LEGISLATIVE HEARING ON 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

HEARING

BEFORE THE

SUBCOMMITTEE ON ECONOMIC OPPORTUNITY (EO)

OF THE

COMMITTEE ON VETERANS' AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

SECOND SESSION

THURSDAY, MARCH 8, 2012

Serial No. 112–49

Printed for the use of the Committee on Veterans' Affairs

U.S. GOVERNMENT PRINTING OFFICE

73–293 WASHINGTON : 2013

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

COMMITTEE ON VETERANS' AFFAIRS

JEFF MILLER, Florida, *Chairman*

CLIFF STEARNS, Florida
DOUG LAMBORN, Colorado
GUS M. BILIRAKIS, Florida
DAVID P. ROE, Tennessee
MARLIN A. STUTZMAN, Indiana
BILL FLORES, Texas
BILL JOHNSON, Ohio
JEFF DENHAM, California
JON RUNYAN, New Jersey
DAN BENISHEK, Michigan
ANN MARIE BUERKLE, New York
TIM HUELSKAMP, Kansas
MARK E. AMODEI, Nevada
ROBERT L. TURNER, New York

BOB FILNER, California, *Ranking*
CORRINE BROWN, Florida
SILVESTRE REYES, Texas
MICHAEL H. MICHAUD, Maine
LINDA T. SÁNCHEZ, California
BRUCE L. BRALEY, Iowa
JERRY McNERNEY, California
JOE DONNELLY, Indiana
TIMOTHY J. WALZ, Minnesota
JOHN BARROW, Georgia
RUSS CARNAHAN, Missouri

HELEN W. TOLAR, *Staff Director and Chief Counsel*

SUBCOMMITTEE ON ECONOMIC OPPORTUNITY (EO)

MARLIN A. STUTZMAN, Indiana, *Chairman*

GUS M. BILIRAKIS, Florida
BILL JOHNSON, Ohio
TIM HUELSKAMP, Kansas
MARK E. AMODEI, Nevada

BRUCE L. BRALEY, Iowa, *Ranking*
LINDA T. SÁNCHEZ, California
TIMOTHY J. WALZ, Minnesota

Pursuant to clause 2(e)(4) of Rule XI of the Rules of the House, public hearing records of the Committee on Veterans' Affairs are also published in electronic form. **The printed hearing record remains the official version.** Because electronic submissions are used to prepare both printed and electronic versions of the hearing record, the process of converting between various electronic formats may introduce unintentional errors or omissions. Such occurrences are inherent in the current publication process and should diminish as the process is further refined.

CONTENTS

March 8, 2012

Page

Legislative Hearing on 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 1

OPENING STATEMENTS

Chairman Marlin A. Stutzman 1
Prepared Statement of Chairman Stutzman 38
Hon. Bruce L. Braley, Ranking Democratic Member 2
Prepared Statement of B. Braley 38
Hon. Gus M. Bilirakis 3
Hon. Timothy J. Walz 4
Hon. G. K. Butterfield 5
Prepared Statement of G. K. Butterfield 39

WITNESSES

Mr. Richard F. Weidman, Executive Director for Policy and Government Affairs, Vietnam Veterans of America 7
Prepared Statement of Mr. Weidman 40
Mr. Ryan M. Gallucci, Deputy Director, National Legislative Service, Veterans of Foreign Wars of the United States 9
Prepared Statement of Mr. Gallucci 55
Mr. Steve L. Gonzalez, Assistant Director, National Economic Commission, The American Legion 11
Prepared Statement of Mr. Gonzalez 60
Executive Summary of Mr. Gonzalex 65
Mr. Jason R. Thigpen, Co-Founder and President, Students Veterans Advocacy Group 12
Prepared Statement of Mr. Thigpen 66
Executive Summary—Student Veterans Advocacy Group 68
The Hon. Steve Gunderson, President and CEO, Association of Private Sector Colleges and Universities (APSCU) 24
Prepared Statement of Hon. Gunderson 69
Executive Summary of Hon. Gunderson 72
Dr. Allen L. Sessoms, President, University of the District of Columbia, On Behalf of: American Association of State Colleges and Universities (AASCU) 26
Prepared Statement of Dr. Sessoms 73
Mr. Curtis L. Coy, Deputy Under Secretary for Economic Opportunity, Veterans Benefits Administration, U.S. Department of Veterans Affairs 30
Prepared Statement of Mr. Coy 74
Accompanied by:

Mr. C. Ford Heard, Associate Deputy Assistant Secretary for Procurement Policy, Systems and Oversight Office of Acquisitions, Logistics and Construction
Mr. John Brizzi, Deputy Assistant General Counsel, Office of General Counsel

MG Ronald G. Young USA (Ret.), Director, Family and Employer Program and Policy, U.S. Department of Defense 32
Prepared Statement of MG Ronald G. Young 78
Mr. Ismael "Junior" Ortiz, Deputy Assistant Secretary, Veterans' Employment and Training Service, U.S. Department of Labor 33
Prepared Statement of Mr. Ortiz 79

Page

STATEMENTS FOR THE RECORD

Hon. Mike McIntyre (NC 07) 83
U.S. Transportation Security Administration 83
Mr. Terry "T.P." O'Mahoney, Chairman, Texas Veterans Commission 85
Dr. R. Scott Ralls, President, North Carolina Community College System 87
Iraq and Afghanistan Veterans of America 90
Disabled American Veterans 93
Paralyzed Veterans of America 96
Wounded Warrior Project (WWP) 101

MATERIAL SUBMITTED FOR THE RECORD

Letters to Hon. G. K. Butterfield (NC-01) 102
Letter from Eric K. Shinseki, Secretary, Department of Veterans Affairs to The Honorable Marlin Stutzman 105

LEGISLATIVE HEARING ON 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

Thursday, March 8, 2012

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY,
Washington, D.C.

The Subcommittee met, pursuant to call, at 10:00 a.m., in Room 334, Cannon House Office Building, Hon. Marlin A. Stutzman [Chairman of the Subcommittee] presiding.

Present:Representatives Stutzman, Bilirakis, Johnson, Braley, and Walz.

Also Present: Representative Butterfield.

OPENING STATEMENT OF CHAIRMAN MARLIN STUTZMAN

Mr. STUTZMAN. Good morning and welcome, everyone, to the Subcommittee on Economic Opportunity, a Subcommittee of the Veterans' Affairs Committee.

Today we will receive testimony on the following bills: H.R. 3329 introduced by our colleague, Ms. Linda Sanchez; H.R. 3483 introduced by Congressman Butterfield; H.R. 3524 introduced by our Ranking Member, Mr. Braley; H.R. 3610 introduced by Ms. Fox; H.R. 3670 introduced by Congressman Walz; H.R. 4048 introduced by another EO Subcommittee Member, Mr. Johnson; H.R. 4051 and H.R. 4052, two bills that I have introduced; and H.R. 4057 introduced by Mr. Bilirakis; and H.R. 4072, a bill introduced by Chairman Miller.

So we have got a good list of bills today that we are going to be discussing.

Briefly my first bill, H.R. 4051, sets up a pilot program to increase opportunities to attend the TAP, Transition Assistance Program, by expanding TAP to offer classes at multiple off-base locations.

And my second bill, H.R. 4052, sets up a progam to identify through a list of criteria schools that do a good job educating veterans.

While I understand that some of the bills on today's agenda would make significant organizational changes to the Department of Labor and the Department of Veterans Affairs, the Committee, after it provided copies of these bills to staff several days prior, provided a formal hearing notice to both departments on Friday, February 17th, some 21 days ago.

Yet, we did not receive VA's testimony until 6:38 p.m. last evening and Labor's testimony at 6:55 p.m. last evening and I personally find this unacceptable. And while I understand that it may have been out of the control of today's witnesses, I hope this situation is taken care of in the future.

I also thank the sponsors for their bills and I look forward to hearing from our witnesses on each particular bill.

I would also ask unanimous consent to allow Members with bills before us today to join us on the dais for the purpose of presenting their bills. Hearing no objection, I will recognize them shortly for their remarks.

I now recognize the distinguished Ranking Member for his opening remarks.

Mr. Braley.

[THE PREPARED STATEMENT OF HON. STUTZMAN APPEARS IN THE APPENDIX]

OPENING STATEMENT OF HON. BRUCE L. BRALEY, RANKING DEMOCRATIC MEMBER

Mr. BRALEY. Thank you, Mr. Chairman, and thank you for holding this hearing.

Frank Capra made a great film during World War II called Why We Fight to give the American people some understanding of what was at stake in the Global War on Terror that existed at that time.

Mr. Chairman, you have heard me talk on this Committee before about the profound impact that my father's service in World War II had on me. And that is why this hearing is so important today.

Next week on Sunday, it will be the 31st anniversary of my father's death and I will be on the island of Guam that day escorting an 88-year-old marine from my hometown of Waterloo, Iowa back to Iwo Jima where my father served 67 years ago.

And the reason this hearing today is important is because the same issues that faced my father and that 88-year-old veteran when they came home from World War II are facing today's veterans. And the bills in today's hearing seek to provide an improved veterans' benefits which is something we all care about.

These bills will increase access to education, provide employment protection for disabled veterans, extend vocational rehabilitation and employment benefits, and improve contracting procedures.

This Subcommittee has been committed to improving employment opportunities for our Nation's veterans. We have conducted oversight hearings and field hearings to examine the unemployment problems facing our Nation's veterans and passed legislation to try to mitigate those problems.

Yet, few times have we discussed the unique needs of those with service-connected injuries. That is why I am pleased to have introduced H.R. 3524, the Disabled Veterans Employment Protection Act, which seeks to provide service-connected disabled veterans with employment protections in the workplace.

My bill would provide service-connected disabled veterans and protect them against employment discrimination while they seek treatment for injuries they sustained while in the service or aggravated due to their military service. It would provide up to 12 weeks of unpaid leave in a calendar year.

Currently under the Family Medical and Leave Act, caregivers are provided with up to 26 work weeks of unpaid leave in a calendar year for up to five years to care for their spouse, parent, child, or next of kin who is a servicemember and sustained an injury or illness during service.

While caregivers are given this much disabled protection, those that have been directly inflicted with an injury or service-connected disability do not enjoy similar protections. It is time to remedy this inequity.

I am also interested in making sure our veterans have good information when deciding to go back to college. I appreciate that Chairman Stutzman has introduced legislation that would recognize educational institutions that provide superior service to veterans as well as improve the TAP Program to provide information about post-secondary education.

I also appreciate Representative Bilirakis' legislation that would improve outreach and transparency for veterans regarding information about going back to school. I believe having clear and reliable information is absolutely essential in helping veterans make good choices about post-secondary education.

I look forward to working with Members of the Committee to make sure our veterans are receiving unbiased advice on the use of their GI Bill benefits and adequate information about the schools they may want to attend. They have served our country and deserve to have the best education possible including ongoing support once they are enrolled.

Common-sense legislation to provide employment protection for veterans who need medical treatment for their service-connected injuries or to provide complete information about educational opportunities is how we protect those who served and have volunteered to protect us.

So thank you for holding the hearing. I look forward to a very robust conversation about these important bills and ways to improve them, and I yield back.

[THE PREPARED STATEMENT OF HON. BRUCE L. BRALEY APPEARS IN THE APPENDIX]

Mr. STUTZMAN. Thank you.

At this time, I am going to let any other Member who wishes to speak on their bill and we will start with, Mr. Bilirakis, if you would like to address or make any comments regarding his bills.

OPENING STATEMENT OF HON. GUS M. BILIRAKIS

Mr. BILIRAKIS. Thank you very much, Mr. Chairman. I appreciate it very much.

I also want to thank the Ranking Member.

I have H.R. 4057, the Improving Transparency of Education Opportunities for Veterans Act, in today's legislation hearing. What my bill boils down to is that the veterans need to be armed with information. They need to know what resources are available to them.

They need to know the value of services provided by specific institutions of higher education and training, but most importantly they deserve to have the resources in place to enable them to de-

cide how their hard-earned GI benefit can best be used to meet their individual needs.

This is exactly what my bill aims to do. It would require the secretary of Veterans Affairs to develop and implement a five-pronged policy to improve outreach and transparency to veterans and members of the armed forces with regard to institutions of higher learning.

Specifically the policy would include, one, how to advise veterans and servicemembers about current educational and vocational counseling available, the best way to track and publish feedback from students and state approving agencies about the quality of instruction and accreditation, recruiting practices and post-graduate employment at institutions, the merit of and the way that state approving agencies will share information with accrediting agencies about the state approving agencies' evaluation of the institution of higher learning, the way information about institutions of higher learning is provided to individuals participating in TAP, and the most important and effective way to provide veterans and members of the armed forces with information about post-secondary and training opportunities.

Lastly my bill would require that the secretary of VA conduct a market survey to determine if programs exist that would allow veterans and servicemembers to assess their level of college readiness and what post-secondary and training opportunities would coincide well with their skills and interests.

I appreciate the widespread support for this bill and I look forward to testimony on this bill and working with my colleagues to move it forward in the legislative process.

I yield back the balance of my time. Thank you, Mr. Chairman.

Mr. STUTZMAN. Thank you, Mr. Bilirakis.

Mr. Walz.

OPENING STATEMENT OF HON. TIMOTHY J. WALZ

Mr. WALZ. Well, thank you, Mr. Chairman, for this hearing.

And thank you to my colleagues for putting forward such great legislation.

I would like to speak just a minute on my piece of legislation along with Mr. Bilirakis, H.R. 3670, again one of those you would find hard to believe that we would actually need to do this, but this is in relationship to USERRA, Uniformed Services Employment and Reemployment Act.

The idea of this was is just to guarantee and make sure that when our servicemembers, whether it be active forces, guard, or reserves, when they go to do their duty to this Nation, when they come back home, the one thing they can count on is that their employment rights would be there. They would be able to maintain their seniority. They would be able to get their job back. They would be able to leave off, if you will, right where they were and try and stay on equal with their peers in that community. That is a pretty easy thing to do.

And the vast majority of our employers are good actors in this. Unfortunately, one of the ones that does not seem to think this applies is the TSA, the Transportation Security Administration. They do not.

And I want to be very clear about this. The women and men who serve in the TSA do this Nation a great service every single day. They are on duty. They are on watch and they are providing security for our needs, from airports across this country.

But with that being said, there have been far too many cases brought to my attention of TSA does not adhere to USERRA and that is the way they see it. And, unfortunately, they were invited here today to explain to me why it was so important that they not look like a model employer.

If the U.S. Government cannot be the model employer in taking care of our veterans, who can be? And how in goodness gracious can we go to the private sector and demand when USERRA comes after them.

This is a very simple and basic piece of legislation. I would encourage my colleagues to support this. And let's just ask TSA to play by the rules, honor the services of our veterans, and there are so many in that service, and make sure their jobs are guaranteed.

With that, I yield back, Mr. Chairman.

Mr. BILIRAKIS. [Presiding] Thank you.

Yeah, Mr. Butterfield, you are recognized, sir.

OPENING STATEMENT OF HON. G.K. BUTTERFIELD

Mr. BUTTERFIELD. Thank you.

Let me thank you, Mr. Chairman, and to the Ranking Member, colleagues, thank you very much for letting me come by today and give you some information about a bill that I recently introduced. You have been very courteous in doing this.

Mr. Chairman, I think all of us can agree that we owe our veterans every opportunity to get a quality education and enter the workforce with the tools needed to compete. These returning heroes face an inequity that forces those who attend public colleges to pay more out of pocket in tuition than veterans who attend private schools.

This inequity has caused many veterans to drop out of college, transfer, or assume tremendous financial burdens to attend school. My bill, H.R. 3483, the Veterans Education Equity Act, addresses this problem by granting veterans equal benefits to attend any public or private institution.

In January 2011, the Post-9/11 Veterans Educational Improvements Assistance Act became law reducing education benefits for veterans and separating education benefits for veterans who attend public institutions from veterans who attend private institutions.

Before that act was passed, veterans could receive tuition and fee benefits up to the amount charged by the most expensive public institution in each state. Now, the education benefit for a veteran attending a private institution is capped at $17,500. The education benefit available to a veteran who attends a public institution is capped at the in-state tuition which is often less than $17,500.

So often veterans who attend private institutions are eligible for more education benefits than those who attend public institutions.

At East Carolina University, which is in my district, in-state tuition and fees are $5,300 per year. Out-of-state tuition and fees are $17,900 per year.

Under current law, a veteran with North Carolina residency attending this school would have his full tuition covered. A veteran who is not a resident of my state would be charged $17,900, but would only receive $5,300 in education benefits.

So he or she would owe $12,500 out of pocket. However, if that veteran chose to attend a private institution which costs $17,900, he or she would receive $17,500 in education benefits and only pay $400 out of pocket.

That is unfair, Mr. Chairman. There are 516 veterans at University of North Carolina institutions and 715 veterans at North Carolina community colleges who would be immediately assisted by this law.

Air force veteran Ed Bailey who attends ECU received GI benefits to cover full tuition and fees for his first academic year only to face $6,000 in charges in the fall of 2011 after the bill passed. With five semesters left, this young veteran must pay $30,000 over the next two years or continue his education elsewhere or discontinue it completely.

If we do not correct this problem, up to 30,000 veterans could face paying as much as $75,000 in out-of-pocket tuition costs in a tough economy and at a time when 13 percent of veterans are unemployed.

Finally, we must continue to invest in the Post-9/11 GI Bill to provide timely educational benefits to enable each veteran to attend the institution of his or her choice. Let's treat all of our veterans fairly by passing the Veterans Education Equity Act out of this Committee and helping it become law.

I respectfully ask for bipartisan support on this bill. Thank you. I yield back.

[THE PREPARED STATEMENT OF HON. G.K. BUTTERFIELD APPEARS IN THE APPENDIX]

Mr. BILIRAKIS. Thank you, Mr. Butterfield. Appreciate that very much.

With us today, we have Mr. Richard Weidman from the Vietnam Veterans of America.

Welcome, sir.

And also Mr. Ryan M. Gallucci from the VFW.

Welcome, sir.

And we have Mr. Steve Gonzalez from The American Legion.

Of course, welcome.

And, finally, we have Mr. Jason Thigpen from the Student Veterans Advocacy Group.

Thank you very much for being here, for your testimony. And we will begin with Mr. Weidman.

You are recognized, sir, for five minutes. Thanks so much for being here.

STATEMENTS OF RICHARD F. WEIDMAN, EXECUTIVE DIRECTOR FOR POLICY AND GOVERNMENT AFFAIRS, VIETNAM VETERANS OF AMERICA; RYAN M. GALLUCCI, DEPUTY DIRECTOR, NATIONAL LEGISLATIVE SERVICE, VETERANS OF FOREIGN WARS OF THE UNITED STATES; STEVE L. GONZALEZ, ASSISTANT DIRECTOR, NATIONAL ECONOMIC COMMISSION, THE AMERICAN LEGION; JASON R. THIGPEN, CO–FOUNDER AND PRESIDENT, STUDENT VETERANS ADVOCACY GROUP

STATEMENT OF RICHARD F. WEIDMAN

Mr. WEIDMAN. Mr. Chairman, thank you for the opportunity to present the views of Vietnam Veterans of America here this morning.

I will work down through the list and summarize most of the major points.

In regard to H.R. 3329, VVA does favor this bill and I will leave others to elaborate on reasons for it.

H.R. 3483, the Veterans Education Equity Act of 2011, VVA has no objection to this bill.

H.R. 3524, the Disabled Veterans Employment Protection Act, that was introduced by Mr. Braley, we believe that this is a strong bill and it is important that anything we can do to protect the rights of veterans and to extend periods including—because there are many reasons why people are not ready for school when they first come out.

The PEW Charitable Trust recently, actually last week, published a report that showed the difficulty extending for years for some of those, particularly combat vets who return.

H.R. 3610, Streamlining the Workforce Development Programs Act of 2011, let me comment that VVA staunchly opposes eliminating any of the tiny but effective worker training programs at the Department of Labor.

Veterans comprise 14 percent of the labor force. Veterans receive .2 percent of the Workforce Investment Act monies.

The myth is that VA does everything for everybody and the answer to that is it is not true. If you are not service-connected, they cannot even help you with voc rehab. So it is important that we have access to those programs.

Particularly HVRP or Homeless Veterans Reintegration Program is far and away the most cost-effective, most cost-efficient grant administered by or through the Department of Labor. It is a results-oriented program where if they do not make the placements, they do not get the money. And it is more accountable and a cost per placement that is about a fifth of that which is the mean average of cost of placements in other programs at Labor.

So we would be opposed to moving that because many of the recipients, most of the recipients actually of those HVRP grants are also multi-service agencies that help homeless veterans. And those 1,200 faith-based and community-based organizations are absolutely essential. Because they operate on a shoestring, the only way they can come up with a match for the VA's Grant and Per Diem Program is if they are successful in administering and scoring and then again getting the following year renewed HVRP.

And if both of them are at VA, then they do not have any match and, therefore, would be frozen out of the game. So if we can circumvent that, we would not have exactly the same problems.

The Jobs for Veterans Act of 2002 supposedly gave veterans priority of service in all Workforce Investment Act programs. However, regulations implementing most of that act were not published until December of 2008. It took over six years for them to even promulgate the draft regulations. The regulations became effective in calendar year 2009, program year 2008.

[THE ATTACHMENT APPEARS IN THE APPENDIX]

Mr. WEIDMAN. And I just call your attention to a chart that we have put together because Labor does not put it together of the number of disabled vets who have participated in Workforce Investment Act.

And in Iowa, there were a total of seven in that 12 months. That is seven out of 28,849 adults served with Workforce Investment Act.

In the State of Minnesota, there were 29 veterans served out of 45,000 adults served.

And the figures are even tougher for where the unemployment among vets is which is the young group of under 24.

Under 24 in the State of Minnesota, out of 3,897, only three veterans were served in the whole state.

For the State of Florida, for the same period, only four disabled veterans were served out of 18,686 adults served.

That under anybody's definition does not qualify for priority of service and it is clear to us anyway that—and incidentally, the overall vet figure for the State of Florida was 77 veterans out of 207,000 adults served by Workforce Investment Act.

My point is this. If we are going to have laws, then they need to mean something because these are not just stats of whether or not somebody scored in a game. This has to do with whether or not these veterans can have a shot at having a decent life and getting retrained for the job force that is available today in their area. And it has been a dismal failure.

In addition to what is already contemplated being moved over to VA, if Labor cannot turn that around, then I would suggest that 14 percent of all Workforce Investment Act and any other training dollars at the Department of Labor be moved over under the deputy under secretary of VA for economic opportunity because clearly Labor does not care about us.

Labor is not taking the actions they should be taking to make sure that the state workforce development agencies implement veterans' priority of service and, yet, the services are very much needed, particularly by our returning veterans.

I see I am over time and I thank you for your indulgence. And I would be happy to answer any questions. Thank you very much for holding this hearing and your strong leadership of all the Members of this Committee.

[THE PREPARED STATEMENT OF RICHARD F. WEIDMAN APPEARS IN THE APPENDIX]

Mr. BILIRAKIS. Thank you, Mr. Weidman. Appreciate it very much.

Now we will recognize Mr. Ryan Gallucci from the VFW.

You are recognized, sir, for five minutes. Thank you.

STATEMENT OF RYAN M. GALLUCCI

Mr. GALLUCCI. Thank you, Mr. Chairman.

Chairman Bilirakis, Ranking Member Braley, and Members of the Subcommittee, on behalf of more than two million members of the Veterans of Foreign Wars and our auxiliaries, I want to thank you for the opportunity to share our thoughts on today's pending legislation.

With Iraq drawing to a close, withdrawal from Afghanistan on the way, proposals to scale back the active duty and continued high unemployment among today's veterans, the VFW believes economic opportunity for today's war fighters remains a national imperative.

I hoped to quickly discuss VFW's position on each of today's bills, but in the interest of time, my remarks will first focus on H.R. 3610, 4072, 4052, and 4057, and I invite the Committee to review my full remarks which have been submitted for the record.

