VR&E) benefits is 12 years from the date of separation from the military or the date the veteran was first notified by VA of a service-connected disability rating. Many service members and veterans do not understand their eligibility to VR&E services and the benefits of the program until later in life when they become so disabled that their disabilities create an employment barrier and, by, changing section 3103 of title 38, United States Code, veterans will be given ample opportunity to pursue these benefits in a reasonable time frame.

*The American Legion supports this bill.*
H.R. 3483: Veterans Education Equity Act of 2011

To amend title 38, United States Code, to provide equity for tuition and fees for individuals entitled to educational assistance under the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs who are pursuing programs of education at institutions of higher learning, and for other purposes.

Currently, the Post 9-11 Veterans’ Educational Improvements Assistance Act capped the education benefit amount for veterans who enroll in private schools at $17,500 and limited the education benefit for those who enroll in public schools to the amount charged for resident tuition and fees. The Veterans’ Education Equity Act of 2011 would remedy this inequality and allow all veterans to receive up to $17,500 in education benefits. However, if in-state tuition exceeds $17,500, the bill would cover the full cost of tuition.

The current law unintentionally burdens a significant number of America’s service members and veterans, requiring them to pay out-of-pocket thousands of dollars in nonresidential tuition rates. This legislation is absolutely essential to thousands of veterans who were promised funding for their college education. Already numerous veterans have had to drop out, transfer, or assume tremendous financial burdens due to the recent change in law. This legislation is vital to give all veterans an equal opportunity to afford the school of their choice.

The American Legion supports this bill.

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

The Streamlining Workforce Development Programs Act of 2011 (H.R. 3610), aims to consolidate and streamline redundant and ineffective Federal workforce development programs to increase accountability, reduce administrative bureaucracies and put Americans back to work. The legislation consolidates 33 programs into 4 funding streams or Workforce Investment Funds and, is as follows:

- A Workforce Investment Fund, which would provide formula funding to states for job training services to adults, unemployed workers, and youth seeking employment. The bill authorizes $4.3 billion annually for fiscal years (FYs) 2013-2018;

- A State Youth Workforce Investment Fund, which would provide formula funds to states to serve the nation's disadvantaged youth, with a focus on school completion. The bill authorizes $1.9 billion annually for FYs 2013-2018;

- A Targeted Populations Workforce Investment Fund, which would provide formula funds to states for assistance to special populations, including Native Americans and migrant and seasonal farm workers. The bill authorizes $581 million annually for FYs 2013-2018; and
• A Veterans Workforce Investment Fund, which would provide formula funds to states for employment and training services to U.S. veterans. The bill authorizes $218 million annually for FYs 2013-2018.

In comparison to the other three investment funds, the Veterans Workforce Investment Fund will be underfunded, ill-equipped, and a disservice to America’s service members and veterans utilizing this program to reenter the workforce. Even though the key provision of this legislation is to address the overlapping programs provided by the federal government, it does little, if anything, to address the differences in eligibility, objectives, and service delivery to their respective clients, in this case, America’s veterans.

**The American Legion opposes this bill.**

**H.R. 3670**

*To require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act*

Uniformed Services Employment and Reemployment Rights Act (USERRA) became law in 1994 in an effort to protect military reservists’ civilian employment when they are called on to serve the nation in a full-time capacity. In the Post-9/11 era, operation tempos have increased dramatically, and reserve forces, to include the National Guard, have been called on regularly to serve both at home and abroad as an operational force. USERRA is designed to protect the employment of these service members as they serve by requiring employers to retain the positions of reservists who have been called to active duty. However, due to a loophole in the law, there is one employer who is exempt from these provisions: the United States Transportation Security Administration (TSA).

As an agency of the United States government, TSA has a responsibility to fully comply with the law, and, according to USERRA, to be a “model employer” in the protection of employment and reemployment rights of our nation’s veterans and Reservists.