The VFW opposes H.R. 3610 and encourages the Committee to take the appropriate steps to preserve veterans' workforce development programs through H.R. 4072.

H.R. 3610 seeks to effectively terminate DoL veterans' workforce development programs leaving states to carry out similar programs on an ad hoc basis. The bill would also reduce oversight of veterans' programs by limiting audits to once every four years rather than today's annual requirement.

With this in mind, the VFW supports H.R. 4072 which would move current DoLVETS' programs to the jurisdiction of VA. The VFW believes by placing all veterans' services under a single authority, we will improve oversight and efficiency.

However, the VFW has concerns regarding implementation should either H.R. 4072 or 3610 become law.

First, VFW requests clarity on TAP inclusion within the jurisdictional shift. Next if DVOP and LVER positions should be consolidated, training must be modified to ensure that all employees are fully trained to the new standard.

The VFW also seeks assurances that no jobs would be lost in combining DVOPs and LVERs.

Congress must also protect funding for DoLVETS' programs through H.R. 4072 should H.R. 3610 gain momentum.

The VFW believes the shift from DoL to VA will ultimately ensure better services for veterans. However, any transition of authority must happen with minimal interruptions for the veterans who rely on the services and the employees who deliver them.

Next the VFW supports the concept behind H.R. 4052, but has some concerns about specific evaluation metrics and implementation.

The VFW recommends that VA offer a comparison of degrees conferred by a school or transfers when applicable to its total student body rather than graduation rates.

The VFW also has concerns over SOC membership and Yellow Ribbon which we outlined specifically in our prepared remarks.

The VFW would need assurances that VA would not preclude quality schools which diligently serve their student veterans, but either do not wish to sign on to SOC for academic reasons or do not need to participate in Yellow Ribbon.

The VFW would also recommend specific caps on the number of schools that VA could recognize in an effort to mitigate confusion.

Next the VFW wants to thank Congressman Bilirakis for introducing H.R. 4057, a bill that reflects the ideas put forth by the VFW and a broad coalition of veterans' advocates and education stakeholders.

In light of recent Senate investigations and threats to the GI Bill, the VFW believes it is a top priority for VA to ensure that potential student veterans are well prepared to make a responsible educational choice.

Post-9/11 GI Bill stands to be a transformative benefit for our Nation's heroes which is why student veterans must have reasonable access to counseling on how to best use the benefit and have recourse should they become victims of fraud, waste, or abuse.

In addition to mandating a VA action plan to improve consumer education, the VFW would prefer to see Section 3697A of Title 38 also amended to ensure counseling for student veterans changes from a labor intensive opt in to an opt out model.

GI Bill success story Senator Frank Lautenberg is currently drafting legislation in the Senate to improve student veteran consumer education. We encourage the Subcommittee to work with the senator to build a comprehensive bill that can move quickly and help fulfill the promise we made to offer quality education to our Nation's heroes.

The VFW supports H.R. 3329. However, the delimiting date for voc rehab must be eliminated altogether. The obligation to ensure our service-disabled veterans are employable has no expiration date.

The VFW supports H.R. 3483 to ensure equitable reimbursement for all public school students, student veterans. Today's nonresident students deserve an equitable benefit without ridiculous out-of-pocket burdens.

The VFW also supports H.R. 3524, but we have concerns about how employers may respond to the length of time outlined in this bill and ask the Committee to responsibly discuss an appropriate timeframe.

We also continue to call on the VA to adapt its scheduling practices taking into account the life demands of today's veterans. Veterans who have earned the right to receive care at VA must not be punished in the workplace.

The VFW supports H.R. 3670. After 9/11 standing up TSA required certain exemptions, but ten years later, it is time to close the USERRA loophole. Both our veterans and TSA stand to benefit from this bill.

The VFW supports H.R. 4048 ensuring that VA and all Federal agencies comply with veterans' contracting preference.

VFW also supports H.R. 4051. Servicemembers have no way to reasonably anticipate all of the challenges they may face once they transition into civilian life which makes TAP after separation critical.

I think I was able to cover everything. Chairman Bilirakis, Ranking Member Braley, this concludes my statement, and I am happy to answer any questions you may have.

[THE PREPARED STATEMENT OF RYAN M. GALLUCCI APPEARS IN THE APPENDIX]

Mr. BILIRAKIS. Thank you, sir.

Mr. Gonzalez from The American Legion, you are recognized for five minutes, sir.

STATEMENT OF STEVE L. GONZALEZ

Mr. GONZALEZ. Good morning, Mr. Chairman and Ranking Member and Members of the Subcommittee. Thank you for this opportunity for allowing me to present The American Legion's view on several pieces of legislation being considered by the Committee today.

The Streamlining Workforce Development Programs Act of 2011 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 four funding streams of workforce investment funds. One of great concern is the veterans' workforce investment fund which will provide formula funds to states for employment and training services to America's veterans.

The bill authorizes $218 million annually for fiscal year 2013 through 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 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.

The American Legion, however, does support H.R. 4072, Consolidating Veteran Employment Services for Improvement Performance Act of 2012 which aims to improve employment services for veterans consolidating various programs in the Department of Veterans Affairs.

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. Veterans' employment services as they are now organized and delivered will not be adequate or effective for helping servicemembers and veterans find jobs in the 21st century.

If priority of service is intended to enhance a veteran's probability of securing gainful and meaningful civilian employment as he or she transitions from the military, then the emphasis must be placed on priority of delivering service at the time of transition.

The American Legion supports placing all of DoL vets' programs dedicated to serving veterans under Department of Veterans Affairs, in turn increasing the coordination between the various edu-

cation, rehabilitation, and employment programs whose sole 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 consumer focused environment.

Lastly, The American Legion supports H.R. 4057, Improving Transparency of Education Opportunities for Veterans Act of 2012. One of the biggest hurdles veterans face is the information that is disclosed is provided through so many formats and descriptors as it renders this information all but useless for consumers who wish to compare colleges. Higher education information has to be positively provided to consumers in a manner that explains both its meaning and how to use it.

Second, state approving agencies are the boots on the ground in the area of oversight and outreach for the GI Bill. If the state approving agencies are to provide service in this area, VA must work with the SAAs to secure adequate funding to provide such services.

Requiring the VA to report clear, concise consumer data to veterans is the minimum necessary action for policymakers to take if they want higher education information to have any impact on consumer choice. And H.R. 4057 does just that.

This concludes my testimony. The American Legion appreciates the opportunity to comment on the bills being considered by the Subcommittee. I will be more than happy to answer any questions you might have. Thank you very much.

[THE PREPARED STATEMENT OF STEVE L. GONZALEZ APPEARS IN THE APPENDIX]

Mr. BILIRAKIS. Thank you very much.

And now Mr. Jason Thigpen from the Student Veterans Advocacy Group.

Sir, you are recognized for five minutes.

STATEMENT OF JASON R. THIGPEN

Mr. THIGPEN. Thank you, Chairman Bilirakis and Ranking Member Braley and distinguished Members of the Committee. Thank you for the opportunity to testify here in front of you today.

Our efforts to assist and ensure veterans are able to utilize their earned education benefits as intended is an economical benefit to our local and national community.

While the current economy causes us to make budget constraints, it would be short-sighted not to consider those who would be affected most when essentially taking educational opportunities and benefits away which are veterans, not foundations.

This is simply not right, especially considering the only reason our Nation did not implement a draft on this War on Terror is because of the volunteer effort our servicemembers and veterans made.

The unintended result of the adverse changes made to the GI Bill will most certainly be a detriment to the short and long-term economic success of our Nation, the United States of America.

The detrimental impact suffered by student veterans across North Carolina and approximately 40 other states due to the change in Federal law, the Post-9/11 Veterans Education Assist-

ance Act of 2010 on January 4th of 2011. As a direct result of this change in law, thousands of student veterans and prospective student veterans alike face a never before issue of in-state residency for tuition purposes.

In a sense, our active servicemembers and current student veterans who by and large had no idea their state of residency for tuition purposes would invariably be the determining factor as to whether they could afford much less attain the educational benefits promised to them for their sacrifices they made to protect our Nation.

One student veteran e-mailed me stating after proudly serving my country for more time deployed than home with my family, while losing friends in Iraq, then moving my family to North Carolina for a better tomorrow, it is just not fair for my country to take the educational benefits from me, leaving me to have to move my family back to Washington and in with our family just so I could afford to pay the $10,000 a year out of pocket just to use my GI Bill. This is not the kind of principles I was taught from my time of service.

As student veterans attending UMC Wilmington and North Carolina, as supporters for both our active servicemembers and veterans and as a disabled American veteran myself, I was nearly brought to tears during another student veteran saying I am supposed to graduate in December of 2012 and may not be able to now.

Another student veteran e-mailing stating had it not been for close friends and family in the last few months helping me out, I would be living out of my car. That is simply not right.

I met with student veterans across North Carolina system and now across the Nation.

Three-quarters into the semester, another states I may have to drop out of school by week's end. I received an e-mail from the school's finance office that said I have a week to pay the balance of $3,500 I owe to the school while using my GI Bill.

According to Public Law 111–377, the Post-9/11 Veterans Education Assistance Act of 2010, the Congressional Budget Office estimates a potential cost savings of $1 million over the 2011 to 2015 period and a savings of $734 million over the 2011 to 2020 period.

From the inception of the GI Bill in the 1940s, nearly eight million servicemembers were transformed from the educational benefits never known before. The yield to this was a $7.00 yield for every $1.00 invested into our veterans getting their education.

According to a working group comprised of UMC system officials named UMC Serves in their April 2011 report to the President, veterans earn better grades and have a 75 percent graduation rate. With the exception of white males, veterans in all other races and gender groups earn more money than their non-veteran counterparts.

Veterans start more small businesses. In general, veterans outperform non-veterans.

To realize this potential, our state must actively and Nation must actively support military affiliated students and its system of public higher education. We want these students to choose our university system schools.

Additionally, one must consider the estimated economical impact on our Nation expected to be $26.5 billion in 2013 due to our veterans getting their education.

Setting aside the simple fact that the educational benefits were promised as in signing a promissory note which is past due, veterans just wanted to collect what was promised to them, getting their education, the outcome of which, by changing this law is many of our veterans will no longer be able to achieve their educational goals, leaving more unemployed, whereby owning fewer businesses directly resulting in an inverse effect, contradicting the economical forecast previously researched and authored, yielding a now negative return.

Now we have an opportunity. Our group has done research within the budget to help offset the cost that this bill has been scored to cost at $137 million a year for the first three years. We found nearly $311 million within our budget that could more than cover the cost to offset this. This would be a positive economical impact on our Nation.

Would you rather have our veterans going to school or staying in the unemployment line? I think that is simple.

I am going to quote Theodore Roosevelt here and state a man who is good enough to shed his blood for his country is good enough to be given a square deal afterwards.

Thank you so much.

[THE PREPARED STATEMENT OF JASON R. THIGPEN APPEARS IN THE APPENDIX]

Mr. BILIRAKIS. Thank you very much.

And now I will recognize myself for five minutes to start the questioning.

To all the VSOs on the panel, when Congress passed the Post-9/11 fixed bill that was authored in the Senate, it left about $700 million in mandatory offsets on the table, money they will never be able to use.

I believe nearly every VSO, correct me if I am wrong, with the exception, of course, of the VBA, supported the PI 111–275. It appears that H.R. 3483 will require about $1.4 billion in mandatory offsets, an amount that would clearly be a challenge for this Committee to identify.

My question is, why did your organizations support, if it did, why did it support legislation that reduced the tuition and fee payments for out-of-state veteran students like Mr. Thigpen here without a grandfather clause in the first place?

Whoever would like to begin.

Mr. WEIDMAN. VVA did not support that and we said at the time it was going to do a terrible disservice to the students who moved or in any, many cases returned to where their family was or where their wife's family was from where they had legal residence at the time that they separated. And we said this is short-sighted and we were shouted down by some of our younger colleagues.

And there oftentimes is some value in knowing the history and the history of the Cold War GI Bill is something that we knew very well because we lived through it. And that is reason.

All of the things that are in incidentally, the 4057, are things that did exist when your father participated in getting the Cold War GI Bill passed lo many years ago and then required, because the same thing happened after Vietnam as is happening today with some both for-profit and some not-for-profit schools, not being square with the veterans and putting out good information.

So everything that that bill and more is asking for was done 40 years ago. So let's not go through a painful period where veterans are left with debt and/or have to drop out of school before we get to the point where we give people good intel.

Without good intel, you do not make good decisions out in the battlefield and right now there is not good intel available to veterans about whether or not the school that is hustling them is, in fact, worth going to.

But in any case, the fix on the tuition assistance, we said we had no objection, but it is more than that. We support it.

Mr. BILIRAKIS. Thank you.

Anyone else?

Mr. GONZALEZ. Sir, I recently just came into this new portfolio, overtaking this portfolio of The American Legion, overseeing now education. My predecessor prior to me was one of the advisors and why The American Legion supported it.

Coming into this new role, I have been able to literally, as Mr. Weidman so highly suggested, is understanding what the history is, what has been some of the implications from the actual GI Bill, and what is happening throughout history.

And that is why we are kind of looking at this from a different perspective now and actually analyzing what will be the best outcome for actually veterans within entering post-secondary institutions, sir.

Mr. BILIRAKIS. Okay. Anyone else want to comment?

Mr. GALLUCCI. I want to build on what Mr. Gonzalez was just saying. At the time, I would have to look back through the VFW's testimony to see exactly what they said, but at the time I was working for another veterans' organization and I know that through our discussions, we were kicking and screaming about some of these changes to the Post-9/11 GI Bill.

I am a student veteran myself. I graduated before the Post-9/11 GI Bill went into effect. However, my brother uses the Post-9/11 GI Bill and is affected by these changes. And it is something that we need to be very vocal about and do the right thing now. And I think we have an opportunity to do that.

Mr. BILIRAKIS. Thank you.

Yes, sir.

Mr. THIGPEN. Our organization formed as a result of this. Myself as a student veteran in my senior year doubling in accounting and finance, I tend to get a little involved with analysis of matters such as this.

I think our organization wants to make it clear that we do not believe that this was an intended impact or result having signed that law. We feel truly that this is an un—there is no way to forecast that this was going to be the impact felt by this.

But distinguished Members of the Committee, we have an opportunity to be heroes again to our servicemembers and veterans and I think we should take that opportunity with your help.

Mr. BILIRAKIS. Thank you very much.

I do not want to go over my time because I believe we have votes at 11:30, so I will go ahead and recognize Mr. Braley for five minutes, the Ranking Member. Thank you.

Mr. BRALEY. Thank you, Mr. Chairman.

And, Mr. Weidman, thank you for the strong support that you and VVA have voiced for the Disabled Veterans Employment Protection Act.

I want to come back to you and talk about the Disabled Vets Workplace Investment Act and specifically some of the observations you made about that.

Mr. Gallucci, in our written remarks, you did address the VFW's support for my bill, but also raised some concerns about the potential effects on the businesses and corporations we are encouraging to employ veterans. So I just want to engage you briefly in that conversation because I get it. I know that employers are always concerned.

But part of what we do in these legislation hearings is set the legislative history for bills that eventually get passed so that when people want to look back and divine the intent of Congress, they have a better sense of what we intended when we introduced this legislation.

And what I am talking about in this bill is not a one-week vacation for disabled veterans for every month they have in the workforce. What we are talking about is the worst case scenario where disabled veterans like some of the ones I see at Walter Reed or at Bethesda with lifetime disabilities that are going to flare up at unforeseen moments when they are hopefully in the workforce and requires an accommodation for a worst case scenario that could take up to 12 weeks in a calendar year to accommodate.

And I am assuming that you know people who are members of your organization who have had that exact problem occur to them.

Mr. GALLUCCI. Well, thank you for the question, Congressman Braley.

I do want to respond to that. You are absolutely right. I know personal friends who I deployed with who are affected by this and this has actually been a personal issue that I had to deal with in my own experiences as well.

What the VFW is talking about here is to continue this discussion about what an appropriate period of time would be. We absolutely support your bill and we absolutely support the intent of what you are trying to do because this is a major problem for our veterans.

What happens now is many times a veteran will go to a VA medical center and be prescribed with a long rehabilitative process. You need to come in once a week every week for the next six months in order to go through this intensive treatment program.

For instance, one of the ones that comes to mind is prolonged exposure therapy for those who suffer from post-traumatic stress disorder. Some of these appointments are only available during the

day, say, well, you can come in from ten a.m. to noon on Wednesdays for the next six months, just as an example.

And that can put an incredible burden on a servicemember who has to hold down a job at the same time. You can exhaust all of your sick leave within that time and there has to be accommodations made to allow them to go to those appointments to get the treatment that they are entitled to which is why we do support your bill.

But what we were really trying to express is that we have an open and candid discussion about what the period of time would be and where an appropriate level would be because at the same time what we are trying to do is make sure that we see the veterans' employment crisis now, particularly for young veterans of Iraq and Afghanistan, and the last thing we would want is an unintended consequence where employers come back to this Committee and say, well, our veterans are not ready to enter the workforce, they come with all this extra baggage. And so we think it is an important discussion to have.

Mr. BRALEY. And I welcome that conversation and want to thank you for your comments about your own personal experience and the people that you served with because one of the things we know is we want to encourage employers to do everything they can to address the alarming rate of unemployment among our veteran population.

But at the same time, they deserve the protection for the sacrifices they have made and we should all be willing to have that conversation.

Mr. Gonzalez, thank you and The American Legion for your support of this legislation.

And, Mr. Thigpen, I want to talk to you about your observation because Mr. Walz and I represent states that were involved in the longest single deployment of any combat unit in Iraq and then their reward when they came home was to have the Pentagon cut their orders short deliberately by one, two, three, four, and five days so they would be denied the benefit of an additional measly $250 a month in additional educational assistance benefits under the GI Bill.

And we went to war over that decision and got those orders changed and learned that nearly 20,000 National Guard members around the country had been denied that same benefit and were not even aware of it.

So we appreciate your bringing light to this serious problem about how educational assistance benefits are impacted by the decisions we make and I want to thank you for your testimony.

But before I leave, Mr. Weidman, I want to come back to you because can you tell us—you shared statistics from Minnesota, Iowa, and Florida about the low-level of participation rate for veterans in the Disabled Vets Workforce Investment Act.

So based on your analysis of those rates, why is that? What is causing that to happen or not happen?

Mr. WEIDMAN. Well, there is a history behind why that particular clause made it into the Jobs for Veterans Act which was misnomered, by the way, in retrospect, of providing priority of serv-

ice for veterans which means veterans go to the head of the line if they are otherwise eligible for that title or that program.

And disabled veterans go in front of all the vets and the special disabled, meaning those with 30 percent or more service-connected disabled, go to the very end of the line. This is not rocket science stuff, but the states do not do it.

OEO, the old Office of Economic Opportunity, was created because, frankly, racism in many of the job services and to reach populations who had been excluded. And it was not just in the southern states. And OEO transmogrified into MDTA or Manpower Development Training Act which transmogrified into SETA and which also then transmogrified in the Job Training Partnership Act and, hence, to today which is Workforce Investment Act.

At the local level, even though they are starting to retire now, the people who ran those OEOs, MDTA offices were those of my generation who did not go. And you do not hear it much anymore, but people used to say to us, we asked them for their support, and they would say, well, you know, I mean, I oppose the war. I said what the hell makes you think that everybody who fought it supported it. Supporting the veterans is a whole different deal and that is why we had to start VVA.

So the prejudice that was there within the society was strongest in ETA, Employment and Training Administration. That act of 2002 did many other things, many of which were really bad, only complicated and made worse a situation that was not very good, that led us to seek legislative remedy.

So it is partly cultural and the other part of that is nobody has been checking for the last ten years. U.S. DoL does not do any checking, particularly the Employment and Training Administration.

And the figures that I quoted to you, those have been brought to the very top or to the number two person who is the chief operating officer at U.S. DoL and it has been basically deep sixed and ignored and they are going to continue to ignore it until The Hill focuses their attention appropriately. Let me put it that way.

Mr. BRALEY. Well, with that, I will yield back, Mr. Chairman, and I recommend to the Chairman that we conduct a future hearing on this important topic and that we see some significant change in those numbers.

Mr. WEIDMAN. That would be great. I also because there are so many important topics here today did not get a chance to point out the appendix to my statement. And I encourage you to look at that because not only did VVA sign that, but two of my colleague organizations, The American Legion and the VFW, also signed on to the Military and Veteran Students Educational Bill of Rights.

And they are all simple things. They are all straightforward and it is information that should be required from every single educational institution that wants to receive government monies. If they do not want to comply, that is fine. Then you do not get any government money. But there should be standards that we hold people to and mostly it has to do with transparency and accountability.

Mr. BILIRAKIS. Thank you, Mr. Weidman. Thank you.

Now I will recognize Mr. Johnson for five minutes.

Mr. JOHNSON. Thank you, Mr. Chairman.

I would first like to say a few words about legislation I recently introduced, H.R. 4048, the Improving Contracting Opportunities for Veteran-Owned Small Businesses Act.

This legislation is straightforward. It would clarify that small business provisions of the Veterans First Contracting Program, Public Law 109–461, pertain to contracts awarded through the Federal supply schedule or FSS for the purposes of meeting the percentage goal of contracting with service-disabled veteran-owned small businesses.

Past VA statements regarding the application of the small business provisions in Public Law 109–461 now codified in Title 38, Section 8127 of the United States Code have created confusion regarding FSS purchases.

My legislation would clarify that these small business provisions do apply to FSS purchases. It is not intended to expand the original intent of the law. By law, all Federal agencies are required to contract with SDVOSBs.

In 1999, Public Law 106–50 established a goal of awarding three percent of Federal contracts to SDVOSBs. Additionally, executive order 13360 which was issued by President Bush in 2004 requests that Federal agencies increase Federal contracting and subcontracting opportunities for service-disabled veteran businesses. However, most Federal agencies have not reached this goal.

Additionally, while the small business goal report for 2010 reports 20 percent of VA contracts are with SDVOSBs, but Linda Fynn of VA OIG testified at the July 28th House Oversight and Investigation Subcommittee that, and I quote, although VA reported awarding 23 and 20 percent of its total procurement dollars respectively to VOSBs and SDVOSBs in fiscal year 2010, VA OIG projected that these figures were overstated by three to 17 percent because of awards made to ineligible businesses.

I strongly believe America would greatly benefit from contracting with more veteran-owned small businesses and I am hopeful that the clarification in H.R. 4048 will help to create more contracting opportunities for SDVOSBs.

I would like to, in getting to my questions, I would like to thank the VFW and The American Legion for their support of my bill 4048.

Mr. Weidman, I understand from your written testimony that the Vietnam Veterans of America are unsure of the intent of this legislation and which of your two interpretations may be correct.

First question. Has my statement helped to clarify what the intent of H.R. 4048 is?

Mr. WEIDMAN. It does. And also, I had a long discussion with some of your staff about this and would be glad to discuss it directly with you, that if you do not make it abundantly clear in the Committee report that is referenced, if you will, in the black letter law, that then they give it to general counsel.

And I do not know how much experience you have had in dealing with VA general counsel, but if they can goof it up, seemingly they do.

Mr. JOHNSON. This is my first term, sir, and I can assure you that I have experienced that abundantly.

Mr. WEIDMAN. So what I am saying is in the Committee report to take out all the wiggle room in which case after having talked to Mike about the intent, we would strongly favor this bill.

Mr. JOHNSON. Do you have any new concerns other than those you just stated about the legislation?

Mr. WEIDMAN. Well, it comes down to the biggest thing is not—I do not know how you address this, Congressman. The acquisition leadership believes it is not their mission to assist veteran-owned and service-disabled veteran-owned businesses, meaning it is not their mission, meaning not VA's mission. And so——

Mr. JOHNSON. Why do you——

Mr. WEIDMAN. Sir.

Mr. JOHNSON. I am going completely off script now because that dumbfounds me. It absolutely dumbfounds me that the VA does not think that it should be part of their mission to assist these businesses.

Why do you think that would be true? Does that come from the top?

Mr. WEIDMAN. That does not come from the 10th floor. That comes from the chief of acquisitions that it is not their purview.

Mr. JOHNSON. Okay. I will look forward to asking him some questions then at the appropriate time.

Mr. WEIDMAN. That would be great.

Mr. JOHNSON. Mr. Thigpen, what other avenues—I am sorry for moving on, but I have got limited time—what other avenues has your group undertaken to resolve the out-of-state tuition issue for NC student veterans?

Mr. THIGPEN. Thank you, sir.

We have been addressing this on a state level in North Carolina for approximately a year. Our organization formed in response to the change in law and we saw it was directly impacting our fellow student veterans actually at UMC Wilmington.

Once we started to see further impact was actually felt on more than just a local level, actually throughout North Carolina, we had other student veterans reaching out to us seeking our assistance to help represent them with regard to their residency for tuition purposes which we have done. I wish we could get out there and represent every single one individually, but we simply cannot do it.

We try to work with our state legislators. We have got a tremendous amount of support. Facts being what they are, we are here today trying to make sure that we do not leave any veteran behind. So to address this just on a state level in North Carolina, we would leave so many other states and so many other veterans nationwide behind in this. We want to see it happen on a Federal level. Let's take care of all of our student veterans in every state.

Mr. JOHNSON. Mr. Chairman, I have additional questions, but I see my time is expired, so I will yield back.

Mr. BILIRAKIS. Thanks so much.

And I now recognize Mr. Walz.

Mr. WALZ. Well, thank you, Mr. Chairman.

Thank each of you for being here again. This is one of the most enjoyable parts of this job is coming, learning. I appreciate the preparation that is put into this and it helps us understand and serve our constituents much better.

And I kind of segue off to something Rick said. I also think this panel is very healthy for the way things are at. It is good to see a mix here of young veterans and slightly less young veterans, if you will.

Mr. WEIDMAN. I think you mean veterans who it is astounding that they stand up and take nourishment.

Mr. WALZ. Yes. I would include myself in that group. But I do want to thank you. I think it brings a real perspective and it brings a problem-solving ability to us that is sorely missing many times. So thank you for that.

I wanted to get out and I struggle with this idea in how we make sure there is a fairness. My first concern is that fairness to those veterans to make sure they get the benefits they so richly earn, but making sure that we do get them a useable skill with their education, making sure we are investing all those dollars wisely for them and for the taxpayers so that they can take a place in society.

And with that, I know that sometimes our blanket generalizations, there are some very good for-profit universities out there and there are some suspect ones. And we need to make sure that we are using a laser and a scalpel and not the ax, if you will, to make sure we are differentiating.

And so I am really curious just maybe to hear, and I do not know, maybe start with you, Mr. Thigpen, and I know each of you have expertise in this across the board, just something as simple as how are we going to determine which institutions deserve awards for excellence in service because I am trying to get this all together and I love to be data-driven, but I would have to think my illustrious institution would probably be penalized because my undergraduate degree was the best six years of my life and I think they did a nice job.

And I am wondering how when we make these determinations, how we did that. So, Mr. Thigpen, I know this is somewhat subjective, but just help me understand how you see it of how we would do this.

Mr. THIGPEN. Yes, sir. Thank you.

And just for the record, I am on ten years right now, so I have got you beat there.

With regard to H.R. 4052, 4057, we strongly support that. We cannot be here just to support our veterans in being able to properly use their GI Bill benefits through whatever institution they decide to go through. We need to make sure that there is transition not just in coming home and entering the college that they choose to get their higher education from, but we also need to make sure that there is further assistance in assisting them to transition into the working community alike. So these bills help ensure that that is going to be possible.

I think what our organization has found by and large is that there needs to be a separate Committee for our institutions comprised of student veterans that are not accountable per se to an advisor or the institution itself for listening to their feedback and being bombarded with not being able to actually assist the student veterans that they purport to represent.

You know, they need to represent the student veterans first and then so long as they are accountable to the system, doing things

in the proper manner, I think that is going to be the only way we are going to actually be able to really service and assist our student veterans nationwide.

In addition to that, our organization has started student vets and it is going to be a Web site portal to create consistency across the board nationwide for any veteran coming home wanting to go to school no matter what state they live in. It will be we call it a one-stop shop that they can submit every single form to whatever school they want to go to and have every opportunity to be able to see that.

And that is going to create consistency across the board because that is going to be the last component that is left. If we can create consistency across the board for student veterans in Washington State, Ohio, Florida, Texas, Maine, we will ensure better success within the corporate community.

Mr. WALZ. Do you think, Mr. Thigpen, that we can get that? I want to be very clear. I would like to have this, you know, the good housekeeping seal of approval, if you will, that these are the places you can go. But I also want to be very fair as we put that stamp on folks because I think it could be very, very powerful on where it is at. And so I think you are right on how we get that.

Rick, do you think it is VVA's, you know, ten principles here that you should adhere to and are graduation rates in some of these, you know, we want to be as objective as possible, but we also want to, and I know this, I hear from my veterans who say, you know, the reason I really like this school is their flexibility to work with us on this, they have been good about that?

I mean, there are some intangibles here. And I see my time is up. If I could, maybe we will come back again. But, Rick, what do you think is——

Mr. WEIDMAN. Well, the statement that is appendix one was worked on by the veterans' organizations working with the White House and others over the course of about two months. So we put a lot of thought in it and a lot of work into it.

And one of the things that is key is VA take the step forward. You can now go to *www.va.gov* and look up any hospital in the country, whether it is Minnesota or Indiana or any place, and you can look at all the various criteria about how this hospital is doing in each category. And you will get a yellow if it is caution, green if it is exceeding standards, and a red for that one if it is not meeting standards.

There is no reason why that same technology, which VA already owns, cannot be applied and used on the VBA's part of the site and the educational services part of the site to make it clear and interactive.

Right now if you look at that section, it is densely worded and it is like reading a credit card contract which if you have ever tried to do that, actually read it, I mean, you know, it will bore you to tears and you will fall asleep even though somewhere in there you know that you are getting the short end of the stick.

And so they can make it appropriate to where younger veterans, and that is primarily who we are talking about, will have the information and then look further. And that is where it should happen.

And VA's job is to make all of that disclosure readily available to any member of the veterans' community or their families because it is families can use the 21st GI Bill, 21st century GI Bill if a veteran does not want to and spouses also it would be available to.

Thank you, sir.

Mr. WALZ. No, I appreciate that.

I yield back, Mr. Chairman. Thank you.

Mr. BILIRAKIS. Thank you, Mr. Walz. I appreciate it very much. And thanks for the information and I know we will have further discussion on this.

I welcome you to come to my office and discuss this with me and most of the Members have a lot of interest in this area. So it is a priority for us.

Mr. BRALEY. Mr. Chairman, can I just make——

Mr. BILIRAKIS. Yeah, go ahead.

Mr. BRALEY. —one brief observation that came out of Mr. Thigpen's testimony? And that is in the State of Iowa right now any veteran is eligible for the in-state tuition. And you mentioned that this effort is ongoing in North Carolina. So while we have a responsibility to address this at the Federal level, there is nothing preventing states from taking action on their own to do the right thing by veterans.

Mr. THIGPEN. You are exactly right. We have been saying the same thing. If a state is going to purport and sell itself to be military friendly, we need to hold them accountable to that.

Mr. BRALEY. Absolutely.

Mr. THIGPEN. We are still working on that. The facts speak for themselves. North Carolina has not done it yet. We are seeking your assistance. You guys get to be the heroes here.

Thank you.

Mr. BILIRAKIS. Thank you.

I thank the panel and I ask the second panel to come forward. This panel is comprised of the Honorable Steve Gunderson who is a former Member of this body and is now the president and CEO of the Association of Private Sector Colleges and Universities.

And we will also hear from Dr. Allen Sessoms who is the president of the District of Columbia who is representing—I do not know if that is right here in the script, but the president of the District of Columbia who is representing, I guess the University of District of Columbia. He is representing the American Association of State Colleges and Universities.

And now we will begin with Congressman Gunderson. Thank you very much.

And I know we are supposed to have votes around 11:30, so hopefully we can at least finish up with the testimony.

You are recognized, sir.

STATEMENTS OF STEVE GUNDERSON, PRESIDENT AND CEO, ASSOCIATION OF PRIVATE SECTOR COLLEGES AND UNIVERSITIES (APSCU); ALLEN L. SESSOMS, PRESIDENT, UNIVERSITY OF THE DISTRICT OF COLUMBIA ON BEHALF OF: AMERICAN ASSOCIATION OF STATE COLLEGES AND UNIVERSITIES (AASCU)

STATEMENT OF STEVE GUNDERSON

Mr. GUNDERSON. Mr. Chairman, thank you very much.

And I want to begin with two personal comments, if I might. First of all, I have to say to you, Mr. Chairman, I had the honor and privilege of working with your dad. And you are continuing his legacy of service in this particular area and I just got to commend you. He was a dear, dear friend when we were both here and really think a lot of that.

Second, I need to tell all of you, I need to say thank you. While I sit here, my 87-year-old father who is a veteran is being cared for in the VA hospital in Tomah, Wisconsin with pneumonia and congenital heart disease at this moment. And so on behalf of my family, we say to all of you thank you for what you do for these particular veterans.

On behalf of the association and the roughly 230,000 veteran students who choose to attend private-sector colleges and universities using their Post-9/11 GI benefits, I want to thank you for this opportunity to support all of the legislative issues that are in front of you.

We have looked them over and there is only one concern that we have. And I have been motivated by listening and learning myself because the one issue that I think we have to look at on this issue that Congressman Walz brings up which is the graduation rates, it really indicates the problem.

And I am veering totally off my prepared testimony here. It really indicates the issue and the challenge for serving veterans properly.

If you would have your staff go to the Chronicle on Higher Education, this week's issue, it is focused on graduation rates. But when you look at that data, it is for all students.

The Department of Education calculates graduation rates based on first-time, full-time students. Most of our veterans are not first-time, full-time students. They are veterans. They are returning to school after their military service. And so they do not even come into the calculations for what these graduation rates are.

So we stand ready to work with all of you to find ways in which we can develop the information that is easily understood and correctly used by veterans to make the right determinations on where they should pursue their education.

I would also like to recognize the VFW. And you have all been aware of the coalition that was brought together on this issue of veterans' education. The VFW needs a special commendation for bringing a rather diverse group of us together around a common issue. And I think that becomes important.

It is important also, I think, to recognize something about the veterans and the ability of all post-secondary education to provide a quality education. It is meaningless if it does not also provide

their objective which is job placement, one of those issues you have just been talking about.

Today, as you know, our country has an 8.3 percent national unemployment rate, yet veterans' unemployment rates are much higher than that, especially for the younger veterans.

The key to narrowing this gap and reducing veterans' unemployment has to be an all hands on deck approach from all post-secondary education. We must be part of the solution and accountable for national experience and outcomes for all students, especially the veterans.

Policymakers, those of you on that side of the dais, are tasked with a critical imperative to ensure that all stakeholders work collaboratively to provide our veterans with the tools and resources that they need to make the right decisions.

The pivotal transition period as soldiers become students is often wrought with challenges. As a result, many veterans fail to achieve their academic goals. We believe the legislation in front of you begins this effort.

Specifically many of the bills direct the secretary of the VA to develop a comprehensive policy to ensure that veterans have the tools necessary to make informed decisions about their post-secondary education.

We believe the academic success of our veteran students is a shared responsibility for the VA, the student, and all of our institutions. The VA should ensure the veterans are provided with the information and resources. The veterans should use the information to make informed education decisions. And our institutions should provide the quality of education veterans deserve through their benefits.

In closing, I want you to understand that the veterans' education is often different than that of the typical 18 to 24-year-old who goes into college on a first-time, full-time basis. They appreciate, as you will see in my written testimony, the ability to have flexible and focused delivery of curriculum.

I talked to this wonderful veteran, Alexander Garrido in Miami. He is returned from Iraq and he told me this story about the fact that he could have gone to the University of Miami, he could have gone to Florida International, USF. He chose one of the private-sector colleges. Why? Because it offered him the flexibility of scheduling and the focus of one course intensively at a time. And he said, Steve, he said, that is how I now learn. It is different than when I was in school.

So we stand ready to work with all of you. We commend what you are doing, and I yield back the balance of my time or the 28 seconds I exceeded.

[THE PREPARED STATEMENT OF STEVE GUNDERSON APPEARS IN THE APPENDIX]

Mr. JOHNSON. [Presiding] I thank the gentleman for yielding back.

We will begin with questioning at this point. Oh, I am sorry. Dr. Sessoms, you have a statement. You are recognized.

STATEMENT OF ALLEN L. SESSOMS

Mr. SESSOMS. Thank you, sir.

Chairman Johnson, Ranking Member Braley, and distinguished Members of the Subcommittee, I am Dr. Allen Sessoms, president of the University of District of Columbia, the only public institution of higher education here in our Nation's capitol.

I am testifying on behalf of the American Association of State Colleges and Universities, commonly known as AASCU. AASCU represents 420 institutions and university systems across 49 states, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

Thank you for holding this hearing and providing me the opportunity to present testimony in support of H.R. 3483, the Veterans Education Equity Act of 2011, introduced by the Honorable G.K. Butterfield of North Carolina.

I ask that my testimony be entered into the record.

If enacted, H.R. 3483 would remedy a serious inequity that currently exists under the Post-9/11 GI Bill Education Benefits Program.

The current structure of the Post-9/11 GI Bill Education Benefits Program provides a tuition assistance benefit to a veteran who attends one of our country's prestigious public colleges or universities that is equal to the in-state tuition rate charged by the institution. This benefit is worth on average about $8,244 per year.

On the contrary, if one of our veterans chooses to attend an out-of-state private institution, he or she will automatically qualify for up to $17,500 per year. Simply put, a veteran who chooses to attend a public institution is entitled to on average less than half of the benefit a veteran who chooses to attend a private institution receives.

In addition to the disparate treatment of our veterans attending public versus private institutions, the current Post-9/11 GI Bill benefit structure also asks our veterans to pick up the difference between in-state and out-of-state tuition.

This can amount to over $13,000 per year in some states and averages $4,282 across the country. Not only are we providing our veterans with different tuition benefits depending on the type of institution they choose to attend, we are also asking them to pick up the tab if they choose to attend a public institution in a different state.

In a metropolitan area such as the national capitol region where students regularly travel across state lines to earn their degrees, this significantly limits the number of institutions our veterans may realistically choose from.

For example, veterans attending the University of District of Columbia but living in Maryland or Virginia are required by District of Columbia law to pay the nonresident tuition rate of $13,380. This amounts to $7,000 per year for a full-time baccalaureate student.

The Yellow Ribbon Program does provide a $500 tuition assistance benefit to our nonresident veterans. However, this is only a fraction of a nonresident tuition premium.

The current GI 9/11 Bill structure also harms those who have recently relocated to a state and enrolled in a state's public institu-

tion but do not yet qualify for in-state tuition. Many states have enacted minimum residency requirements that students must meet to be eligible for in-state tuition rates.

For example, in the District of Columbia to receive the in-state tuition rate, a veteran or any resident, citizen must reside in the District of Columbia for a full year to become eligible. This may cause a recently relocated veteran to put off pursuing a degree until he or she is eligible for a lower tuition rate.

Passage of this bill is especially important at a time when unemployment for our veterans is extremely high. According to recent statistics from the U.S. Chamber of Commerce's Hire Our Heroes Program, unemployment for veterans age 18 to 24 is 30 percent. For those in the national guard, it is 14 percent. These numbers are well above the national average.

Our research has shown that individuals with more than a high school diploma are more likely to be employed. Passing H.R. 3484 will give our veterans a greater opportunity to select the post-secondary program and institution best suited for them and by doing so put them on a path to employment.

As a grateful Nation, we are committed to providing our veterans with the maximum benefits they vitally deserve. Let's make sure we are also providing the flexibility our veterans need to use them.

On behalf of the 420 members of the American Association of State Colleges and Universities, I urge Congress to pass the Veterans Education Equity Act of 2011 without delay.

Thank you, Mr. Chairman.

[THE PREPARED STATEMENT OF ALLEN L. SESSOMS APPEARS IN THE APPENDIX]

Mr. JOHNSON. I thank the gentleman for yielding back.

We will now begin with questioning for this panel and we will go as long as we can.

What steps have your members taken to improve the amount of data that is collected on veteran students?

Mr. GUNDERSON. Mr. Chairman, each of our schools tries to do that individually. We do not yet have collective data for all of our schools across the country.

The one thing I can share with you is that earlier this week at our board meeting, we looked at our operating plan for the next year and the board said will you please find ways to lift up the data collection, the information and the service to the veterans as one of your priorities in the next fiscal year.

So within the next year, I might be able to come back to you and say we have one central data collection point, but we do not have that today.

As I also indicated, that is going to take a major investment because the data under the National Center for Education Statistics, the first-time, full-time, that is not the data we need to accurately reflect what these veterans are doing and what outcomes they have.

Mr. JOHNSON. Okay. I thank the gentleman for his answer.

And for the sake of time, I am going to submit the rest of my questions written. And I hope that the panel would respond in writing to those.

I am going to yield now to Mr. Braley if he has questions.

Mr. BRALEY. Well, I want to thank you both for testifying.

And I am glad to hear you say, Mr. Gunderson, that the key is job placement because I think when we look at the alarming problem of unemployment with our Nation's veterans, the thing that we want to see happen no matter what type of educational institution they attend is that they have a job waiting for them at the end of their educational journey, whether it is six years in the case of Mr. Walz or ten years in the case of our previous witness.

But one of the things that I guess I am going to ask you both is why haven't more states done what my state has done and said this is an important enough priority, we are going to make in-state tuition apply to every veteran regardless of where they separated?

Mr. SESSOMS. Let me try to answer it for the public universities. Every issue related to the funding of public universities has become exceptionally political in states. And it requires significant political will on the part of state legislators to do that.

I would argue that in the case of Iowa, there may be more political will than there is in the case of, say, the District of Columbia where we had discussions just the beginning of the week and there is resistence to that. There is resistence to subsidizing out-of-state residents.

I think it is very important to do that. We are pushing as a university to do that in significant cases, certainly in the case of veterans, but others as well. It is just a very hard political nut to crack right now in this economic environment.

Mr. BRALEY. Well, just in response to your question, I can tell you it is not because we do not face those same economic pressures.

Mr. Walz just showed me a headline from today that the University of Northern Iowa which is a regents institution ten miles from my home in Waterloo is cutting 70 academic programs in response to those economic pressures while at the same time taking on this responsibility of giving veterans an affordable choice.

So I think that is the answer to critics who are standing in the way of doing the right thing by our veterans.

Mr. SESSOMS. Well, let me comment, Congressman. I can only agree with you. I think we want to do that, but we are politically constrained.

I think the University of Northern Iowa, I know it very well, I know the president there, is also reviewing another dozen programs for restructuring because of the pressures. We are all doing that.

I think it would be very helpful if a clear message was sent from Congress that this is something that they, in fact, would like to see nationally. That would sort of help give us a political push. But I can only agree with you.

Mr. BRALEY. Do you know whether most state universities' tuitions are set by a governing board of some type or the state legislature or do they have the discretion individually to make this opportunity available to veterans?

Mr. SESSOMS. It is rare that the institution can treat residents and nonresidents in the same way. There is a law in general defined by the state. In very many cases, in fact, I would guess in

half the cases, the tuition and fee structure is actually set by the state legislature.

It is rare that an institution can set it itself, but it can not violate state law when it comes to residents and nonresidents. There is nothing an institution individually can do about that. It requires the state to make a determination that that is for these particular classes of students something that they will agree to across the board.

Mr. BRALEY. Thank you, Mr. Chairman. I yield back.

Mr. JOHNSON. The gentleman yields back. We will go to Mr. Walz.

Mr. WALZ. Thank you, Mr. Chairman.

And thank you both for your testimony, as I said, helping us understand this.

And, Representative Gunderson, I wish the best for your father. St. Tomah is in my sphere of responsibility, so I get over there and look at that. It is a beautiful institution with committed staff. And I assure you your father will get the best care anywhere as he deserves.

Mr. GUNDERSON. Well, you do not have to worry. He has been well served throughout his aging process by the Veterans Administration and we have no doubt about that. But thank you.

Mr. WALZ. And I do appreciate these comments. I concur with my colleague from Iowa. Contrary to popular belief, we share a lot of commonality from Minnesota and Iowa. And of the things we share is that 34th Division and those soldiers.

And I would have to say something. As we are getting at the heart of this, because I, too, will echo that sentiment on job placement and career potential, of not just providing all the options and then a hit and miss and take it and decide that a couple years at a post-secondary was not the right way and you used your GI Bill and now you are going somewhere else.

We know some of that is going to happen. It is personal choice, but something I think we could use more around here, and I will commend the states of Iowa and Minnesota and public/private partnerships. We have got that same red bull division that Mr. Braley was talking about. They are deployed again. They are in Kuwait bringing the troops out.

So they have been there on another year deployment, but this time we are not going to make the mistake we made last time. We already know that of that brigade combat team 511 of them are either going to go to school or unemployed. We are there matching them up right now in Kuwait this week as we speak with a job fair there, not once they get back, not once they had unemployment.

Every one of those 511 will either be matched up with a proper institution and a proper track or they will have a job when they come back matched up with the employers. That database is there. It is a captive audience. The first sergeants and the commanders have assisted in that. That is the right proactive way to go.

And I think the more information we push out trying to do that, as you are saying, and getting good data is certainly going to—well, it is to serve our veterans better, but let's just be brutally honest. It is going to save money in the long run too.

And so I want to thank you both for being a part of this and helping. I think what I will do in the essence of time with the Chairman is submit questions if we have them and yield back.

Mr. JOHNSON. I thank the gentleman for yielding back.

And Members are encouraged to submit their questions in writing, and I thank the panel for being with us today.

And you will get us answers to those questions, correct? Okay. Thank you.

Without objection, so ordered.

I now call up our third panel which includes Mr. Curtis Coy from the Veterans Benefits Administration. He is accompanied by Mr. C. Ford Heard from the Office of Acquisitions, Logistics and Construction and Mr. Keith Wilson from VA's Education Service.

We also have Major General Ronald Young from the Department of Defense and Deputy Assistant Secretary Junior Ortiz from the Department of Labor.

Let's start with Mr. McCoy. Oh, I am sorry. Mr. Coy. I apologize. Yes, Mr. Coy, you are recognized.

STATEMENTS OF CURTIS L. COY, DEPUTY UNDER SECRETARY FOR ECONOMIC OPPORTUNITY, VETERANS BENEFITS ADMINISTRATION, U.S. DEPARTMENT OF VETERANS AFFAIRS ACCOMPANIED BY: C. FORD HEARD, ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR PROCUREMENT POLICY, SYSTEMS AND OVERSIGHT, OFFICE OF ACQUISITIONS, LOGISTICS AND CONSTRUCTION AND KEITH WILSON, DIRECTOR, VA'S EDUCATION SERVICE; RONALD G. YOUNG, DIRECTOR, FAMILY AND EMPLOYER PROGRAM AND POLICY, U.S. DEPARTMENT OF DEFENSE; ISMAEL "JUNIOR" ORTIZ, DEPUTY ASSISTANT SECRETARY, VETERANS' EMPLOYMENT AND TRAINING SERVICE, U.S. DEPARTMENT OF LABOR

STATEMENT OF CURTIS L. COY

Mr. COY. Thank you, sir.

Mr. Chairman and other Members of the Subcommittee, good morning. I am pleased to be here today to provide the views of the Department of Veterans Affairs on pending legislation concerned with veteran education, employment, and small business contracting issues.

Joining me today is Ford Heard, Associate Deputy Assistant Secretary for Procurement Policy and Mr. Keith Wilson, our Director of Education Services.

I apologize for the delay in providing VA's testimony. As noted in my written testimony, VA defers to other departments and agencies on several bills.

In my oral statement, I would like to highlight VA's views on the remaining bills.