**The American Legion supports this bill.**

**H.R. 3524**

*To amend title 38, United States Code, to provide certain rights for persons who receive treatment for illnesses, injuries, and disabilities incurred in or aggravated by service in the uniformed services, and for other purposes.*

During the war in Iraq and Afghanistan, more veterans are returning to the United States with disabilities such as traumatic brain injury and Post-Traumatic Stress Disorder, or PTSD. While people with these disabilities do not necessarily show physical signs of injury, these conditions are still considered disabilities under the Washington Law Against Discrimination (WLAD), RCW 49.60. The WLAD also prohibits discrimination based on disability.
Reemployment rights have been a source of struggle between employers and returning service members for a long time. The House Committee on Veterans’ Affairs often hears about veterans’ struggling to obtain employment. But for those who do have a job and are deployed, they often return to find themselves unemployed. Anecdotally, the House Committee on Veterans’ Affairs has been informed that employers don’t want to deal with deployments, have spent time and resources training temporary staff, and may not want to reemploy the service member for other reasons; USERRA enforcement helps alleviate these concerns.

Veterans and military personnel face a number of issues when returning to civilian life. The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) is a federal law designed to protect military personnel with respect to their civilian careers. Specifically, the Act intends to ensure that military personnel (1) are not disadvantaged in their civilian careers because of their military service; (2) are promptly reemployed in their civilian jobs upon their return from military duty; and (3) are not discriminated against in employment based on past, present, or future military service.

However, USERRA does not require employers to allow veterans with service-connected disabilities to be absent from the workplace to receive treatment for their disabilities and therefore may often be the target of employment discrimination. There is a need to clarify and strengthen USERRA to require employers to accommodate the absences of service-connected veterans for medical services.

The American Legion supports this bill.

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

To amend title 38, United States Code, to clarify the contracting goals and preference of the Department of Veterans Affairs with respect to small business concerns owned and controlled by veterans.

America has benefited immeasurably from the service of its 22 million living veterans, who have made great sacrifices in the defense of freedom, preservation of democracy, and the protection of the free enterprise system. Due to the experience veteran’s gain in the military, the success rate of veteran-owned businesses is higher than non-veteran-owned businesses. The current Global War on Terror has had a devastating impact on the Armed Forces and has exacerbated this country’s veterans’ unemployment problem, especially within the National Guard and Reserve components. According to the most current federal data available, veterans owned 2.4 million businesses. Another 1.2 million firms were at least 50 percent veteran owned1 within the fifty states and District of Columbia. According to this survey, veteran-owned and co-owned firms accounted for 13.5 percent of all non-farm businesses in the United States, employed 11 million people (4.9 percent of total U.S. employment) and generated $1.655 trillion in receipts.2

1 http://web.sba.gov/faqs/faqIndexAll.cfm?areaid=24
The barriers to entry for small businesses are numerous: weak policies and rules that limit the effectiveness of tools that are supposed to facilitate contracting opportunities; inadequate workforce training to help contracting officers, small business advocates, and program offices to successfully use contracting tools; and a lack of coordination among and accessibility to agency training and outreach events designed to help small businesses navigate the contracting system. Action must be taken to remove these barriers and ensure small businesses get access to federal contracts. The American Legion fully understands and support Title 38 section 8127 and 8128 does not automatically award VA government contracts to SDVOSB / VOSB; however, when qualified SDVOSB / VOSB are being overlooked or ignored by the VA this is cause for great concern.

VA and SBA should develop a comprehensive partnership to assist veterans who are interested in participating in federal procurement, with each department utilizing their resources to ensure proper implementation. As interpreted by Federal Court, the VA is mandated by law to purchase all products and services from SDVOSB / VOSB as mandated by the Veteran First law, as long as those SDVOSB / VOSB meet both the legal and contract requirements. Any regulations, policies, and procedures disseminated by the VA that deny SDVOSB / VOSB their contracting preference and priority as defined by the United States Court of Federal Claims is a violation of law.

The American Legion supports this bill.

**H.R. 4051: TAP Modernization Act of 2012**

To direct the Secretary of Labor to provide off-base transition training, and for other purposes.

Unfortunately, many of the thousands of service members who are currently leaving the service are from combat arms and non-skilled military specialties. These military acquired skills are not readily transferable to the civilian labor market. However, these individuals do possess significant skills in the areas of leadership, strategic planning, risk assessment, and management. These are skills that any employer would find beneficial to accomplishing their organizational goals.