I want to begin by stating that every initiative has the admirable goal of assisting our Nation's veterans and servicemembers.

H.R. 3329 would extend the period during which a veteran may be afforded a rehabilitation program under Chapter 31. VA supports extending the period of eligibility. Individuals may need voc rehab services during mid-life when disabilities worsen or when

changing careers or later in life when in need of independent living services.

By extending the period of eligibility, VA's Vocational Rehabilitation & Employment Program will be able to provide individuals who meet those eligibility entitlement criteria under Chapter 31.

In addition, by extending the period of eligibility, VR&E Program will be in line with the Post-9/11 GI Bill period of eligibility.

H.R. 3483, the Veterans Education Equality Act, would revise the formula for the payment of tuition and fees for individuals entitled to educational assistance under the Post-9/11 GI Bill and pursuing programs of education at public institutions of higher learning.

While VA supports the intent to provide payment equality or equity to individuals training under the Post-9/11 GI Bill, VA does not support this legislation as written.

Separate rules for tuition and fee changes would add another level of complexity to the program for both beneficiaries and schools. We continue to receive complaints from beneficiaries regarding understanding exactly how much they will receive in tuition and fees under the Post-9/11 GI Bill.

This bill would exacerbate that problem. We would be happy to work with the Subcommittee to satisfy what we understand to be the overall intent of the legislation.

Although we regret we were unable to estimate cost of this proposal at this time, VA notes that any change in benefit levels would increase the total cost of the program and would necessitate the identification of offsets.

H.R. 4048, improving contracting opportunities for veteran-owned small businesses would amend Section 8127 by adding a new subsection providing for the purposes of meeting under Subsection A, the Secretary shall include the acquisition of goods and services through the use of Federal supply schedule of GSA.

VA is continuing to analyze this legislation and will provide its views to the Committee when we complete that analysis.

VA respectfully defers to the Department of Labor on the merits of H.R. 4051, the TAP Modernization Program, but we would note, however, that VA, of course, will be a component of those TAP briefings and as a result, there is a cost impact for VA that is noted in my written statement.

H.R. 4052, Recognizing Excellence in Veterans Education Act, would establish an honorary education and veterans' education award to recognize institutions of higher learning that provide superior services to veterans.

Mr. Chairman, we have seen some great examples of schools that have shown leadership and energy in providing great support and services to veterans. We think we should take opportunities to recognize those schools and that can be a model for others for what they provide to our veterans.

We do have some concerns with some of the provisions of the bill as written, particularly the criteria with respect to Yellow Ribbon and the collection of graduation rates and some of that data. We would need additional resources as well to implement this legislation.

4057, Improving Transparency of Education Opportunities for Veterans, would direct VA to develop a comprehensive policy to improve outreach and transparency to veterans and members of the armed services.

VA supports providing veterans with better information about their educational opportunities, but does not believe legislation is necessary because policies and programs are in place already at VA, the Department of Education, and DoD.

And we will continue to work with these agencies to enhance that level of data sharing and information sharing. As well, we are in the process of also revising our TAP Program as an initiative for both VA and DoD.

4072, Consolidating Veteran Employment Services, would transfer a number of functions performed under program——

Mr. JOHNSON. Mr. Coy, I apologize. We are going to have to take the rest of your testimony——

Mr. COY. Yes, sir.

Mr. JOHNSON. —written, your time has expired, for the sake of time so we get all the testimony in.

[THE PREPARED STATEMENT OF CURTIS L. COY APPEARS IN THE APPENDIX]

Mr. JOHNSON. General Young, you are now recognized.

STATEMENT OF RONALD G. YOUNG

General YOUNG. Mr. Chairman, Ranking Member Braley, and distinguished Members of the Committee, thank you for your invitation to participate in this hearing and to share DoD's views on a number of pieces of legislation that have been introduced.

In my capacity as the Director of Family and Employer Programs and Policy under the Assistant Secretary of Defense for Reserve Affairs, I have oversight into only one of the bills before your Committee today, but welcome the opportunity to provide you with the requested comments and concerns of the Department of Defense as a whole.

The department has comments on four of the bills. The Department of Defense opposes a provision in House Resolution 3610, a bill that would among other things repeal Section 509 of Title 32, USC Code, the National Guard Youth Challenge Program of opportunities for civilian youth.

Mandated by Congress since 1993, over 100,000 students have successfully graduated from the program with 80 percent earning their high school diploma or GED. On average, 26 percent go on to college, 20 percent enter the military, and the remainder join the workforce and career jobs. There are 33 youth challenge programs in 27 states and one territory across the country.

The number of high school dropouts each year is a national security issue and can cost the American economy billions in lost productivity and earnings over the students' lifetime. The 12 million students projected to drop out over the next decade will cost our economy more than $3 trillion.

A recent RAND cost-benefit analysis study reported that the Youth Challenge Program generates $2.6 in benefits for every dollar spent on the program. The estimated return on investment in

the Challenge Program is 166 percent. It is for those reasons that we oppose eliminating the Youth Challenge Program.

H.R. 3670 would require the Transportation Security Administration to comply with USERRA. If legislation is passed, I am not aware of any cost the department would incur.

Over the last three years, ESGR has handled about 20 USERRA cases that involve TSA. During this same period, 75 percent of all cases were resolved including administrative closures. In fiscal year 2011, eleven cases we handled and eight were resolved for a resolution rate of 73 percent.

ESGR will continue to assess guard and reserve servicemembers employed by TSA in addressing all their USERRA issues.

Furthermore, if 3670 were to amend Public Law 107–71, we are prepared to assist TSA with USERRA training materials and training opportunities for their supervisors and employees.

Concerning H.R. 3524, the department does not oppose H.R. 3524. However, we do suggest that the legislation further clarify the status of the persons that would be absent from positions with the Federal Government.

My reading of the resolution speaks to them being in a furlough status or I believe a leave of absence status and perhaps a more appropriate status would be an administrative leave status that we would like to work with you on.

Regarding H.R. 4072, the Department of Defense believes that the separating servicemembers including guard and reserve need effective services to help them successfully transition to the civilian workforce. However, DoD defers to Department of Labor and Veterans Affairs on the specifics of this bill.

I thank you for this opportunity here today and for your support of our servicemembers, veterans, families, employers, and for the 4,800 ESGR volunteers across the country. I look forward to your questions.

[THE PREPARED STATEMENT OF RONALD G. YOUNG APPEARS IN THE APPENDIX]

Mr. JOHNSON. Thank you for your testimony, General Young.

Mr. Ortiz, you are now recognized for five minutes.

STATEMENT OF ISMAEL "JUNIOR" ORTIZ

Mr. ORTIZ. Good morning, Mr. Chairman, Ranking Member Braley, and distinguished Members of the Subcommittee. Thank you for the opportunity to appear before you today and to discuss the U.S. Department of Labor's view on pending legislation.

I am Junior Ortiz, DoL's Employment and Training Service, and I would like to begin by apologizing to the Committee for the lateness of the department's testimony.

While there are numerous bills on the agenda, my testimony will focus on H.R. 3524, 3610, 4051, and 4072.

H.R. 3524, the Disabled Veterans Employment Protection Act, would extend certain protections under USERRA to individuals receiving treatment for service-connected disabilities.

As directed or as drafted, the department has a few technical concerns regarding the bill's potential interaction with the Family and Medical Leave Act and USERRA's reemployment eligibility provisions.

However, we look forward to working with the Subcommittee to better understand the intent of the legislation and to provide technical assistance.

The next bill I would like to discuss is H.R. 3610. The bill repeals most of labor grants programs for veterans. These programs include the JVSG Program that funds DVOP's and LVER staff, the Transition Assistance Program, the Homeless Veterans Reintegration Program, and the Veterans Workforce Investment Program.

In their place, the bill establishes a single veterans' workforce investment fund to provide states with resources for employment services to veterans.

Disabled veterans currently get the intensive service they need from specialized DVOP staff. H.R. 3610 would repeal the DVOP Program without assuring that the same services will be provided by the remaining LVER staff that are included in the legislation.

Similarly, repealing the HVRP programs could leave thousands of homeless veterans without the intensive service this program provides including veteran stand-downs, homeless female veterans, and Homeless Veterans with Families Program.

If the bill is enacted, transitioning servicemembers and their spouses could also lose the valuable needed services provided by TAP.

In 2011, DoL provided more than 4,200 TAP employment workshops generating 145,000 participants. This number is expected to increase dramatically as TAP becomes mandatory in the transition services under the VOW Act. However, this legislation would leave DoL without the authority or funding to fulfill the VOW Act mandate and to provide these needed services.

In conclusion, the department has concerns of the potential impact H.R. 3610 has on veterans and looks forward to working with the Subcommittee to ensure that the veterans and others receive the high-quality service they need to succeed in the workforce.

Next I would like to discuss H.R. 4051 which would authorize three-year grant program requiring DoL to provide TAP to veterans and their spouses on off-base locations. DoL has concerns with this legislation for the following reasons:

To begin with, the current TAP employment workshops are designed specifically for transitioning servicemembers and their spouses. As a result, the curriculum is not appropriate for all veterans. However, one-stop career centers provide specific workshops for all veterans on resume writing, interviewing, and how to conduct job search.

As such, the proposed legislation appears to be duplicative and we would look forward to working with the Subcommittee to identify any needed program improvements.

Finally, I would like to discuss H.R. 4072 that would transfer most veterans' employment services and protection from the DoL to VA. Veterans' services are integrated into the larger DoL workforce system which includes over 2,500 one-stop career centers and veterans' services are provided by and with the support of numerous agencies within the department including ETA and OFCCP.

In 2010, this system served over 1.7 million veterans ensuring priority of service were provided when doing so.

Much of what DoL does for veterans and other eligible persons concentrates on maximizing the employment and training opportunities developed through our relationship with the state workforce agencies.

DoL is also a worker protection agency with extensive experience protecting eligible veterans and servicemembers from discrimination under various statutes such as USERRA, VEOA and VEVRAA. The proposed legislation would transfer USERRA and VEVRAA responsibilities to the VA and would leave VEOA responsibility to DoL.

The Veterans' Employment and Training Service in partnership with the Department of Labor agencies serves veterans and transitioning servicemembers by providing resources and expertise to assist and prepare them obtaining meaningful careers, maximize employment opportunities, and protect their rights.

DoL looks forward to working with the Subcommittee and our partners to ensure that we provide effective assistance to veterans.

Mr. Chairman, this concludes my statement and I would be happy to entertain any questions the Members may have. Thank you.

[THE PREPARED STATEMENT OF ISMAEL "JUNIOR" ORTIZ APPEARS IN THE APPENDIX]

Mr. JOHNSON. Thank you, Mr. Ortiz.

You know, I thank the members of the panel for their testimony. I find it astounding that with three weeks to prepare for this hearing the testimony of the Department of Labor and VA avoid taking a position on what is admittedly the most controversial bill on today's agenda, Chairman Miller's H.R. 4072.

Mr. Coy says they are, quote, ready to discuss these organizational issues with the Subcommittee and our Department of Labor partners at any time.

The Department of Labor after reciting a litany of services, VETS and other Department of Labor agencies provide to veterans, fails to identify any technical issue that would prevent a continuation of those services after VETS moves to VA.

Secretary Ortiz concludes his testimony by saying the Department of Labor looks forward to working with the Subcommittee and our partners to ensure that we provide effective assistance to veterans.

Gentlemen, that is exactly why we are here today.

To summarize, VA fails to state whether they would like to assume responsibility for VETS and its programs and the Department of Labor fails to identify any substantive reasons why VETS and its Federal staff, programs, and funding would create havoc with veterans' employment programs under their auspices.

Votes have just been called. For the sake of time, I am going to yield to the Ranking Member to ask a question. We will do one quick round and then we will submit additional questions for the record and ask the panel to respond in writing.

With that, Mr. Braley, I yield to you.

Mr. BRALEY. Thank you, Mr. Chairman.

And, General Young, thank you for your testimony in support of the bill that I have pending before the Committee today.

And we look forward to working with you to address the concern you have raised that specifically impacts classification of Federal employees. And my staff will follow-up with you to talk about that.

Mr. Ortiz, I appreciated your comments about that same bill in your written statement. And one of the things I was struck by in looking at the concerns you have identified is they seem very remarkably similar to concerns expressed before Congress passed the Americans With Disabilities Act, before Congress passed the Family Medical Leave Act.

Anything that we do that impacts what employers do with their personnel, policies, and practices always sets off alarms. But I think that the purpose behind this legislation I have introduced is to stand up for veterans, disabled veterans, and make sure they are getting protections in the workplace that they have earned with their blood.

So we look forward to working with your department as well and as we continue to work on this important legislation.

With that, I will yield back.

Mr. JOHNSON. I thank the gentleman for yielding back.

Mr. Stutzman.

Mr. STUTZMAN. Thank you.

And I apologize I was not here for most of the hearing due to a budget meeting.

But, Mr. Coy, I do have a question. When can we expect the final regulations for Public Law 11–275?

Mr. COY. That is the VRAP legislation, sir?

Mr. STUTZMAN. The fix bill, the GI Bill.

Mr. COY. I am not prepared to answer that, sir. We will have to take that for the record and we will get back to you as quickly as we can.

Mr. STUTZMAN. Okay. All right. And then in your testimony, you state that VR&E Service already has a commercial off-the-shelf system that assesses the servicemember's readiness to attend post-secondary training.

Would VR&E consider making this tool available to veterans on their Web site and is the use of this tool going to be part of any TAP Program?

Mr. COY. That tool, sir, that we have now is an off-the-shelf product and we buy licensing for it for our VRE counselors. It is not really a good tool for someone to do a self-assessment or do it downloading from the Web.

We are looking at a number of different sort of off-the-shelf tools, but that particular VR&E tool we are looking at right now and trying to figure out how we could possibly use that with respect to sort of a bigger Web-based situation.

With respect to the TAP Program, we are working very, very hard with DoD and Department of Labor of completely revamping the entire TAP Program and tools like that in terms of readiness assessments for our veterans and servicemembers as part of that new TAP.

Mr. STUTZMAN. Okay. And then finally, do you know approximately how many veterans does VR&E turn away every year due to delimiting date expiration?

Mr. COY. We went back and looked at our records and it is on average about 500.

Mr. STUTZMAN. Thank you. I will yield back.

Mr. JOHNSON. I thank the gentleman for yielding back.

And I would remind the panel we will be submitting additional questions that because of time and the voting schedule we are not going to be able to get to at this point. And we would ask the panel to respond to those questions in writing.

In addition to our panels, we have statements for the record from Congressman Butterfield, Congressman McIntyre, the U.S. Transportation Security Administration, the Paralyzed Veterans of America, Disabled American Veterans, the Texas Veterans Commission, the North Carolina Community College System, Congresswoman Sanchez, Wounded Warrior Project, and Iraq and Afghanistan Veterans of America.

I ask unanimous consent these statements be included in the record. Hearing no objection, so ordered.

[THE PREPARED STATEMENT OF G.K. BUTTERFIELD APPEARS IN THE APPENDIX]

[THE PREPARED STATEMENT OF MIKE MCINTYRE APPEARS IN THE APPENDIX]

[THE PREPARED STATEMENT OF U.S. TRANSPORTATION SECURITY ADMINISTRATION APPEARS IN THE APPENDIX]

[THE PREPARED STATEMENT OF PARALYZED VETERANS OF AMERICA APPEARS IN THE APPENDIX]

[THE PREPARED STATEMENT OF DISABLED AMERICAN VETERANS APPEARS IN THE APPENDIX]

[THE PREPARED STATEMENT OF TERRY "T.P." O'MAHONEY APPEARS IN THE APPENDIX]

[THE PREPARED STATEMENT OF DR. R. SCOTT RAILS APPEARS IN THE APPENDIX]

[THE PREPARED STATEMENT OF WOUNDED WARRIOR PROJECT APPEARS IN THE APPENDIX]

[THE PREPARED STATEMENT OF IRAQ AND AFGHANISTAN VETERANS OF AMERICA APPEARS IN THE APPENDIX]

Mr. JOHNSON. I would also ask that all members have five legislative days in which to revise and extend their remarks and include any extraneous materials associated with today's hearing. Again, hearing no objection, so ordered.

I would like to recognize—well, we are not going to have closing remarks today for the sake of time.

There being no further business before this Subcommittee today, we intend to hold a markup on some of these bills on March 29th, and with that, this hearing is adjourned.

[Whereupon, at 11:55 a.m., the Subcommittee was adjourned.]

APPENDIX

Prepared Statement of Hon. Marlin Stutzman, Chairman

Good morning. Today, we will receive testimony on the following bills: H.R. 3329, introduced by our colleague, Ms. Linda Sanchez, H.R. 3483, introduced by Congressman Butterfield, H.R. 3524, introduced by our Ranking Member, Mr. Braley, H.R. 3610, introduced by Ms. Foxx, H.R. 3670, introduced by Congressman/Mr./Sgt Major Walz, H.R. 4048, introduced by another EO Subcommittee Member, Mr. Johnson, H.R. 4051 and H.R. 4052, two bills I introduced, H.R. 4057, introduced by Mr. Bilirakis, and H.R. 4072, a bill introduced by Chairman Miller.

Briefly, my first bill, H.R. 4051 sets up a pilot program to increase opportunities to attend the Transition Assistance Program by expanding TAP to offer classes at multiple off-base locations. My second bill, H.R. 4052 sets up a program to identify, through a list of criteria, schools that do a good job educating veterans.

While I understand that some of the bills on today's agenda would make significant organizational changes to the Department of Labor and the Department of Veterans Affairs, the Committee, after provided copies of this bills to staff several days prior, provided a formal hearing notice to both Departments on Friday, February 17th, some 21 days ago.

And yet we did not receive VA's testimony under 6:38 PM last evening and Labor's testimony at 6:55 PM last evening. I find this unacceptable and while I understand that it may have been out of the control of today's witnesses I hope this situation is rectified in the future.

I thank all the sponsors for their bills and I look forward to hearing from our witnesses on each bill. I would also ask unanimous consent to allow Members with bills before us today to join us on the dais for the purpose of presenting their bills. Hearing no objection, I will recognize them shortly for their remarks.

I now recognize the distinguished Ranking Member for his opening remarks.

Prepared Statement of Hon. Bruce L. Braley, Ranking Democratic Member

The bills included in today's hearing seek to provide and improve veterans' benefits. These bills will increase access to education, provide employment protection for disabled veterans, extend vocational rehabilitation and employment benefits, and improve contracting procedures.

This Subcommittee has been committed to improving employment opportunities for our nation's veterans. We've conducted oversight hearings and field hearings to examine the unemployment problems facing our nation's veterans and passed legislation to try and mitigate these problems. Yet, few times have we discussed the unique needs of those with service-connected injuries. That is why I am pleased to have introduced H.R. 3524, the *Disabled Veterans Employment Protection Act,* which seeks to provide service-connected disabled veterans with employment protections.

H.R. 3524 would protect service-connected disabled veterans against employer discrimination while they seek treatment for injuries they sustained while in service or aggravated due to their military service. It would provide up to 12 weeks of unpaid leave in a calendar year. Currently Public Law 110–181, under the Family and Medical Leave Act, provides caregivers with up to 26 work weeks of unpaid leave in a calendar year for up to five years to care for their spouse, parent, child or next of kin who is a servicemember and sustained an injury or illness during service. While caregivers are given this much deserved protection, those that have been directly inflicted with an injury do not enjoy similar protections. It is time to remedy this inequity.

I am also interested in making sure our veterans have good information when deciding to go back to college. I appreciate that Chairman Stutzman has introduced

legislation that would recognize educational institutions that provide superior service to veterans, as well as improve the TAP program to include information about post-secondary education.

I also appreciate Rep. Bilirakis's legislation that would improve outreach and transparency for veterans regarding information about going back to school. I believe having clear and reliable information is essential in helping veterans make decisions about post-secondary education.

I look forward to working with Members of this Committee to make sure our veterans are receiving unbiased advice on the use of GI Bill benefits and adequate information about schools they may want to attend. They have served their country and deserve to have the best education possible, including ongoing support once they are enrolled.

Common sense legislation to provide employment protection for veterans who need medical treatment for their service-connected injuries or to provide complete information about educational opportunities is how we protect those who have volunteered to protect us.

Prepared Statement of Hon. G. K. Butterfield

Chairman Stutzman and Ranking Member Braley, thank you for the opportunity to testify before your Subcommittee.

We owe our veterans every opportunity to get a quality education and enter the workforce with the tools needed to compete. These returning heroes face an inequity that forces those who attend public colleges to pay more out-of-pocket in tuition than veterans who attend private institutions. This inequity has caused many veterans to drop out of college, transfer, or assume tremendous financial burdens to attend school. H.R. 3483, the Veterans' Education Equity Act, addresses this problem by granting veterans equal benefits to attend any public or private institution.

In January 2011, the Post-9/11 Veterans' Educational Improvements Assistance Act became law, reducing education benefits for veterans and separating education benefits for veterans who attend public institutions from veterans who attend private institutions. Before that act was passed, veterans could receive tuition and fees benefits up to the amount charged by the most expensive public institution in each state. Now, the education benefit for a veteran attending a private institution is capped at $17,500. The education benefit available to a veteran who attends a public institution is capped at in-state tuition, which is often less than $17,500. So, often veterans who attend private institutions are eligible for more education benefits than those who attend public institutions.

The table below illustrates how my bill would improve current law by showing its impact on Post-9/11 GI Bill education aid available to veterans at three institutions in North Carolina:

Institution	In-state tuition and fees 2011–2012	Out-of-state tuition and fees 2011–2012	Total out of pocket cost for non-resident under current law	Total out of pocket cost for non-resident under H.R. 3483
Elizabeth City State University (Public) Elizabeth City, North Carolina	$3,828	$13,572	$9,744	$0
East Carolina University (Public) Greenville, North Carolina	$5,317	$17,896	$12,579	$396
Bennett College (Private) Greensboro, North Carolina	$16,794	$16,794	$0	$0

At Elizabeth City State University (ECSU), in-state tuition and fees are $3,828 per year and out-of-state tuition and fees are $13,572. Under current law, a veteran with North Carolina residency attending ECSU would have his full tuition covered. A veteran who is not a resident of North Carolina would be charged $13,572 but only receive $3,828 in education benefits, so he would owe $9,744 out-of-pocket. At East Carolina University (ECU), in-state tuition and fees are $5,317 per year and out-of-state tuition and fees are $17,896, so a veteran with North Carolina residency who attends ECU would have his full tuition covered. A veteran who is not a resident of North Carolina would be charged $17,896 but only receive $5,317 in edu-

cation benefits, so he would owe $12,579 out-of-pocket. However, if that veteran chose to attend Bennett College which costs $16,794, his education benefits would cover full tuition and fees.

There are 516 veterans at University of North Carolina institutions and 715 veterans in North Carolina Community Colleges who would be immediately assisted by this law. In my District, Air Force veteran Edward Bailey, who attends ECU, faced $6,000 in charges before classes began in fall 2011 after the Post-9/11 Veterans' Educational Improvements Assistance Act became law. He was forced to take out a $5,000 loan and borrow $1,000 from friends to stay in school. With five semesters of college left, he must find a way to pay for $30,000 in tuition and fees or continue his education elsewhere. Marine Corps veteran Nan Lopata, who also attends ECU, received GI benefits to cover full tuition and fees for her first semester in spring 2011, only to face $6,800 in charges before her second semester in fall 2011. She was unable to afford to continue as a full-time student, potentially delaying her graduation. Two other students attending ECU—James and Mary Murtha—received full tuition GI benefits for their first three academic years before receiving bills in fall 2011 totaling $38,000 to complete their senior years. Their father, active duty Marine Corps Colonel Brian Murtha, was forced to withdraw $36,000 from his retirement funds. We owe it to veterans and their families to protect the benefits they were promised when they joined our military.

Veterans have limited options when their Post-9/11 GI Bill education benefits do not cover their expenses. Veterans may participate in the Yellow Ribbon GI Education Enhancement Program which can cover a portion of the tuition and fees that exceed the base Post-9/11 GI Bill benefit where it exists. However, the Yellow Ribbon Program is only available at institutions which opt into agreements with the U.S. Department of Veterans' Affairs Veterans' Administration to match the amount not already covered by the basic Post-9/11 GI Bill. In North Carolina, only 7 out of 74 public institutions participate in the Yellow Ribbon Program, forcing many veterans to pay out-of-pocket tuition and fees that are not covered by Post-9/11 GI Bill education benefits.

For those reasons, this bill has broad support including 57 bipartisan cosponsors. Additionally, veterans' service organizations (VSOs) including the Student Veterans Advocacy Group (SVAG), Iraq and Afghanistan Veterans of America (IAVA), Veterans of Foreign Wars (VFW), the American Legion, American Veterans (AMVETS), American Military Retirees Association (AMRA), and the Armed Forces Foundation, have endorsed this bill. The bill is supported by the American Association of State Colleges and Universities (AASCU), the Association of Public and Land-Grant Universities (APLU), the Association of American Universities (AAU), the University of North Carolina System, and the North Carolina Community Colleges System.

The Congressional Budget Office's (CBO's) preliminary cost estimate of H.R. 3483 is $1.4 to $1.5 billion over 10 years. When averaged, the annual cost would be only a 2 percent increase from the roughly $7.7 billion spent on the Post-9/11 GI Bill in 2011. The CBO also provided a preliminary cost estimate if the bill were to include a 3 year sunset provision of $400 million over 3 years. The CBO's preliminary estimate also indicated that up to 30,000 veterans would benefit from this bill. I urge the Subcommittee to consider offsets based on efficiencies which do not compromise service or benefits for our veterans.

Lastly, legislation to address inequities in tuition and fees benefits under the Post-9/11 Veterans' Educational Improvements Assistance Act is not unprecedented. In fact, Chairman Miller introduced H.R. 1383, the Restoring GI Bill Fairness Act, which exempts certain veterans who were enrolled in private colleges from the $17,500 tuition cap. That bill made private institutions more affordable for veterans and unanimously passed the House before being enacted in August 2011. I encourage my colleagues to support this bill in similar bipartisan fashion, and I look forward to your Subcommittee's approval. If we do not correct this problem, up to 30,000 veterans could face paying as much as $75,000 in out-of-pocket tuition costs in a tough economy, and at a time when 13.1 percent of veterans are unemployed.

Let's treat all of our veterans fairly by passing the Veterans' Education Equity Act out of Committee and helping it become law.

Prepared Statement of Richard Weidman

Good afternoon Chairman Stutzman, Ranking Member Braley, and distinguished Members of the House Subcommittee on Economic Opportunity. On behalf of Vietnam Veterans of America (VVA) National President John Rowan and our officers and members, we thank you for the opportunity to appear today to share our views

on H.R. 3329, H.R. 3483, H.R. 3610, H.R. 3670, H.R. 3524, H.R. 4048, H.R. 4051, H.R. 4057 and H.R. 4072.

I ask that you enter our full statement in the record, and I will briefly summarize some of the most important points of our statement.

H.R. 3329, *introduced by Representative Linda T Sanchez [D–CA], extends from 12 to 15 years after discharge or release from active-duty service the authorized period for veterans with service-connected disabilities to enroll in certain Department of Veterans Affairs (VA) vocational training and rehabilitation programs.*

VVA favors this bill, as it is often the case that returning servicemembers have to spend a significant number of years readjusting and acclimating to civilian society after their return, especially from a combat zone. The Pew Charitable Trusts produced an excellent report on this very subject in 2011 that we recommend to the Members of the Committee. (A copy of same was provided to key staff on both sides of the aisle.) Anything that affords more opportunity for deserving veterans to be trained in marketable skills is a good thing in the view of VVA.

H.R. 3483, the *Veterans Education Equity Act of 2011, introduced by Representative G.K. Butterfield (D–NC), revises the formula for the payment by the Department of Veterans Affairs of tuition and fees for individuals entitled to educational assistance under the Post-9/11 Educational Assistance Program and pursuing programs of education at public institutions of higher learning to include, as an additional payment formula, the greater of: 1) the actual net costs for in-state tuition after applying the receipt of any tuition waivers, reductions, scholarships, or other assistance; or 2) $17,500 for the academic year beginning on August 1, 2012 (such amount to be increased each subsequent year by the average percentage increase in undergraduate tuition costs).*

VVA has no objection to this bill.

H.R. 3524, the *Disabled Veterans Employment Protection Act, is introduced by Representative Bruce Braley (D–IA). This legislation would entitle a person who is absent from employment by reason of the receipt of medical treatment for a service-connected disability to: 1) be retained by the person's employer; 2) the seniority and other rights and benefits determined by seniority that the person had on the commencement of such treatment plus the additional seniority and rights and benefits that the person would have attained if the person had remained continuously employed; and 3) be considered on furlough or leave of absence during such treatment and therefore entitled to other rights and benefits not determined by seniority as are other persons of similar seniority, status, and pay who are on furlough or leave of absence, and terminates such entitlement when a person knowingly provides written notice of the intent not to return to such position following treatment.*

This bill would also allow the absent employee to use any vacation, annual, medical, or similar leave with pay accrued before the commencement of the treatment.

It also provides that an employer shall not be required to comply with the requirements of this Act if: 1) the employer's circumstances have so changed as to make such compliance impossible or unreasonable; 2) such compliance would pose an undue hardship on the employer; or 3) the employment in question is for a brief, non-recurring period without a reasonable expectation of continuing indefinitely or for a significant period. This proposal limits the application of this Act to periods of absence of not more than 12 workweeks during any 12-month period.

The bill applies health insurance continuation requirements to absences from employment described in this Act. It would prohibit any employer discrimination or acts of reprisal against an absent employee.

Vietnam Veterans of America strongly favors enactment of this legislation to protect the rights of veterans who have service-connected disabilities from losing their jobs because they have to take time to properly address the wounds, maladies, injuries, and illnesses that are adjudged by the Secretary of Veterans Affairs to be directly connected to and resulting from the individual's military service.

Frankly, this is legislation that should have been enacted forty years ago to protect the veterans who served in Vietnam from reprisals from employers, including Federal agencies, because they had to take time to seek treatment for service-connected conditions. It was all too often a common story from Vietnam veterans that as they were all but felled from injuries such as PTSD and conditions resulting from exposure to Agent Orange and other herbicides, tropical parasites, hepatitis C due to blood transmissions. Too many of these veterans were fired for seeking necessary medical help.

Even though this will not be of widespread help to our generation, or the fine young Americans who have served since 9/11 who have been the subject of discrimination and/or firing because they had to seek and receive treatment for their service-connected conditions over the past decade, it will be of significant assistance to

returning veterans in the future. We salute Mr. Braley for his bold leadership on this important issue, and urge early enactment of this legislation.

H.R. 3610, *Streamlining Workforce Development Programs Act of 2011, introduced by Representative Virginia Foxx [R–NC], legislation would consolidate and streamline redundant and ineffective Federal workforce development programs to increase accountability, reduce administrative bureaucracies, and put Americans back to work.*

VVA staunchly opposes eliminating any of the (tiny but highly effective) Workforce Investment Act (WIA) programs for veterans, including the VWIP program. Furthermore, VVA strongly believes that the Homeless Veterans Readjustment Program (HVRP) should stay at the United States Department of Labor (DoL), but needs to be funded at the full authorized level of $50 million per year. This program is far and away the most cost-effective, cost-efficient program administered by the DoL. The primary reason why it needs to be at DoL is so that it can be used as "match" funds by the highly effective, cost-effective community-based organizations (CBOs) and faith-based organizations (FBOs) which need to "match" VA Grant & Per Diem grant monies.

For more than 40 years the veteran community-based organizations (VCBOs), although never properly funded, have continued to deliver the most cost-effective and cost-efficient services to veterans, especially veterans most in need.

While we need a Veterans Health Administration (VHA) that provides easy access to quality medical care, and we need other Federal and state entities, it has consistently been the community-based organizations, and (often) the veteran service organizations (VSOs), that have been there for the veterans most in need. Unless this match requirement can be met another way, or surmounted by other means, we will oppose any move toward transferring the HVRP program to the VA.

Furthermore, it has been a decade since the inappropriately named "Jobs for Veterans Act of 2002" was enacted. (It was inappropriately named because the Employment & Training Administration (ETA) and the rest of DoL did everything they could to prevent "priority of service" from occurring at DoL or at the so-called Workforce Development Agencies. Sadly, for these reasons, not many veterans have ever gotten a job via this act, despite the noblest of intentions of the Congress.) Even though VVA repeatedly brought these failings to the attention of the top leadership of DoL, the previous Administration's appointees there seemingly did everything they could to keep from promulgating regulations to implement the provisions of this law until the very last month they were in office.

The provisions have now been promulgated in regulation, but it appears from afar that the Chief Operating Officer at the Department of Labor in the current Administration has little or no interest in enforcing "priority of service" in Workforce Investment Act programs. It also seems to be the case that those inside of DoL who have tried to raise some very appropriate questions about this terrible (and some would suggest anti-veteran) record of non-achievement in regard to participation of military veterans being able to enter into WIA-funded programs at the state and local level, have been silenced and in some cases had their character besmirched unfairly.

The absolutely abysmal record of veterans participating in WIA training is demonstrated by the charts of states in Appendix I to this statement.

While we applaud the good intentions, strong leadership, and hard work of Representative Foxx, we would like to see some of that resolve applied to guaranteeing that returning veterans get a fair deal in seeking classroom vocational training programs or On-the-Job-Training placements. Right now veterans are not getting anything like a fair deal, much less "priority of service" in these programs. As bad as the participation of veterans in WIA across the country, we have good reason to believe that many state and Service Delivery Area (SDA) entities could not survive even a cursory audit of this paltry tax record. (In plain word, imagine how bad their record would look if they hadn't exaggerated veteran participation!)

Whatever else this proposed legislation in its final form does, it must set aside a proportional amount of WIA funds in each state to be at least the proportion of veterans in the population of those who are unemployed or who have dropped out of the labor force solely because they are so discouraged by looking for work to no avail that they become clinically depressed and hence unable to continue to look for work.

VVA also urges Congresswoman Foxx and her colleagues to reiterate "priority of service" as a requirement for any and all employment & training programs funded by or through the DoL. Further, VVA strongly urges creation of meaningful redress measures and sanctions for those states and for those SDA delivery areas which do not adequately demonstrate "priority of service" for veterans is occurring in all DoL-funded programs. As a last resort, the funding should be recaptured from the state

and contracted out to entities (i.e., CBOs, VSOs, faith-based organizations, and other private or non-profit service providers) within that state who value veterans, and which have the expertise, creativity, and the will to assist veterans into jobs that will lead to a career.

Mr. Chairman, VVA urges you to also ask the General Accountability Office (GAO) to look into this area to discern whether this public record of the participation rate of veterans in WIA programs in each state is either incomplete or inflated, why "priority of service" to military veterans is not occurring at the service delivery level as required by law, and recommend course(s) of action for both DoL (in cooperation with VA) and the Congress to correct any deficiencies found.

VVA looks forward to working with the distinguished Members of this storied Subcommittee, and with the distinguished Members of the HELP Committee, to improve on the bill as introduced, so that VVA and others in the veterans' community can enthusiastically endorse this proposed legislation.

H.R. 3670, *To require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act, introduced by Representative Timothy Walz (D–Mn), this legislation amends the Aviation and Transportation Security Act to require the Transportation Security Administration (TSA) to comply with the Uniformed Services Employment and Reemployment Rights Act when carrying out certain personnel decisions with respect to the employment of air transportation passenger and property screeners. (Please note that Senator Joseph Lieberman (D–CT) has introduced a companion bill, S.1990.)*

As usual, Command Sergeant Major Walz is to be commended for his efforts to address a real problem for National Guard and Reserve personnel. VVA strongly favors enactment of H.R. 3670, to require the Transportation Safety Administration (TSA) to abide by the "Uniformed Services Employment and Reemployment Act"(USERA). There is no reason for TSA, or any other Federal agency or entity, to not be subject to the requirements of USERA.

VVA strongly favors speedy enactment, and expedited implementation, of this proposed law.

It has come to the attention of VVA that there are parts of the VA and of DoD that have abridged the rights of returning veterans who are demobilized from active duty, and qualify for protection under USERA. VVA strongly urges this Subcommittee to work with the appropriate Subcommittee of the Government Oversight & Reform Committee to make violation or abridgement or threatened abridgement of a servicemember's rights under USERA a "prohibited personnel practice" that shall subject a manager or supervisor who commits such an act to immediate reprimand, up to and including suspension and possible dismissal in any and all Federal entities. At minimum, such an act should result in a two-year suspension of awarding a bonus for any reason to that manager.

Further, VVA urges this Subcommittee to work with that same Subcommittee on the Federal Workforce of the Committee on Oversight & Government Reform to strengthen veterans' preference. There should be no exception of any Federal department, agency, or entity from being subject to veterans' preference in all hiring, at all grades.

While the Veterans Employment Opportunity Act of 1998 (VEOA) strengthened veterans' preference in many ways, it is now way past time to correct a number of flaws in the VEOA. The statute made it a "prohibited personnel practice" to violate the rights of a veterans' preference-eligible person. First among those flaws is that the word "knowingly" was slipped into the law before "violate a person's veterans' preference rights." This has enabled those same SES folks to avoid punishing managers and supervisors for the past fourteen years. Frankly, if a manager or supervisor does not know veterans' preference laws by the time he or she gets into a position of authority, then they should be removed and dismissal proceedings started for either misfeasance and/or incompetence. (Incidentally, the word "knowingly" does not appear in the language that defines all other "prohibited personnel practices," only in the veterans' preference clause.)

It is also time to admit that the Senior Executive Service (SES) is a failure that has not met any of the supposed goals of the program that were used to justify exempting SES from veterans' preference laws. As it has played out at the VA, at DoD, and at other departments and agencies, this exemption has enabled "Jody" (those who avoided the draft or enlistment to serve our country in the armed forces) to make sure that there are very few veterans or surviving spouses in SES positions. There is a generally patronizing attitude toward veterans that has been allowed to flourish in many quarters of the Federal government. Even as the size of the Federal workforce shrinks, these outrageous abuses must end.

I would be remiss if I did not note that the current Administration has tried very hard to increase the hiring of veterans and the use of tools for agencies to increase

the employment of veterans, particularly disabled veterans. There has, as perhaps you might come to expect, a great deal of lip service and passive resistance from the careerists. It has however resulted in some gains for veterans, but we must not only keep the pressure on them to do better, but also move to strengthen the law. Frankly there are very few things that you can do to really assist veterans, particularly disabled veterans, and dramatically improve their lives while also strengthening the effectiveness of the Federal workforce that do not cost money in a time of both real and perceived austerity.

Making the veterans' preference laws stronger is one of those few no-cost things you have the latitude to accomplish even in a tough year which can really improve the lives of disabled veterans. VVA urges you and your colleagues to seize this moment of opportunity, and act with alacrity and determination.

H.R. 4048, *Improving Contracting Opportunities for Veteran-Owned Small Businesses Act of 2012, introduced by Representative Bill Johnson (R–OH), would amend title 38, United States Code, to clarify the contracting goals and preferences of the VA with respect to small business concerns owned and controlled by veterans.*

This legislation can be read in two very different ways with very different consequences: 1) that the Federal Supply Schedule (FSS) and the misnomered "strategic sourcing initiative" (which is not based on any statute we can locate, and which has less than nothing to do with national security) has precedence over small business in general and service-disabled veteran- owned small business "Vets First" provisions of law in particular; or 2) that Service-Disabled Veteran-Owned Small Businesses (SDVOSBs) and Veteran-Owned Small Businesses (VOSBs) who are on the delegated (from the General Services Agency) Federal Supply Schedules shall have preference over all others on the VA-run FSS.

If the intent is the second meaning, then VVA can enthusiastically support this proposed law.

If, however, the intent is to let the VA continue to ignore much of small business law that has been on the books for years, and to ignore the "Vets First" contracting provisions of Title 38, then VVA must rigorously oppose this legislation. The Veterans Entrepreneurship Task Force (VET–Force) will also vigorously oppose this legislation if that is the case.

As there was no summary on thomas.loc.gov that made clear the intent of HR 4048, and there were no remarks upon introduction that we could locate, the bill as written leaves us in a bit of a quandary. If we are in a quandary as to what was intended, we can only speculate and marvel at the mess the VA General Counsel's office (never mind the Acquisitions people) will make of this proposal should it become law as currently worded, with no clear and unequivocal Committee report. We urge that this be re-written and expanded for clarity, and a clear Committee report be written, no matter which way the Committee decides to proceed.

H.R. 4051, *TAP Modernization Act of 2012, introduced by Representative Marlin A. Stutzman (R–IN), would direct the Secretary of Labor to provide off-base transition training.*

The Transition Assistance Program (TAP) has needed a significant overhaul for some time. The common vernacular description of the TAP program as it exists on military bases today is "death by power-point." Many of those slides in the standard presentation date back to when some of the separating servicemembers were in elementary school. What is particularly needed is not only an up to date and interactive experience that will engage those separating, but also to deliver this program to those who are members of the National Guard and the Reserves demobilizing, and are nowhere near a military base where this program is currently offered.

It is also true for many of the active duty servicemembers when they separate from the service and return home that they are not near a military base that offers TAP. Reportedly, this is the most rural Armed Forces we have fielded since World War I, with about 40% coming from towns of 25,000 or less. What this means is that we must alter our paradigm and shape these very important services in such a way that the service(s) and vital information for these veterans and their spouses can be delivered where the new veterans can seize this opportunity, and in such a manner that they will grasp this important set of services and information.

Our Nation spends a great deal of time and treasure to train these young Americans to be effective soldiers, sailors, Marines, and members of the Air Force and Coast Guard. This prepares them to be not only the best trained and equipped armed forces in the world, but the best in the history of the world. Surely we can spend the time and resources to train these young Americans to successfully reintegrate into civilian life.

VVA does favor enactment of this legislation at an early date, but urges that you and your colleagues consider speeding up the pilot to a much faster pace than three years in only five states. The services are needed now, not in the distant future.

H.R. 4057, *Improving Transparency of Education Opportunities for Veterans Act of 2012, introduced by Representative Gus M. Bilirakis, (R–FL), would 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.*

VVA commends Congressman Bilirakis for continuing the tradition in his family of bold advocacy for the men and women who have pledged their life and limb in defense of the Constitution.

VVA favors enactment of this proposed legislation, but we strongly urge that it be strengthened. Let me be blunt: VVA has good reason to believe that some predatory for-profit schools set out to enrich themselves and their investors by taking the hard-earned GI Bill for the 21st Century dollars, and then arranging "easy financing" of additional costs from what turns out to be a finance company owned by the same investors that locks these brave young people into a debt structure that is a heavy burden at exorbitant (if not usurious in the biblical sense). Then it is only after wasting time and all of their benefits that these veterans discover that the schools are not really properly accredited, that their "degrees" are phony and worthless as said "credentials" are not accepted by employers or licensing agencies or graduate schools.

In the most extreme of these cases, the future has literally been stolen from these veterans. These predators are practicing "Stolen Valor" in the extreme.

Let me state that VVA does not believe that all distance learning is bad, nor that being a for-profit school inherently means that the school can't offer fair value for a fair price. They can – but the predatory for-profit schools do not.

We ask that you take into account these considerations:

(1) Basic Eligibility Threshold: No GI Bill or TA dollars if the graduate is not eligible to get licensed in that field. In the Military and Veteran Students Educational Bill of Rights, one provision is, "If receiving a degree or certificate will fulfill the licensing requirements in a particular field." As our friend and colleague Ted Daywalt, founder and president of VetJobs always says, a program's graduates must be eligible for state licensing so that graduates can actually get a job in the area they studied for (for example, a nursing program must be approved so that its graduates can be licensed to practice nursing). You could also suggest basic eligibility thresholds for graduation and job placement rates (such as, no GI Bill dollars if a school has a terrible graduation or job placement rate).

(2) Risk-Based Audits and Reviews: Senator Webb is proposing a risk-based review system where State Approving Agencies would be tasked with performing an audit if one of these triggers occurred: rapid GI enrollment, student complaints, high drop-out rates, high loan default rates, or legal action by a state or the feds against a particular college. To quote from the Military and Veteran Students Educational Bill of Rights: "Review any institution that shows a rapid increase in student dropout rates or student loan defaults, an increase in student complaints, a state lawsuit or probation, etc. VA and DoD should decertify or terminate from TA and GI Bill eligibility any institution of higher education that has been put on probation or terminated by a state government from its student aid program, has been found by a government agency to have engaged in grossly deceptive recruiting practices, or has admitted fraud or been successfully sued for fraud. VA and DoD should share information with the Departments of Education and Justice, and communicate information on adverse findings by those agencies with the State Approving Agencies for institutions that may require additional inspections or remedial action."

(3) Data Collection, Student Disclosures and Reporting: Here's the applicable paragraph from the Educational Bill of Rights: "Track the data on school performance and student outcomes under Tuition Assistance, Montgomery and Post-9/11 GI Bills, and Top-Up. Currently DoD and VA track dollars out the door, but not what those dollars have bought. (No agency is currently tracking even dollars out the door under Top-Up.) At a minimum, DoD and VA should track the number of credits earned and whether students remain enrolled, have successfully completed a program, or have dropped out. Metrics should be regularly reported to Congress."

(4) Disclosures. You've got a serious list in the attached Educational Bill of Rights: "Disclose relevant educational and financial information to DoD/VA and to prospective students in plain language and in easily accessible, obvious places on all materials and Web sites:

i. The actual costs per credit hour and/or degree or other relevant measures, including all lab and student fees;

ii. Whether or not credits are transferrable to that state's public universities and community colleges;
iii. If receiving a degree or certificate will fulfill licensing requirements in a particular field;
iv. If the institution of higher learning (IHL) has been accredited by what national and/or regional accrediting entity;
v. That programs of study have been approved for GI Bill benefits by a State Approving Agency;
vi. Whether the institution is a public, private non-profit, or private for-profit institution; and if it is a for-profit entity, it should be required to disclose its profitability, executive compensation, and shareholder return annually and semi-annually, as well as what percent of its budget goes to marketing and recruitment; to career placement; and to actual instruction;
vii. What the overall graduation and job placement rates have been for the past five years, as well as in the specific field of study in which a prospective student is considering majoring;
viii. What the dropout rates have been over the past five years; The student debt and default rates on loans at one year, two years, and three years after a student has graduated or has otherwise left the school;
ix. Whether the college has dedicated support staff to assist students
x. negotiate the educational terrain, especially support staff for military, veterans, and military families - in particular disabled veterans (it's one thing to get into a school; it's quite another to attain a degree while juggling family and work and studies); and whether or not the college has certified counselors available to assist students seek scholarships and other forms of financial aid;
xi. The qualification level of the teaching and tutoring staff, e.g., what percentage of instructors have achieved a terminal degree in their field of discipline;
xii. Whether or not the school has a career placement office with paid, dedicated staff to assist students in their job search upon graduation; or, in the case of online institutions, what is the availability of career placement services for students and alumni;
xiii. What percentage of the institution's budget is spent on advertising, marketing, recruitment, commissions, and sales; how much has been taken as profit over an institution's past five fiscal years; and the total annual individual executive compensation package for the senior corporate or college staff over the past years, as well as shareholder returns quarterly and annually over the same period."

H.R. 4072, *Consolidating Veteran Employment Services for Improved Performance Act of 2012, introduced by Representative Jeff Miller (FL–1), would amend title 38, United States Code, to improve employment services for veterans by consolidating various programs in the Department of Veterans Affairs.*

VVA supports the part of this bill that would create the position of Deputy Undersecretary of VA for Veterans Employment and Economic Opportunities, and move the DoL Veterans Employment and Training Service (VETS) to VA. While this begs the question as to the lack of accountability of the state workforce development agencies in regard to the proper deployment of the veterans' personnel to work on assisting veterans, especially disabled veterans, to obtain and sustain meaningful employment at a living wage, it is at least a start in the right direction.