Annually, the Department of Defense (DOD) discharges approximately 160,000 service members. New delivery methods and innovative ways are needed to reach America’s service members through the Transition Assistance Program (TAP). H.R. 4051 allows for veterans and their spouses to be better informed on education, employment and business opportunities once they transition into the civilian workforce; as well as provide information on military occupations that require licenses, certificates, or other credentials at the local, state, or national levels.

The American Legion supports this bill.

**H.R. 4052: Recognizing Excellence in Veterans Education Act of 2012**
To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish an honorary Excellence in Veterans Education Award.

The American Legion has no position on this bill.

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

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning, and for other purposes.

In 1945, The American Legion helped pave the way for affordable post-secondary education with the passage of the first GI Bill. In 2009, the Post-9/11 GI Bill brought a new era of assistance for a new generation of service members and veterans to pay for post-secondary education.

The Post-9/11 GI Bill has changed the role of an institution in administering benefits. Tuition and fee benefits under the Post-9/11 GI Bill are paid directly to the post-secondary institution, while the monthly housing allowance, books and supplies stipend, and rural relocation payment are paid directly to the student by the Department of Veterans Affairs (VA). The VA determines student eligibility and works with the School Certifying Official (SCO) at each post-secondary institution to have the student’s enrollment certified and administer benefits. Because the tuition and fee portion of the benefit is paid directly to the post-secondary institution, institutions have the information necessary to identify Post-9/11 GI Bill beneficiaries.

Since the Post-9/11 GI Bill went into effect in August 2009, there has been dramatic growth in both the number of beneficiaries and benefits payments under the program. In fiscal year 2010, over $5 billion in education benefits were expended for the Post-9/11 GI Bill alone. An additional $3 billion supported the other remaining education benefit programs administered by the VA. The increase in beneficiaries and federal dollars expended has led to demand for more information for: (1) veterans and military service members looking to use their educational benefits; and (2) policymakers to assess the effectiveness of benefits programs and return on investment.

Currently, there are some data collection mediums in its infancy stages (e.g., Scorecard); while there are others who have done extremely well at data collection (e.g., College Navigator and College Portrait) who has been able to capture total estimated costs; student demographics; student success and progress; and educational outcomes; allowing you to be an informed consumer when choosing your post-secondary institution. Contrary to popular belief, transparency is not a vile word, but rather a word and action that will provide enough information that the decision maker(s) can mitigate the adverse effect of potential decisions, in this case, choosing the appropriate post-secondary institution.

The American Legion supports this bill.
H.R. 4072:
Consolidating Veteran Employment Services for Improved Performance Act of 2012

To amend title 38, United States Code, to improve employment services for veterans by consolidating various programs in the Department of Veterans Affairs, and for other purposes.

Many of the benefits and services provided to the men and women now leaving active duty are rooted in programs and organizations established in the closing days of World War II, more than half a century ago. Since that time, profound changes have occurred in the Nation and the armed services and in the individuals who served in uniform. Our country’s economic and social environments have changed dramatically; however, the policy and operational direction governing the provision of employment services to veterans remain from an earlier era. Service members and veterans’ employment services, as they are now constituted, organized, and delivered, will not be adequate or effective for helping service members and veterans find jobs in the 21st century.

If priority of service is intended to enhance a veteran’s probability of securing civilian employment as he/she transitions from the military, then the emphasis must be placed on priority for delivering services at the time of transition.

The American Legion supports placing all DOL-VETS programs dedicated to serving veterans under Department of Veteran Affairs; in turn, increasing the coordination between the various education, rehabilitation and employment programs whose goals are to enable veterans to successfully compete in the workforce. Veterans’ employment services need to be totally reengineered to meet the new reality of a highly automated, integrated, and customer-focused environment. Components of federal programs must be better integrated and consolidated to better serve transitioning veterans, as well as those dealing with disabilities or facing employment barriers. Furthermore, The American Legion finds that divided responsibility for employment assistance of veterans leaves neither DOL nor VA fully and completely accountable because neither has ultimate control over program success or failure. As such, veterans will be served better if DOL-VETS were placed under the management of the Department of Veterans Affairs.

The American Legion supports this bill.

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