VVA still strongly believes that all of the veterans' staff positions currently known as Disabled Veteran Outreach Program specialists (DVOPs) and Local Veteran Employment Representatives (LVERs) that are currently state employees should be federalized. VVA holds that this is necessary because there is presently no effective oversight of how the states are utilizing these personnel. Experience would suggest, however, that we are lucky if we are able to get the equivalent of one day a week of these half-time LVERs and DVOPs devoted to veterans. At minimum VVA strongly urges you to authorize only full-time positions as veterans' personnel, and ensure that there is a meaningful oversight system to ensure veterans get their money's worth of effort from each full-time position funded by DoL to serve only veterans. Lastly, we need more meaningful objective measures than the current mass scale manifestation of the "post hoc, ergo propter hoc" logical fallacy. We need real placements, not the current phony system.

However, VVA opposes the part of this bill that would move the HVRP grant program from DoL to the VA per VVA 2011 National Convention resolution: "HV–7 **Homeless Veterans Reintegration Program to Remain at the US Department of Labor (DoL) and be fully funded at $50M"; resolved, that** Vietnam Veterans of America opposes the transition of the HVRP Program from the US Department of Labor and further, that DoL should be held accountable for this pro-

gram's function, oversight, and performance. Additionally, VVA urges full funding to the authorized level for the HVRP program."

As noted above, the key issue here is that the very effective CBOs and faith-based organizations (FBOs), which operate on a very close margin, need the HVRP funds from DoL to serve as "match" funds in order to receive "Grant & Per Diem" funds from VA. Frankly, these CBOs and FBOs produce effective services to very poor and homeless veterans at much less cost than government can get the job done. Veterans tend to trust them more than the VA or other government agencies when beginning the process of trekking the long road back from the street to a productive role in society. If this "match" problem can be surmounted, then VVA would reconsider this position.

Many thanks for the opportunity to appear here today to share the views of VVA.

Appendix I

MILITARY & VETERAN STUDENTS EDUCATIONAL BILL OF RIGHTS

The VSOs and MSOs indicated below urge the Administration to establish an interagency working group, from among the Departments of Defense, Veterans Affairs, Education, and Justice, to develop appropriate protocols to protect active duty servicemembers, reservists and members of the National Guard, veterans and family members who seek to use their GI Bill and Tuition Assistance benefits to pursue higher education from unethical and predatory institutions of higher learning. Several of our ideas on reining in the abuses that we know have been harming troops and veterans are offered below. We defer to the Administration on the appropriate agency or mechanism to implement these ideas, and are available to provide more specifics as needed. We have referred to the Military Student Bill of Rights developed by the Servicemembers Opportunity Colleges Consortium (SOCC) as a touchstone on this issue. We also encourage reference to section 559 of the FY'12 National Defense Authorization Act.

1. REQUIRE (either through strong Memoranda of Understanding from both DoD and VA or through Executive action) all institutions of higher learning that want to accept students under Tuition Assistance or the Post-9/11 or Montgomery GI Bills to:

a. DISCLOSE relevant educational and financial information to DoD/VA and to prospective students in plain language and in easily accessible, obvious places on all materials and Web sites:

i. The actual costs per credit hour and/or degree or other relevant measures, including all lab and student fees;
ii. Whether or not credits are transferrable to that state's public universities and community colleges;
iii. If receiving a degree or certificate will fulfill licensing requirements in a particular field;
iv. If the institution of higher learning (IHL) has been accredited by what national and/or regional accrediting entity;
v. That programs of study have been approved for GI Bill benefits by a State Approving Agency.
vi. Whether the institution is a public, private non-profit, or private for-profit institution; and if it is a for-profit entity, it should be required to disclose its profitability, executive compensation, and shareholder return annually and semi-annually, as well as what percent of its budget goes to marketing and recruitment; to career placement; and to actual instruction.
vii. What the overall graduation and job placement rates have been for the past five years, as well as in the specific field of study in which a prospective student is considering majoring.
viii. What the dropout rates have been over the past five years;
ix. The student debt and default rates on loans at one year, two years, and three years after a student has graduated or has otherwise left the school;
x. Whether the college has dedicated support staff to assist students negotiate the educational terrain, especially support staff for military, veterans, and military families - in particular disabled veterans (it's one thing to get into a school; it's quite another to attain a degree while juggling family and work and studies); and whether or not the college has certified counselors available to assist students seek scholarships and other forms of financial aid;
xi. The qualification level of the teaching and tutoring staff, e.g., what percentage of instructors have achieved a terminal degree in their field of discipline;

xii. Whether or not the school has a career placement office with paid, dedicated staff to assist students in their job search upon graduation; or, in the case of online institutions, what is the availability of career placement services for students and alumni;

xiii. What percentage of the institution's budget is spent on advertising, marketing, recruitment, commissions, and sales; how much has been taken as profit over an institution's past five fiscal years; and the total annual individual executive compensation package for the senior corporate or college staff over the past years, as well as shareholder returns quarterly and annually over the same period.

b. REQUIRE institutions of higher learning to report data on graduation and dropout rates and other relevant measures of their commitment to providing quality higher education to the National Center for Education Statistics' College Navigator.

c. MANDATE that any institution of higher learning that receives Tuition Assistance, Post-9/11 or Montgomery GI Bill funds has a career placement office with dedicated, paid staff to assist students in their job search upon graduation; or, in the case of online institutions, provides career placement services for students and alumni.

d. MANDATE institutions of higher learning provide support services for military, veterans, including disabled veterans, and their families.

e. MANDATE under penalty that no institution of higher learning may provide incentive payments to recruit; and that no financial incentives may be offered to current or former students to recruit; nor may a school use GI Bill or TA dollars for recruiting or marketing.

f. MANDATE under penalty that any institution of higher learning receiving GI Bill or Tuition Assistance dollars must be brought under the rules of Title IV of the Higher Education Act governing institutions that receive Pell grants and Federal student loans.

g. ENSURE that currently enrolled students will be given sufficient notice if an institution of higher learning declines to sign the MOU.

2. CLOSE the 90/10 loophole. A cornerstone of any effort must be closing the loophole in which GI Bill and Tuition Assistance funds are considered "private" funds, not "federal" funds in the 90/10 equation. This has opened the floodgates to extreme targeting of military and veteran students by predatory for-profit colleges, and has led to the waste of hundreds of millions of dollars. (Note: The American Legion does not have a Resolution that supports this proposal).

3. MANDATE counseling about educational benefits and the potential for abuse to the uneducated consumer student. Active duty troops should be informed by DoD and VA personnel about educational opportunities available to them - and their families - and the risks for abuse by predatory institutions, prior to receiving benefits. National Guard and military families should also receive counseling through appropriate avenues. Potential students should be told about the College Navigator. Those who are considering enrolling in an institution of higher learning, and those who are about to separate from service, should attend mandatory sessions that focus on what factors potential students need to consider when choosing a school. Similarly, all levels of command, from company commander through installation commander, should be alert to the risks of predatory institutions and take steps if necessary to bar these recruiters and their principals from coming onto their base. All levels of command should be encouraged to disseminate information through publications and periodic briefings by MSO and VSO representatives. Institutions of higher education should not themselves be given a platform to conduct education counseling under Chapter 36 or other avenues.

4. DEVELOP an online college comparison tool (e.g., a mandatory, not a voluntary, College Navigator) that can assist students compare actual costs, transferability of credits, eligibility to get licensed, key indicators or measures of student success, e.g., drop-out rates, graduation rates, student loan default rates, and job placement successes. This tool would also catalog an online database of student complaints. And this College Navigator should allow for social media integration so that potential students can rate schools by learning of the experiences of students at these institutions.

5. ESTABLISH an Ombudsman system at VA and DoD to take student complaints at a toll-free number, such as 1–800–GI BILL1, facilitated through existing infrastructure at the VA call center in Muskogee, Oklahoma. Student complaints could be made available online and connected to College Navigator, with all personal information redacted, so prospective students might see complaints about the schools they are considering. Require VA to develop an Education Benefits Customer Service portal, where student veterans can file complaints about benefits and

report fraud waste and abuse. Veteran complaints should be assigned a case file and tracked as the VA works with agencies to find resolution to the problem.

6. TRACK the data on school performance and student outcomes under Tuition Assistance, Montgomery and Post-9/11 GI Bills, and Top-Up. Currently DoD and VA track dollars out the door, but not what those dollars have bought. (No agency is currently tracking even dollars out the door under Top-Up.) At a minimum, DoD and VA should track the number of credits earned and whether students remain enrolled, have successfully completed a program, or have dropped out. Metrics should be regularly reported to Congress.

7. REVIEW any institution that shows a rapid increase in student dropout rates or student loan defaults, an increase in student complaints, a state lawsuit or probation, etc. VA and DoD should decertify or terminate from TA and GI Bill eligibility any institution of higher education that has been put on probation or terminated by a state government from its student aid program, has been found by a government agency to have engaged in grossly deceptive recruiting practices, or has admitted fraud or been successfully sued for fraud. VA and DoD should share information with the Departments of Education and Justice, and communicate information on adverse findings by those agencies with the State Approving Agencies for institutions that may require additional inspections or remedial action.

8. ADDRESS access to military installations in CONUS and overseas. Installation commanders should utilize the rule against commercial solicitation on their base, as well as JAG procedures to ban predatory commercial entities. They should be encouraged to enter into MOUs with community and non-profit schools to teach on post; no national educational entity, e.g., Kaplan or Colorado Tech, should have entre into a national MOU with DoD or one of the services to have unfettered access to all bases. It should be in the province of a local commander and his/her educational officers to determine who is authorized to teach on campus, but there should be no limit to the number of MOUs they can sign. Access to bases by former servicemembers should be limited if they are paid by schools to recruit on base.

9. TRADEMARK or otherwise protect such terms as "GI Bill" and "Military friendly" but provide a carve-out for recognized VSOs. (Web sites owned by for-profit lead generators include GIBillAmerica.com, MilitaryGIBill.com, GIBill.Com, GIBenefits.com, and US–Army-Info.com.) The Federal government has already trademarked terms such as "Social Security," "Medicare," "No Guts, No Glory," "PTSD Coach," "VetBiz," and "MyFuture.com."

10. DESIGN a method of recourse for servicemembers and veterans who have lost their benefits because they were duped or tricked by a predatory practice by an institution of higher learning. If a troop or veteran has wasted his/her benefits on a worthless degree or certification because of misrepresentations made by unscrupulous representatives of predatory for-profits, they should be permitted to petition the Court of Appeals for Veterans Claims to have them reinstated.

The undersigned organizations have endorsed this military and veteran students' educational Bill of Rights:

John R. "Doc" McCauslin
Chief Executive Officer
Air Force Sergeants Association

Rear Adm. (Ret.) Casey Coane
Executive Director
Association of the U.S. Navy

Tom Tarantino
Deputy Policy Director
Iraq and Afghanistan Veterans of America

Vice Adm. (Ret.) Norbert R. Ryan, Jr.
President
Military Officers Association of America

Joe Wynn
Legislative Liaison and Regional Director
National Association for Black Veterans
President, Vets Group

Maj. Gen. (Ret.) Gus Hargett
President
National Guard Association of the U.S.

Carl Blake
National Legislative Director

Paralyzed Veterans of America

Michael Dakduk
Executive Director
Student Veterans of America

Peter Gaytan
Executive Director
The American Legion

Raymond C. Kelley
National Legislative Director
Veterans of Foreign Wars of the U.S.

Ted Daywalt
President
VetJobs

Heather L. Ansley, Esq., MSW
Vice President of Veterans Policy
VetsFirst, United Spinal Association

Rick Weidman
Executive Director for Policy &
Government Affairs
Vietnam Veterans of America

VIETNAM VETERANS OF AMERICA

Funding Statement

March 8, 2012

The national organization Vietnam Veterans of America (VVA) is a non-profit veterans' membership organization registered as a 501(c) (19) with the Internal Revenue Service. VVA is also appropriately registered with the Secretary of the Senate and the Clerk of the House of Representatives in compliance with the Lobbying Disclosure Act of 1995.

VVA is not currently in receipt of any Federal grant or contract, other than the routine allocation of office space and associated resources in VA Regional Offices for outreach and direct services through its Veterans Benefits Program (Service Representatives). This is also true of the previous two fiscal years.

For Further Information, Contact:

Executive Director of Policy and Government Affairs
Vietnam Veterans of America
(301) 585–4000, extension 127

1st Qtr FY '10 WIA Adult Exiters

Training And Intensive

State	Total	Non- Low Income Non- Vets	Non Vet Employed	Low Income Non-Vets	Pct NOT Low Income Or Vets	Pct Non-Vet Already Employed	Vet	Estimated Vets Unemployed Jan 2011	Service Disabled Vets	Estimated Disabled Veteran State Population
Alabama	1794	815	183	979	39%	10%	110	14,000	12	56,028
Alaska	268	112	74	156	29%	28%	34	4,000	4	12,134
Arizona	1221	722	159	499	51%	13%	105	23,000	8	71,452
Arkansas	617	246	176	371	34%	29%	36	11,000	4	34,038
California	24983	11640	2082	13343	40%	8%	1543	94,000	195	258,523
Colorado	635	340	178	295	43%	28%	64	23,000	13	58,590
Connecticut	575	376	62	199	58%	11%	40	11,000	3	26,648
DC	270	91	40	179	24%	15%	27	2,000	5	10,134
Delaware	407	291	30	116	62%	7%	40	1,000	4	5,038
Florida	9122	6116	5261	3006	62%	58%	458	75,000	39	207,015
Georgia	2150	1300	194	850	53%	9%	153	40,000	10	113,302
Hawaii	225	161	22	64	63%	10%	19	3,000	2	16,467
Idaho	542	305	85	237	48%	16%	47	5,000	5	18,314
Illinois	3874	2032	427	1842	48%	11%	184	40,000	10	100,428
Indiana	24492	12528	3967	11964	43%	16%	2014	24,000	205	63,097
Iowa	389	251	25	138	55%	6%	37	8,000	3	28,849
Kansas	1025	619	254	406	51%	25%	101	13,000	18	30,421
Kentucky	1852	1350	535	502	68%	29%	98	19,000	15	45,305
Louisiana	1270	555	377	715	39%	30%	57	8,000	6	42,484
Maine	511	328	72	183	51%	14%	66	6,000	5	17,709
Maryland	539	509	46	30	89%	9%	30	13,000	4	66,367
Massachusetts	2352	1517	114	835	58%	5%	155	17,000	8	44,779
Michigan	6041	3379	2346	2662	51%	39%	283	48,000	12	85,722
Minnesota	2253	1588	210	665	66%	9%	106	20,000	16	45,551
Mississippi	3104	2183	829	921	67%	27%	117	7,000	27	28,564
Missouri	2698	1477	307	1221	47%	11%	198	18,000	22	65,311
Montana	219	98	18	121	26%	8%	42	3,000	2	13,328
Nebraska	299	145	51	154	42%	17%	19	4,000	0	18,917
Nevada	1600	1336	155	264	77%	10%	109	17,000	12	32,904

State	Total	Non- Low Income Non- Vets	Non Vet Employed	Low Income Non-Vets	Pct NOT Low Income Or Vets	Pct Non-Vet Already Employed	Vet	Estimated Vets Unemployed Jan 2011	Service Disabled Vets	Estimated Disabled Veteran State Population
New Hampshire	414	257	40	157	56%	10%	24	4,000	1	15,850
New Jersey	1569	1080	87	489	64%	6%	81	17,000	7	49,887
New Mexico	1828	1600	1539	228	86%	84%	23	8,000	4	24,123
New York	33382	26983	3219	6399	72%	10%	2959	39,000	393	110,072
North Carolina	3248	2070	409	1178	53%	13%	357	34,000	3	107,402
North Dakota	214	66	37	148	23%	17%	16	1,000	2	7,629
Ohio	3846	2477	503	1369	56%	13%	327	52,000	16	111,479
Oklahoma	1262	728	167	534	47%	13%	132	12,000	26	44,779
Oregon	11794	5571	1684	6223	37%	14%	1197	14,000	160	41,792
Pennesylvania	3919	3280	407	639	75%	10%	327	34,000	19	113,240
Rhode Island	549	442	29	107	78%	5%	16	4,000	0	8,530
South Carolina	5104	2405	691	2699	42%	14%	280	24,000	29	56,612
South Dakota	250	117	54	133	38%	22%	21	3,000	2	9,533
Tennessee	4122	3238	1173	884	74%	28%	201	30,000	18	66,546
Texas	7517	4711	1593	2806	54%	21%	648	58,000	36	242,553
Utah	4812	4099	619	713	81%	13%	203	5,000	25	19,992
Vermont	134	42	13	92	22%	10%	12	2,000	1	6,298
Virginia	1743	1009	216	734	49%	12%	159	30,000	14	126,809
Washington	1888	913	144	975	38%	8%	191	38,000	36	87,179
West Virginia	567	356	70	211	57%	12%	32	6,000	1	21,430
Wisconsin	1991	1244	280	747	56%	14%	133	22,000	21	51,736
Wyoming	157	41	34	116	21%	22%	8	2,000	1	7,762

Data Source- ETA Office Of Policy Development And Research Data

Number of WIBS with 9 Or Fewer Vets	409	61%
Number of WIBS With No Vets	19	3%
Number of WIBS With More Than Nine Vets	240	36%

FY '09 WIA Adult Exiters

State	Counties	Disabled WIA Vets	Estimated Disabled Veteran State Population	Gulf War WIA Vets	VA Provided Gulf War State Population	Under 24 WIA Vets	VA Provided Under 24 Population	FY 09 Total	FY 09 ARRA	FY 09 Adult
All Locations	3,051	5,153	2,948,648	4,819	5,678,331	53	309,445	$1,352,148,660	$493,762,500	$858,386,160
Alabama	67	13	56,028	5	114,492	0	5,278	$13,984,774	$5,103,029	$8,881,745
Alaska	13	21	12,134	27	27,526	0	1,372	$4,602,524	$1,679,456	$2,923,068
Arizona	15	21	71,452	21	138,008	1	6,861	$20,872,482	$7,616,346	$13,256,136
Arkansas	75	10	34,038	22	65,974	1	3,896	$13,902,287	$5,072,930	$8,829,357
California	57	717	258,523	1,084	503,940	2	31,759	$219,562,038	$80,117,954	$139,444,084
Colorado	62	30	58,590	27	116,314	0	4,636	$13,133,396	$4,792,362	$8,341,034
Connecticut	8	5	26,648	2	40,785	0	2,455	$12,017,443	$4,385,149	$7,632,294
Delaware	3	15	10,134	7	19,304	0	1,026	$3,382,871	$1,234,406	$2,148,465
DC	1	4	5,038	5	10,178	0	452	$4,228,403	$1,542,940	$2,685,463
Florida	66	77	207,015	94	399,112	4	18,686	$53,296,955	$19,448,002	$33,848,953
Georgia	156	32	113,302	52	242,626	2	10,356	$35,952,461	$13,119,015	$22,833,446
Hawaii	3	2	16,467	1	36,105	0	1,940	$3,382,871	$1,234,406	$2,148,465
Idaho	44	9	18,314	9	36,822	1	2,582	$3,382,871	$1,234,406	$2,148,465
Illinois	102	44	100,428	70	190,079	1	12,877	$70,678,781	$25,790,612	$44,888,169
Indiana	91	916	63,097	311	111,825	5	6,727	$25,742,644	$9,393,463	$16,349,181
Iowa	99	7	28,849	5	51,441	2	3,111	$4,261,002	$1,554,835	$2,706,167
Kansas	104	50	30,421	48	62,242	0	3,219	$7,405,223	$2,702,158	$4,703,065
Kentucky	119	55	45,305	45	88,580	2	5,197	$22,450,317	$8,192,097	$14,258,220
Louisiana	60	23	42,484	27	92,379	2	6,749	$22,851,234	$8,703,290	$14,147,944
Maine	16	19	17,709	12	30,332	0	1,767	$4,955,033	$1,808,086	$3,146,947
Maryland	23	22	66,367	0	138,045	0	6,195	$13,455,114	$4,909,757	$8,545,357
Massachusett	6	14	44,779	0	69,367	1	4,681	$27,606,734	$10,073,668	$17,533,066
Michigan	83	35	85,722	39	138,200	3	7,461	$84,565,004	$30,857,680	$53,707,324
Minnesota	87	29	45,551	39	69,147	3	3,897	$19,051,975	$6,952,045	$12,099,930
Mississippi	82	599	28,564	88	60,964	0	3,718	$21,301,233	$7,772,797	$13,528,436
Missouri	114	41	65,311	28	119,798	1	6,445	$28,725,871	$10,482,040	$18,243,831
Montana	56	14	13,328	13	25,180	0	1,724	$3,382,871	$1,234,406	$2,148,465
Nebraska	93	8	18,917	5	37,042	2	2,002	$3,382,871	$1,234,406	$2,148,465
Nevada	16	24	32,904	15	62,247	0	2,416	$9,296,216	$3,392,179	$5,904,037

State	Counties	Disabled WIA Vets	Estimated Disabled Veteran State Population	Gulf War WIA Vets	VA Provided Gulf War State Population	Under 24 WIA Vets	VA Provided Under 24 Population	FY 09 Total	FY 09 ARRA	FY 09 Adult
New Hampsh	10	9	15,850	2	25,378	1	1,207	$3,382,871	$1,234,406	$2,148,465
New Jersey	21	19	49,887	22	78,480	0	5,170	$25,723,379	$9,386,433	$16,336,946
New Mexico	33	10	24,123	15	50,473	0	2,421	$7,289,104	$2,659,786	$4,629,318
New York	57	1,285	110,072	1,745	177,097	1	12,230	$86,369,425	$31,516,111	$54,853,314
North Carolin	100	6	107,402	0	224,121	0	10,587	$28,328,844	$10,337,165	$17,991,679
North Dakota	53	7	7,629	6	15,954	0	1,110	$3,382,871	$1,234,406	$2,148,465
Ohio	88	69	111,479	27	193,778	0	11,680	$64,090,000	$23,386,373	$40,703,627
Oklahoma	77	39	44,779	34	94,286	1	5,866	$10,003,236	$3,650,170	$6,353,066
Oregon	36	341	41,792	163	72,026	0	3,847	$17,340,801	$6,327,640	$11,013,161
Pennsylvania	66	39	113,240	63	183,527	1	11,715	$45,343,361	$16,545,744	$28,797,617
Rhode Island	5	8	8,530	5	14,261	0	858	$5,772,947	$2,106,542	$3,666,405
South Carolir	46	103	56,612	72	116,562	3	6,601	$28,548,237	$10,417,221	$18,131,016
South Dakot	64	10	9,533	1	19,395	0	1,247	$3,382,871	$1,234,406	$2,148,465
Tennessee	93	35	66,546	39	126,339	1	5,796	$29,695,515	$10,835,862	$18,859,653
Texas	254	82	242,553	304	521,663	10	25,595	$94,121,325	$34,344,771	$59,776,554
Utah	29	96	19,992	101	39,876	0	2,579	$4,927,816	$1,798,155	$3,129,661
Vermont	14	2	6,298	1	9,478	0	441	$3,382,871	$1,234,406	$2,148,465
Virginia	95	34	126,809	20	301,573	1	14,972	$14,326,251	$5,227,634	$9,098,617
Washington	39	92	87,179	89	172,773	1	7,961	$26,566,995	$9,694,268	$16,872,727
West Virgini	55	7	21,430	5	40,109	0	2,351	$6,604,878	$2,410,113	$4,194,765
Wisconsin	72	n/a	51,736	n/a	87,552	0	4,637	$14,206,273	$5,183,854	$9,022,419
Wyoming	23	4	7,762	4	15,576	0	1,086	$3,382,871	$1,234,406	$2,148,465

Data Source- ETA Office Of Policy Development And Research Data

BLS Employment Situation of Veterans Summary

Young male veterans (those ages 18 to 24) who served during Gulf War era II had an unemployment rate of 21.9 percent in 2010

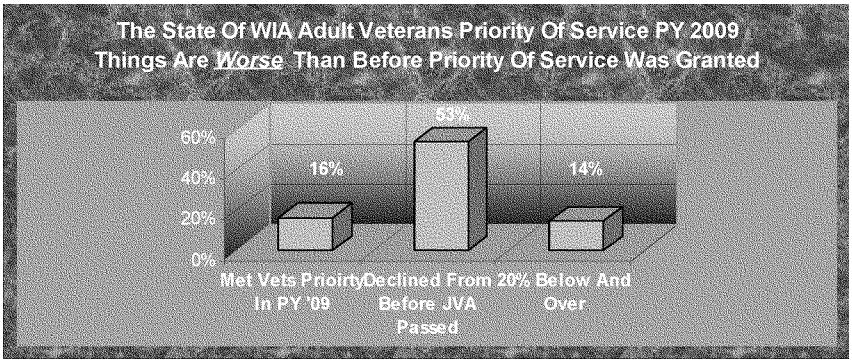
Gulf War-era II veterans who were current or past members of the Reserve or National Guard had an unemployment rate of 14.0 percent in July 2010

Among all veterans, those with a service-connected disability had an unemployment rate of 9.1 percent in July 2010

http://www.bls.gov/news.release/vet.nr0.htm

The State Of WIA Adult Priority Of Service

During PY '09, WIA Adult (plus supplemental Recovery Act funding) was a *$1.352* billion program for job training and intensive job search for low income adults. The Jobs For Veterans Act of 2002 (JVA) was written to guarantee veterans priority of service in WIA and all other Federal employment and training programs. A decade after the JVA, The percentage of veterans enrolled in WIA Adult has actually declined in the decade; 53% of the states saw a decline of less than 20% and 14% declined even more sharply. Only 16% have met priority of service.



- Despite massive jumps in unemployment during PY '09, 35 states and the District used over 20% of their WIA Adult slots for those already employed. 25% of the states allocated over 30% of their slots for those already employed with Florida allocating 85%. None of the 35 states met veterans' priority of service. In only three states did the percent of total veterans exceed the percent of non-low income non-veterans in a program Congress intended to address low income employment concerns.
- PY '09 WIA Adult was particularly disturbing in terms of providing services to veteran sub-populations with significant barriers to employment. If you remove from consideration the five states that co-enroll, in PY '09 there were 197, 839 non-low income non-vets exiting WIA Adult; the lowest priority group. There were only 1,295 service disabled veterans served in those states; approximately one for every three counties. In PY '09, in the states without co-enrollment, there were 1,428 veterans recently separated in the Gulf War era who exited WIA. Contrast that to 60,199 non-low income non-veterans who already had jobs when they entered a program to help people find jobs.
- The first quarter of the present WIA Adult program year is just as bad. In the 46 non-co-enrollment states, there were 2,850 veterans exiting contrasted to 29,521 non-low income non-vets (the lowest priority group). 61% of the Workforce Investment Areas exited nine or fewer veterans in the twelve week period. Only 36% exited more than nine veterans. 3% exited no veterans. 111 service disabled veterans exited nationally during the 1st quarter; roughly two per state in twelve weeks. Nothing looks any better during this program year.

Required Federal Contractor Outreach Would Get Far More Veterans Into WIA Adult

PL 107–288 (HR 4015) November 7, 2002 Jobs For Veterans Act

2035 (a) (1) Any contract in the amount of $100,000 or more entered into by any department or agency of the United States for the procurement of personal property and non-personal services (including construction) for the United States, shall contain a provision requiring that the party contracting with the United States take affirmative action to employ and advance in employment qualified covered veterans. This section applies to any subcontract in the amount of $100,000 or more entered into by a prime contractor in carrying out any such contract.

The Jobs For Veterans Act Of 2002, reacting to several GAO studies, most notably in September 2001,critical of the Federal contractor program's impact on One Stop life, for the first time formally gave a staff person in the One Stop employer relations responsibilities with an eye toward more closely integrating employers into One Stop life and linking LVERs with WIA for the purposes of facilitating priority of service:

Expansion Of LVER Duties To Deal With Federal Contractors And WIA In Veterans

"(b) PRINCIPAL DUTIES.—As principal duties, local veterans' employment representatives shall——

"(1) conduct outreach to employers in the area to assist veterans in gaining employment, including conducting seminars for employers and, in conjunction with employers, conducting job search workshops and establishing job search groups; and

"(2) facilitate employment, training, and placement services furnished to veterans in a State under the applicable State employment service delivery systems.

DoL reiterated the importance of a strong employer relations outreach program in 20 CFR Part 1010 RIN 1293–AA15 Federal Register of December 19, 2008 when they state *DoL funded employment and training programs should work with employers to ensure that the value a veteran brings to the table is understood and to address any concerns that employers may have about hiring veterans.*

The Office Of Federal Contract Compliance (OFCCP) Has Defined What Veterans Affirmative Action In Hiring Means For Federal Contractors

In the Federal Register /Vol. 72, No. 152 /Wednesday, August 8, 2007 /Rules and Regulations, OFCCP formally defined Federal contractor responsibilities in providing affirmative action in hiring qualified veterans. They mandated active outreach not only with neighboring LVERs but also with many other entities as a term of maintaining compliance with their contract obligations.

(1) The contractor should enlist the assistance and support of the following persons and organizations in recruiting, and developing on-the-job training opportunities (OJT) . . . to fulfill its commitment to provide meaningful employment opportunities to such veterans:

(i) The Local Veterans' Employment Representative in the local employment service office nearest the contractor's establishment;

(ii) The Department of Veterans Affairs Regional Office nearest the contractor's establishment;

(iii) The veterans' counselors and coordinators ("Vet-Reps") on college campuses;

(iv) The service officers of the national veterans' groups active in the area of the contractor's establishment;

Federal contractors are not at all expected to be passive in their outreach to those serving veterans' needs:

(2) Formal briefing sessions should be held, preferably on company premises, with representatives from recruiting sources. Plant tours, clear and concise explanations of current and future job openings, position descriptions, worker specifications, explanations of the company's selection process, and recruiting literature should be an integral part of the briefing. Formal arrangements should be made for referral of applicants, follow up with sources, and feedback on disposition of applicants.

Federal Contractors Are An Under Tapped Resource In Every WIA Area In Every State

There are Federal contractors contractually required to provide affirmative action in hiring to veterans in two thirds of the nation's counties. They are far from a small handful of major defense contractors. In March 2011, there were over 57,000. Federal contractors are found in rural America, in small town America as well as large cities. They represent every industry with over one third found in manufacturing which is important for the legion of mid-life veterans displaced from lifelong careers in manufacturing. Contractors are a valuable vastly underutilized resource for veterans in search of work. Federal contractors should be providing the link between the LVERs and WIA enrollment of far more veterans since WIA enrolls those they believe might find work and having LVERs aggressively working their core of Federal contractors and local veteran owned businesses provides veterans the job leads that would make WIA comfortable making the enrollment decision.

Conclusions

There is no shortage of veterans showing up at WIA to enquire about services. Besides their own outreach efforts, the LVERs and DVOPs of the nation's public Employment Service referred 129,855 veterans for WIA services during Program Year '09.

There is no conspiracy in every part of the Nation to not serve veterans in WIA. It's simply a matter of habit in a program which is judged by its performance standards. Staff select to enroll those that they have had success with in the past and they don't have a familiarity with veterans. Linking the LVERs closely with WIA makes sense; targeting contractually obligated Federal contractors and veteran owned business to help WIA help veterans find work.

Proposed

A $4,000,000 Challenge Grant To The States To Integrate WIA/LVERs And Co-Enroll Veterans

State and local WIA will only come to the table and enroll many more veterans when there is an incentive to make changes. Were moral persuasion the deciding change factor, priority of service would have been achieved years and years ago. State Veteran Service Organizations will not only pass resolutions of support and appear before the State Council. They will also lend a hand in the employer outreach effort.

$40,000 Private Sector Grant To Strengthen WIA Intensive For Veterans In The 668 WIA Entities

An innovative video/Internet based individualized job search workshop that integrates updated local Federal contractor information will be made available for free to all 668 WIA entities for use with LVER/DVOR coordinated workshops for co-enrolled veterans. Focusing on strengthening WIA Intensive provides a far less costly veteran participation experience for WIA entities.

A $55,000 DoL Contract To Provide Enhanced Contract Information To LVERs/DVORs And WIA

The Department of Labor will partner with the existing system for providing Federal contract information to bring the presentation online in a password protected environment. Central Contract Registry data will be integrated to allow LVERs access to the name and phone numbers of Contract contacts to make their outreach far more time effective.

DoL Veterans Employment And Training Will Revise The VETS–100 Form For Federal Contractors

The Department of Labor will simplify the annual required VETS -100 form for Federal contractors. To facilitate employer compliance with the OFCCP required outreach requirement, the revised form will require the signature of an LVER for submission as well as the signature and contact information for the person responsible for the business' veterans affirmative action policy.

States Will Be Allowed To Consider Veterans As An Acceptable Category For UC Profiling

Since co-enrollment of claimants who are veterans would be encouraged and there would be additional targeted resources available in WIA Incentive for veterans provided by a private grant, veterans could be considered as a target population should states wish to do so. States would additionally be strongly encouraged to adopt the Wisconsin model and automate their UC systems to automatically WOTC pre-certify all UCX claimants on the fifth week of their claim as they will have met the requirements for the tax credit that week.

Prepared Statement of Ryan M. Gallucci

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

On behalf of the more than 2 million men and women of the Veterans of Foreign Wars of the U.S. (VFW) and our Auxiliaries, I would like to thank you for the opportunity to testify on today's pending legislation. With the conflict in Iraq drawing to a close, withdrawal from Afghanistan on the horizon, and proposals to scale back our nation's active duty military, the VFW believes economic opportunity for today's war-fighters is a national imperative that continues to demand the kind of decisive action we saw with last year's passage of the VOW to Hire Heroes Act. Recent unemployment numbers indicate that veterans of the current conflicts remain unemployed at a higher rate than their civilian counterparts, with young veterans and female veterans experiencing unemployment rates well over twice the national average. The VFW is happy to see that this Subcommittee continues to take this situation seriously, and we are honored to share our thoughts on today's bills in an effort to ensure our veterans have the opportunities they have earned to succeed in a cut-throat economy after leaving military service.

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 VFW believes that our Nation has an obligation to ensure that our service-connected disabled veterans are employable, and this obligation has no expiration date. Unfortunately, today's service-connected disabled veterans are relegated to a 12-year window in which to receive vocational rehabilitation, or Voc Rehab, services. The VFW continues to believe that this delimiting date for Voc Rehab services is unacceptable and we will continue to advocate for Vocational Rehabilitation for Life. If our nation's recent economic downturn has taught us anything it is that industries constantly evolve. Job descriptions can alter drastically and some jobs can go away altogether, which is why service-disabled veterans must always have access to the training and career counseling services available through Voc Rehab. The VFW is proud to support H.R. 3329, as it extends the current delimiting date on Voc Rehab to 15 years. However, our organization believes that this delimiting date must ultimately be eliminated altogether.

H.R. 3483, Veterans Education Equity Act of 2012:

In 2008, the VFW played a key role in securing the Post-9/11 G.I. Bill, offering unprecedented educational opportunities for today's veterans. The purpose of the Post-9/11 G.I. Bill was simple: Offer a free public education for those who served after 9/11. Unfortunately, since the bill was designed to reimburse student-veterans at the cost of an in-state public education, student-veterans who chose to attend private schools were subject to wildly disparate reimbursement rates for their academic programs based on geography. In an effort to offer an equitable benefit for student-veterans who wished to attend private schools, Congress established a reimbursement cap of $17,500 regardless of the state in which the program was administered. Unfortunately, the $17,500 cap only applies to students-veterans who enroll at private colleges and universities, meaning student-veterans attending public schools are still 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 student-veterans who do not qualify for in-state tuition face significant out-of-pocket costs to attend the public school of their choice, unlike their counterparts whose education at a private school may nearly be fully financed. According to the Congressional Budget Office, this inequity affects 25,000–35,000 veterans each year; veterans who may not have been able to satisfy residency requirements due to the rigors of military life. H.R. 3483 will extend the $17,500 reimbursement cap for non-resident public school student-veterans, and the VFW is proud to support this bill. H.R. 3483 will ensure equitable reimbursement rates for all student-veterans regardless of the academic program they choose, as we intended.

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

The "Streamlining Workforce Development Programs Act of 2011" is an attempt to reduce bureaucracy and increase accountability across all federally-funded state workforce investments. For the purpose of this hearing, I will limit my comments to the sections that directly impact programs for military veterans.

Currently 27 workforce initiatives receive Federal funding, including Chapters 20 and 41 of title 38 and Chapter 11 of title 10. These three programs provide funding for the Department of Labor Veterans Employment and Training Program (DoLVETS), which funds the operations of the disabled veterans outreach program (DVOP) specialists and local veterans' employment representatives (LVER), the homeless veterans reintegration programs, and military transition assistance program (TAP). The VFW is concerned with how the bill affects the implementation of these programs. The current veteran workforce program is not perfect, but it already supports an infrastructure to train workforce employees, provides employment outreach and training to veterans in local communities, offers $36 million in homeless veterans transitional housing grants, and provides resources for servicemembers to transition from military service to civilian life. H.R. 3610 seeks to effectively terminate these specific programs, leaving it to the discretion of the states to carry out veterans' employment and transition services on an ad-hoc basis.

At a time when veteran unemployment is disproportionately high, tens of thousands of servicemembers are scheduled to leave military service, and veteran homelessness appears to be in decline, the VFW believes that ending these programs to reproduce them at a state level will be detrimental to the veterans who rely on the services. Unlike other workforce investment programs, Department of Labor's veteran-specific systems have strict annual reporting mandates, and frequent audits have demonstrated that the programs are cost effective in their current form. Not only will H.R. 3610 appropriate equal funding for fewer veteran services, but the bill will also reduce oversight of the quality and reporting of employment trends by requiring reports only every four years. The VFW opposes H.R. 3610 and encourages the Committee to take the appropriate steps to preserve veterans' workforce development programs, which we will continue to discuss with H.R. 4072.

H.R. 3670, to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act:

Currently, the Uniformed Services Employment and Reemployment Rights Act (USERRA) protects members of the National Guard and Reserve from employment discrimination based on military service obligations. Over the past decade, USERRA has become vitally important to our nations Reserve forces. Without it, regular deployments, both stateside and abroad, would greatly exacerbate unemployment problems for our Reserve Component servicemembers, who already face significant disadvantages in a competitive job market as a result of increased operational tempo. USERRA helps ensure that members of the Guard and Reserve who are called to active duty can return to their civilian jobs and their seniority when they return from military service. Today, USERRA protects all civilian and Federal employees with the exception of one Federal employer, the Transportation Security Ad-

ministration (TSA). In an effort to quickly stand up a new and effective law enforcement agency to ensure security after 9/11, Congress created TSA with a specific exemption from traditional employment protections, including USERRA, for its employees. More than a decade later, TSA is still not required to hold positions and promotions for employees who are called away to serve. The VFW believes it is time for this loophole to be closed. The Reserve Component employees at TSA must receive the employment and reemployment rights they have earned, and TSA should come into compliance with the rest of the Federal government. Closing this loophole is not only beneficial for our servicemembers, but the VFW believes the TSA will also benefit by offering our military's best and brightest the opportunity to pursue a meaningful civilian career without the persistent threat of possible termination for service obligations. In discussions with TSA, officials have not indicated this change will have any adverse effects on security, so closing the loophole would not impact TSA's effectiveness in the field; it would simply offer Reserve Component employees the piece-of-mind they deserve. It is our hope that the passing of this legislation will send a clear message that veteran employment is an extremely important issue, and the Federal government must take a leadership role in its promotion. We thank the Committee for taking the lead on this initiative and offer the support of the VFW for H.R. 3670.

H.R. 3524, Disabled Veterans Employment Protection Act:

The VFW supports H.R. 3524, the Disabled Veterans Employment Protection Act, but also has concerns about potential effects on the businesses and corporations that we are encouraging to employ veterans.

The legislation guarantees that a veteran who must be absent from work to receive medical treatment for a service-connected disability cannot be terminated from their job because they are seeking such medical attention. The VFW fully supports affording veterans employment protections as they receive care in conjunction with an injury incurred through their military service. Such protections are critical to helping veterans be productive in the workforce.

This legislation outlines a limitation of 12 workweeks during any 12 month period, and we understand that questions have been raised about the necessity for a protection that covers a full week per month. Though the perils of a life of military service often cause veterans to need regular visits as they work to overcome the visible and invisible wounds of war, we must achieve a balance that does not jeopardize the career potential of a veteran seeking medical treatment. Potential employers are cognizant of the struggles a veteran faces, and they often are willing to make limited sacrifices to employ a veteran. Over the years, the VFW has worked with companies to promote veteran entrepreneurship and employment. Congress must do everything in its power to ensure veterans have every career opportunity, and that effort must focus on eliminating unnecessary hardships veterans encounter while seeking care.

To help ensure the partnership between veterans and employers is an enduring one, and to provide the best possible care while minimizing interference in the career endeavors of our disabled veterans, we strongly believe VA must reform their medical care appointment practices and procedures with an emphasis on efficiency for the veteran. VA must do much more to ensure timely access to high-quality and efficient care. Among other things, we believe VA must prioritize the consecutive scheduling of appointments, must begin open access scheduling and provide expanded hours for appointments, and must put in place measures to prevent the need to reschedule an existing appointment. We understand that VA aims to alleviate these concerns through the Patient-Aligned Care Team model of care, and we fully support these and other efforts to streamline the impact of a veteran's care regimen at VA on their daily lives.

Veterans who have earned the right to receive care at VA must not be punished in the workplace as a result; yet these protections are critical to prevent medical conditions from being used as a precursor to termination from employment. Such practices must be eliminated wherever they are found, and this added protection is a welcome change for veterans. Veterans want to be productive members of society, and providing the tools and opportunities to that end must always be a top priority.

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

H.R. 4048 clarifies provisions of the Veterans First Contracting Program (P.L. 109–461) as it pertains to contracts awarded through the Federal Supply Schedule (FSS) for the purpose of meeting the percentage goal for contracting with Service-Disabled Veteran-Owned Small Businesses (SDVOSBs), and the VFW is proud to support this bill.

Sections 502 and 503 of P.L. 109–461 authorized a set of special contracting tools that make it easier for contracting officers to offer contracts to SDVOSBs. These tools include a statement of priorities relative to other set-aside groups, such as 8(a), as well as dollar thresholds for certain type of procurement actions such as sole source contracts. It also provides continuation of veteran-owned status for surviving spouses of 100-percent service disabled veteran owners for a period of 10 years.

Past VA statements regarding the application of the small business provisions is P.L. 109–461, now codified in title 38 U.S.C. Section 8127, have created confusion regarding FSS purchases, leading VA to the perception that they must first satisfy other contracting set-aside mandates before seeking out SDVOSBs for FSS contracts. VA has even admitted that under certain circumstances, SDVOSBs seemed to be last in line to receive FSS work. The VFW believes that veterans should come first, as outlined in P.L. 109–461. H.R. 4048 would simply clarify that the small business provisions of Section 8127 apply to FSS purchases and do not expand the original intent of the law. By law, all Federal agencies have a goal to award at least three percent of their contracts to SDVOSBS. We understand that VA awarded nearly $450 million last year to SDVOSBs through the Federal Supply Schedules and we believe this clarification will encourage SDVOSBs to qualify for VA procurements through the FSS, and ensure all government agencies play by the same rules with regard to veteran set-aside contracts.

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

As the debate on whether or not to mandate participation in the military's transition assistance program (TAP) unfolded, the VFW learned that many servicemembers on active duty failed to understand why they would need to participate in the program. However, once servicemembers left the military, many wondered why they never received comprehensive training and information on how to access their earned benefits and successfully transition from military to civilian life. Unfortunately, a veteran has no way to reasonably anticipate all of the challenges he or she may face once out of the military, which is why the VFW believes TAP resources must be available to veterans after they have transitioned off of active duty. The VFW supports H.R. 4051 and its pilot program to offer off-base TAP to communities where veterans have been hit disproportionately hard by difficult economic times.

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

The VFW supports the idea behind this bill, but has some concerns about the bill's specific criteria for the Secretary to determine Excellence in Veterans Education Awards. The VFW believes that VA would be interested in offering this kind of rating to schools that consistently go above and beyond to best meet the needs of their student-veterans, and we support offering this kind of easy-to-understand evaluation for student-veterans. The difficulty is determining quality criteria with which to evaluate institutions. The VFW believes student-veteran advisory boards, student-veteran services, and additional criteria determined by VA are good criteria. However, we are concerned that membership in Servicemembers Opportunity Colleges (SOC) and graduation rates would not effectively capture whether or not a school serves the needs of its student-veterans. Graduation rates are a flawed statistic as currently compiled by Department of Education since the department only tracks first-time, full-time college attendees. The VFW believes today's graduation statistics are nearly irrelevant for non-traditional students like student-veterans and could skew decisions when used to evaluate how schools best serve their student-veterans. The VFW recommends instead that VA evaluate schools on a ratio of degrees conferred compared to enrollment each year. Discussions with the National Center on Education Statistics indicate that schools must already report these data points to the Department of Education, meaning the data should be readily available.

SOC membership poses the perpetual question about universal acceptance of credits and reduced residency policies. The VFW wholly supports the mission of SOC and we encourage schools to sign on, but we understand that some colleges and universities must reserve the right to evaluate transferred credits on a case-by-case basis, only award credit where appropriate, and hold fast to reasonable residency requirements for all students. The VFW would support criteria that a school is either a member of SOC or offers a clear policy on evaluating and accepting military college credits. Two examples of non-SOC schools that have excellent track records in serving today's veterans are Georgetown University and Columbia University. Both schools have dedicated considerable resources to attracting veterans to their campuses and offering the tools they would need to succeed. The VFW would need

assurances that VA would not preclude schools like Georgetown and Columbia from recognition solely for failing to participate in SOC.

The VFW also has questions over how VA will evaluate Yellow Ribbon participation. For example, many state schools do not necessarily need to sign Yellow Ribbon agreements since their enrollment policies already ensure that student-veteran costs are completely reimbursed through the Post-9/11 G.I. Bill. For example, my alma mater, the University of Rhode Island (URI), is not a Yellow Ribbon participant, but Chapter 33 already covers the full cost of education. The VFW would need assurances that schools like URI, which have instituted proactive policies to best meet the financial needs of student-veterans, would not be penalized for non-participation in Yellow Ribbon.

Finally, the VFW has questions over how many schools VA could recognize and whether VA should establish a reasonable threshold for its schools of excellence. We agree with the three-year evaluation model, but caution that recognizing too many schools could only lead to further confusion for student-veterans when choosing an academic program. The VFW suggests limiting the awards to one school from each of the following categories in each state: Public, 4-year; public, 2-year; private, nonprofit; proprietary. The VFW would also suggest that VA develop a "Top 10" list for schools in each of these categories nationwide.

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

Last year, a Senate investigation spearheaded by Sen. Tom Harkin (D–IA) indicated that veterans may not be receiving the quality education we had intended through the Post-9/11 G.I. Bill. The VFW believes this investigation caught the attention of deficit hawks on Capitol Hill, who subsequently asked the Congressional Budget Office to score several scenarios on how to scale back the Post-9/11 G.I. Bill benefit. The VFW believes this is the wrong approach. The Post-9/11 G.I. Bill stands to be a transformative benefit for today's veterans. The VFW believes it has the potential to mold our nation's next Greatest Generation of leaders, and any efforts to scale back the benefit are a disservice to the men and women who have fought in defense of our Nation for the last decade. With this in mind, the VFW sought to understand why numbers seemed to indicate that proven battlefield leaders were making potentially bad decisions on how to use their education benefits. The VFW discovered a critical gap in VA's efforts to provide quality information to potential student-veterans with which they could make an informed, data-driven educational decision. When we prepare our troops to go to war, we ensure they have the best possible training to make life or death decisions in a moment's notice. When we prepare our veterans for college, the VFW believes we must offer the same due diligence in preparing them to choose a quality school.

Since VA implemented the Post-9/11 G.I. Bill, the department has primarily focused on ensuring student-veterans receive timely, accurate payments to finance an education. The VFW agrees that this had to be VA's top priority for the fledgling benefit. Unfortunately, as more and more veterans sought to take advantage of their earned educational opportunities, VA was left without the proper resources to ensure that veterans knew how best to use their benefits. Under Section 3697A of title 38, VA is obligated to offer educational and career counseling to any separating servicemember or G.I. Bill eligible veteran. Unfortunately, this counseling is only offered through a meticulous "opt-in" process, and total available counseling is capped at $6 million each year. In 2011, the VA proudly touted that nearly 1 million veterans were enrolled in G.I. Bill programs. However, during the same year, only 6,400 veterans received counseling on their benefits through Section 3697A.

The VFW believes that Congress must remove the cap to VA's educational counseling and mandate that VA contact veterans at different touch points prior to utilizing their educational benefits in an effort to deliver this counseling. Veterans who do not wish to receive educational counseling must still have the option to refuse it, but the VFW believes that creating an "opt-out" system ensures that all potential student-veterans understand their benefit and understand the importance of their educational choice.

Unfortunately, even with robust consumer education, student-veterans may still become the victims of fraud, waste, or abuse. Veterans may be coerced into choosing an academic program of little value to their career aspirations based on misinformation or dubious enrollment practices. If a veteran feels he or she has been a victim of fraud, waste or abuse, VA must offer a clear method of reporting and recourse through which to track student-veteran complaints. VA must then leverage the information gleaned from these complaints to find remedies for students by working with State Approving Agencies, accrediting bodies, the departments of Education, Justice and Defense, and all other pertinent stakeholders. If a veteran receives an

overpayment in education benefits or files a fraudulent benefits claim, VA has the ability to quickly take action against the veteran. VA must have the same capability to protect its beneficiaries against schools that fail to deliver on their educational promises.

The VFW proudly supports H.R. 4057, which offers a critical first step in ensuring that student-veterans are properly informed about their benefits and have proper recourse for fraud, waste and abuse. However, in addition to creating Section 3698 in title 38, the VFW wants to see Section 3697A amended to ensure that VA must contact veterans prior to delivering G.I. Bill benefits, ensuring they can "opt-out" of counseling. The VFW believes that VA is already taking proactive steps to ensure current service-members receive this kind of information through the transition assistance program (TAP) and that veterans who apply for G.I. Bill benefits are exposed to critical information before tapping into their benefits. We applaud these steps, but would prefer a legislative solution to ensure that policies remain consistent beyond VA's current administration. World War II veteran and G.I. Bill success story Sen. Frank Lautenberg will introduce legislation with many of these ideas to help improve consumer education and consumer protection for student-veterans. We encourage the Subcommittee to work with the Senator and his staff to discuss how to best implement the kinds of protections we know our veterans need.

Since the original G.I. Bill of World War II, our Nation has seen time and again that educating our veterans helps ensure future prosperity. We have a unique opportunity today to ensure that our veterans can use the benefits they have earned to receive the quality education we have promised to them. The VFW looks forward to working with the Subcommittee on H.R. 4057 and other pieces of legislation to ensure that we keep our promise.

H.R. 4072, Consolidating Veteran Employment Service for Improved Performance Act of 2012:

H.R. 4072 will protect veterans' workforce programs by moving the agency authority from Department of Labor to Department of Veterans Affairs. The VFW supports this bill, believing that placing all veteran issues under a single authority will improve oversight and efficiency.

However, the VFW has concerns regarding implementation of H.R. 4072 should it become law by itself or in conjunction with H.R. 3610. First, the VFW requests that Congress gives clarity in scope of the jurisdictional shift by including Section 1144 of title 10, the TAP program, in Section 2, paragraph (a) of H.R. 4072, as well as including conforming amendments that will affect title 10. Also, if DVOP and LVER positions are consolidated, as recommended in H.R. 4072, National Veterans' Employment and Training Service Institute must be modified to ensure that all current and future employees are fully trained to the new standard. The VFW must also have assurances that no positions will be lost in combining the two job descriptions into one. Congress must also pay attention to H.R. 3610 to ensure that if both bills are enacted that H.R. 4072 is amended to prevent the defunding of the DoL–VETS workforce investment programs.

The VFW believes that shifting responsibility for veterans' employment programs to VA will ultimately ensure better service for our nation's veterans. However, we must ensure that any legislation that passes ensures that veterans' workforce programs remain fully funded, and that any transition of authority happens with minimal interruptions for both the veterans who rely on DoL–VETS services and the highly-trained employees who deliver those services.

Mr. Chairman, this concludes my statement and I am happy to answer any questions the Subcommittee may have.

Information Required by Rule XI2(g)(4) of the House of Representatives

Pursuant to Rule XI2(g)(4) of the House of Representatives, VFW has not received any Federal grants in Fiscal Year 2012, nor has it received any Federal grants in the two previous Fiscal Years.

Prepared Statement of Steve L. Gonzalez

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 servicemembers, 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 servicemembers 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 servicemembers 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

servicemembers 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 servicemembers 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 servicemembers 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 servicemember 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 de-

mocracy, 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 owned [1] 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]

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 servicemembers 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 servicemembers. New delivery methods and innovative ways are needed to reach America's servicemembers 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.

---

[1] *http://web.sba.gov/faqs/faqIndexAll.cfm?areaid=24*

[2] *Survey of Business Owners – Veteran-Owned Firms:* 2007. U.S. Census Bureau. *http://www.census.gov/econ/sbo/get07sof.html?17*

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 servicemembers 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 servicemembers 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 servicemembers 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.

Executive Summary

The American Legion supports H.R. 3329. The American Legion believes servicemembers 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 servicemembers 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 servicemembers 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.

Prepared Statement of Jason R. Thigpen

Distinguished Committee members – My name is Sergeant Jason R. Thigpen of the U.S. Army National Guard. I am the Co-Founder and President of the Student Veterans Advocacy Group. Thank you for allowing me the opportunity to testify here today, on a bill we helped draft, HR 3483 – *"The Veterans Education Equity Act of 2011"*.

The Student Veterans Advocacy Group is an organization run by student Veterans, for student Veterans and their dependents. Our mission is to ensure all Veterans, and/or their dependents, are provided the full educational benefits intended and promised to them upon the completion of their time-in-service, under conditions other than a dishonorable discharge.

The detrimental impact suffered by student Veterans across North Carolina, and approximately 40 other states, due to the change in Federal law, the Post-9/11 Veterans Educational Assistance Act of 2010 (Public Law 111–377) on January 4, 2011. As a direct result of this change in law thousands of student Veterans, and prospective student Veterans alike, faced the never-before issue of in-state residency for tuition purposes.

In a sense, our active-servicemembers and current student Veterans whom, by-in-large, had no idea their State of residency for tuition purposes would invariably be the determining factor as to whether they could afford, much less, attain the educational benefits promised to them - for the sacrifices they made to protect our nation.

One student Veteran emailed stating,

"After proudly serving my country for more time deployed than home with my family, while losing friends in Iraq, and then moving my family to North Carolina for a better tomorrow … it's just not fair for my country to take the education benefits from me, leaving me to have to move my family back to Washington and in with our family just so I could afford to pay the $10,000 out of my pocket, for something promised to me of which I sacrificed blood, sweat, and tears for. It's just not right. This is not the kind of principles I was taught from my time in service."

As student Veterans attending UNC–Wilmington, as supporters for both our active-servicemembers and Veterans, and as disabled American Veteran – I was nearly brought to tears when hearing another student Veteran say,

"I'm supposed to graduate in December 2012, and may not be able to now."

Another student Veteran emailed stating,

"Had it not been for close friends and family, in the last few months, helping me out, I would be living out of my car. I'm not quite sure how these sudden changes in the GI Bill happened, but it's not what I was promised when I signed up. It's almost like being tossed in the deep in of the pool with a ruck-sack full of boulders."

I met with a student Veteran, also attending UNC–Wilmington, regarding this issue. He was literally crying, preventing him from even speaking for nearly five minutes. I was so affected by his pain tears came to my eyes. Three-quarters of the way into the semester he states,

"I may have to drop out of school by weeks-end … I received an email from the school's finance office that said I still have a balance of about $3,500 owed to the school, which must be paid within one week in order to not be dropped by the school."

According to Public Law 111–377, the Post-9/11 Veterans Educational Assistance Act of 2010,

"The Congressional Budget Office estimates a potential cost savings of $1 million over the 2011–2015 period, and a savings of $734 million over the 2011–2020 period."

From the inception of the GI Bill in the 1940s, nearly 8 million servicemembers were transformed from the educational benefits, never known before. There was nearly a 7-dollar yield per 1-dollar investment into our Veterans, due to the GI Bill. Not only did the GI Bill allow the military to become competitive with respect to many other jobs available nationwide, but it created an advantage for servicemembers to attain a college degree. This invariably lead to them getting better grades, better jobs, owning more businesses, and thusly paying more taxes, leading into one of the greatest investments, providing economic success for both a short and long-term basis.

According to a working group comprised of UNC system officials named UNC SERVES, in their *April 2011 Report to the President:*

"Veterans earn better grades and have a 75 percent graduation rate. With the exception of white males, veterans in all other race and gender groups earn more money than their non-veteran counterparts. Veterans start more small businesses. In general, Veterans outperform non-Veterans."

"To realize this potential our state must actively support military-affiliated students in its systems of public higher education. We want these students to choose a UNC education and we want them to live and work in North Carolina. The UNC SERVES Working Group believes that educating servicemembers yields a high return on investment for North Carolina and the nation. And, in doing so the University makes a significant down payment on the promise of UNC Tomorrow to be more demand-driven, relevant and responsive to the needs of North Carolina."

Additionally, one must consider the estimated economic impact on the state, expected to be nearly $26.5 Billion in 2013. Setting aside the simple fact that the educational benefits were promised, as in signing a promissory note, which is past due, Veterans just want to collect what was promised to them. It stands to reason that when changing such key variables, which have such a strong bearing on the economical prosperity of Our State and/or Nation's economy - when taking away Veterans educational benefits – the forecasted models previously used are no longer valid. As a result, our Nation has sacrificed the Billions of dollars, previously forecasted, for a ten-year savings plan of about $734 Million.

The outcome of which - is many of our Veterans will no longer achieve their educational goals, leaving more unemployed, whereby owning fewer businesses, directly resulting in an inverse affect, contradicting the economic forecasts previously researched and offered, yielding a negative return.

Without change, there is no savings of $734 Million, due to the detrimental affects, both societal and economical alike, Our State and Nation will suffer.

We now have an opportunity to resolve this, without the worry of seeking the estimated $137 Million per year needed to fund this bill. By utilizing the following cost-saving measures with respect to the current Federal budget, we can more than fully fund this bill . . . .we can save nearly $175 Million more at a time our Nation could use it.

1. Based on the 2010 figures of over 75.6 Million outpatient visits to VA medical treatment facilities – reports of over-mailing, most likely due to a software printing error, of medical appointment reminders with blank pages following the actual reminders being mailed out to the patients, sometimes up to four per patient per month. Conservative estimate of this occurring 1.5 times per outpatient visit yields a saving of: (*Office of VA, Veterans Health Administration*) 75.6 (# of outpatient visits in 2010) * 1.5 (occurrences) = $113.4 Million * .75 (total cost estimate per mailing) = *$85.05 Million*
2. Transportation of brokered claim files among VA Regional Offices – Which could easily be done electronically from one centralized location saving: = *$740,000 (est. spent by VARO each year)*
3. Overpayments of near $85 Million in transportation costs to VA Health Facilities, which could be recaptured by offering competitive awarding bid contracts, at a savings of: *(Veterans Health Administration – Audit of Oversight Patient Transportation Contracts, '10) = $85 Million*
4. By creating more competitive contract administration in the VHA's Home Resp. Care Program, the cost could be reduced substantially and prevent overpayment of nearly $17 Million, saving: = *$17 Million*
5. Through more stringent oversight of the acquisition processes, all inclusive, of medical equipment and supplies, there could be savings of: = *$ 41 Million*
6. Through the utilization of better controls in clinical sharing agreements for both monitoring and negotiated practices when using non-competitive of the same for professional personnel, could save: = *$ 60 Million*
7. Rather than making "market" purchases of heart-related items/replacements, using national contracts through competition would yield a substantial savings of nearly: = *$ 22 Million*

TOTAL POTENTIAL SAVINGS FOUND: = *$ 310.79 Million (per year)*

TOTAL YEARLY OFFSET TO SIGNING OUR BILL, HR 3483 = $137 MILLION LEAVING A DIFFERENCE REMAINING FOR OTHER VA PROGRAMS OF $ 173.79 MILLION.

Signing this bill into law would equalize education benefits for Veterans who attend public or private institutions of higher learning. In addition, the bill would reduce or eliminate the financial burden Veterans must pay out-of-pocket for their

education. Currently, Veterans who enroll in private institutions are eligible for more benefits than Veterans who enroll at public institutions, including both community colleges and universities alike. This legislation would enable all veterans, regardless of whether they choose to attend a public or private institution, to be eligible to receive up to $17,500 in education benefits per academic year.

The result is a better future economical outlook and investment in our Nation, for now and tomorrow. With your help and sponsorship of HR 3483 – "The Veterans Education Equity Act of 2011" . . . .you have a true chance to be heroes for thousands of our student Veterans across this great nation.

Thanks so much for your time and consideration.

Authored and advocated by:

Jason R. Thigpen
Co-Founder/President
Student Veterans Advocacy Group
Web site: *www.mysvag.org*
Email: *jasonthigpen@studentveteransadvocacygroup.org*
Phone: (910) 392–5936

Executive Summary—Student Veterans Advocacy Group

Distinguished Committee members – My name is Sergeant Jason R. Thigpen of the U.S. Army National Guard. I am the Co-Founder and President of the Student Veterans Advocacy Group. Thank you for allowing me the opportunity to testify here today, on a bill we helped draft, HR 3483—*"The Veterans Education Equity Act of 2011"*.

The detrimental impact suffered by student Veterans across North Carolina, and approximately 40 other states, due to the change in Federal law, the Post-9/11 Veterans Educational Assistance Act of 2010 (Public Law 111–377) on January 4, 2011. As a direct result of this change in law thousands of student Veterans, and prospective student Veterans alike, faced the never-before issue of in-state residency for tuition purposes.

From the inception of the GI Bill in the 1940s, nearly 8 million servicemembers were transformed from the educational benefits, never known before. There was nearly a 7-dollar yield per 1-dollar investment into our Veterans, due to the GI Bill. Not only did the GI Bill allow the military to become competitive with respect to many other jobs available nationwide, but it created an advantage for servicemembers to attain a college degree. This invariably lead to them getting better grades, better jobs, owning more businesses, and thusly paying more taxes, leading into one of the greatest investments, providing economic success for both a short and long-term basis.

According to a working group comprised of UNC system officials named UNC SERVES, in their *April 2011 Report to the President: "Veterans earn better grades and have a 75 percent graduation rate. With the exception of white males, veterans in all other race and gender groups earn more money than their non-veteran counterparts. Veterans start more small businesses. In general, Veterans outperform non-Veterans."*

Without change, many of our Veterans will no longer achieve their educational goals, leaving more unemployed, whereby owning fewer businesses, directly resulting in an inverse affect, contradicting the economic forecasts previously researched and offered, yielding a negative return. We now have an opportunity to resolve this, without the worry of seeking the estimated $137 Million per year needed to fund this bill. By utilizing the following cost-saving measures with respect to the current Federal budget, we can more than fully fund this bill . . . .we can save nearly $175 Million more at a time our Nation could use it.

Signing this bill into law would equalize education benefits for Veterans who attend public or private institutions of higher learning. In addition, the bill would reduce or eliminate the financial burden Veterans must pay out-of-pocket for their education. Currently, Veterans who enroll in private institutions are eligible for more benefits than Veterans who enroll at public institutions, including both community colleges and universities alike. This legislation would enable all veterans, regardless of whether they choose to attend a public or private institution, to be eligible to receive up to $17,500 in education benefits per academic year. The result is a better future economical outlook and investment in our Nation, for now and tomorrow. With your help and sponsorship of HR 3483 – *"The Veterans Education Equity Act of 2011"* . . . .you have a true chance to be heroes for thousands of our student Veterans across this great nation.

Authored by:

Jason R. Thigpen
Co-Founder/President

Prepared Statement of Hon. Steve Gunderson

MR. CHAIRMAN. On behalf of the Association of Private Sector Colleges and Universities (APSCU), and approximately 230,000 veteran-students who choose to attend private sector colleges and universities (PSCUs) using their Post-9/11 GI Bill benefits, I want to thank Chairman Marlin Stutzman (R–IN) and Ranking Member Bruce Braley (D–IA) for the opportunity to further express support for legislation that would truly strengthen consumer protections for our veterans and ensure that every institution of higher education lives up to the standard of educating our nation's best and brightest. Please, also, allow me to briefly recognize the other organizations for their leadership on this issue, and in whose company we graciously joined in signing the recent letter to Committee Chairman Jeff Miller (R–FL) and Ranking Member Bob Filner (D–CA). Most notably, to the Veterans of Foreign Wars who have been tireless advocates for our veteran-students and were responsible for bringing this broad coalition together to advocate good policy instead of politics-as-usual. Finally, Terry Hartle and the American Council on Education deserve recognition for their outstanding research and education efforts about military and veteran education.

APSCU is the primary advocacy organization for our nation's private sector colleges and universities (PSCUs), sometimes referred to as "proprietary" or "career" schools. We represent 1,650 schools, 2,000 members, and about one-half of the 3.8 million PSCU students nationwide. Mr. Chairman, the roots of our schools can be traced back to the early 1800s when Americans needed skills to succeed in burgeoning commercial trades and women aspired to work outside of the home yet were not welcome to attend most of the all-male traditional colleges. Throughout the centuries, as the educational needs of our global society evolved, PSCUs became early pioneers of a student-centric, flexible postsecondary delivery models. Today, our schools continue to break new ground by offering cutting-edge programming and technology to keep pace with the expectations of a 21st century student body and workforce. Our schools cater to the needs of our students by providing a veritable al la carte menu of educational options, which empowers each student to choose the delivery of education that best meets their needs and provides access to an education often otherwise beyond their reach. In the opinion of some, PSCUs are the "schools of last resort," and for countless students and graduates, PSCUs are the only schools who open their doors to a population of Americans who desperately need a second-chance, such as a single-mom desperate to make a better life for her children or a high-school dropout who could use a helping hand to get back on track. The PSCU model of postsecondary inclusivity and access appeals not only to those in need of a second-chance, but also to working professionals eager to reach the next professional step, deployed servicemembers who use education as a portal from the front lines of battle, or veterans transitioning from soldier to civilian. We can also boast about the PSCU graduates or students who have used their education to reach professional heights most people only dream about achieving, such as: former Assistant Secretary of the U.S. Department of Veterans Affairs and current Democratic candidate for Illinois' 8th Congressional District, Lt. Col. Tammy Duckworth (ANG); the first black, female American tennis star player to achieve a World No. 1 rank and Chief Executive Officer of her interior design firm, Venus Williams; and celebrity chef, restauranteur, author, and television personality, Bobby Flay.

Today however, we shine the spotlight on the educational needs of our country's often unsung heroes: our veterans. Heroes like Cpl. Alexander Garrido (USN) who is a veteran of Operation Iraqi Freedom (OIF) and is now working his way through his Bachelor's Degree in Criminal Justice after receiving his Associates Degree in 2011. Alexander is one of the two million veterans who enlisted in the military to serve in the Post-9/11 wars, OIF and Operation Enduring Freedom (OEF), and since the enactment of the Post-9/11 GI Bill have continued to alter the traditional perception of what a college student looks like, as the number of students who attend college or university immediately after high school, attend full-time, live on campus, and rely on their parents to pay for their education grows smaller and smaller. For many, being a wounded combat-veteran and not setting foot in a classroom in 15 years would have deterred the pursuit of a postsecondary degree, but Alexander discovered that Keiser University in Miami allowed him to learn at his own pace, one-class-at-a-time. The school was instrumental in Alexander's achieving Dean's List and finishing with high honors. Alexander is a wonderful example of the 230,000

students PSCUs have educated under the new Post-9/11 GI Bill. Some on Capitol Hill, and even in this room, question the value of the education that PSCUs offer to veteran-students. Let me be clear: APSCU firmly believes in the fundamental right of our veterans to use the educational benefits they earned through their extraordinary service to our country at the school that serves their needs best, however every postsecondary institution must be held to the highest standard when it comes to educating America's "New Greatest Generation." Every sector of higher education has dealt with individual episodes of abuse or misbehavior, and it is incumbent upon Congress to ensure that the actions of the few are not held against the many, and that fact and data preside over anecdote. So, what are the facts? The number of students who used Post-9/11 GI benefits to attend PSCUs almost doubled between the first- and second-year of the benefits, from 76,746 to 152,130. The share of students who used Post-9/11 GI Bill benefits to attend PSCUs also increased slightly from 23 percent to 25 percent in the same time-frame. It is critical to note that while there was growth in the number and percentage of students educated at PSCUs using Post-9/11 GI benefits, the percentage of the total amount of benefits received by PSCUs remained constant at 37 percent. In other words, PSCUs were able to educate more students with the same share of total benefits. About one-third, or 30 percent, of Yellow Ribbon Program participants are PSCUs. In addition, PSCUs represent 45 percent of all schools that offer the Yellow Ribbon Program to an unlimited number of veterans and that make the maximum Yellow Ribbon contribution. To truly appreciate the extent to which PSCUs participate in the Yellow Ribbon Program, 77 percent offer it to an unlimited number of veterans and 61 percent make the maximum school contribution.

Veterans have historically attended PSCUs because we have consistently offered flexible administrative and academic policies, career-focused curricula, credit for past training and experience, and support services that strive to meet their unique academic and personal needs. After being mission-focused, many veterans feel more comfortable in career-focused programs, which allow them to hone the skills learned in the military and receive the necessary training to transition into the workforce. PSCUs also know that veterans may require support with integration into the higher education culture, such as helping cope with service-related disabilities, assistance socializing with peers or instructors, or other creating a school-based veteran support network. According to a number of publications ranging from the RAND Corporation's *"Servicemembers in School: Military Veteran Experiences Using the Post-9/11 GI Bill and Pursuing Postsecondary Education"* to The Chronicle of Higher Education, veteran-students largely chose PSCUs and community colleges to pursue their postsecondary degrees, citing cost, convenience, geography, and support systems. PSCUs also know that veterans may require support with integration into the higher education culture, such as helping cope with service-related disabilities, assistance socializing with peers or instructors, or other creating a school-based veteran support network. In a February 9, 2012 Military Times commentary entitled, *"Colleges Can Learn From For-Profits Emphasis on the Consumer"* the author notes that, "the consumercentric attributes of some for-profit schools offer lessons for their public and nonprofit counterparts regarding how higher education institutions best serve the needs of our troops and veterans."

But, the power to offer such a distinctive, viable postsecondary alternative is meaningless if it fails to achieve students' primary objective: job placement. Our country is currently experiencing an employment paradox: an 8.3 percent national unemployment rate yet hundreds-of-thousands of jobs remained unfilled. So, during our five-year long recession, sectors such as manufacturing, and jobs including electricians, plumbers, and medical technicians, have fallen victim to a widening skills gap, as the population ages and industries are transformed by the adoption of new technology, which outpaces the skill-sets of workers. Many prognosticate that our future workforce will likely endure an even wider skills gap if the K–12 educational system continues to focus largely on preparing students for college degree attainment without the adoption of meaningful academic standards, accountability for student outcomes, or recognition of the dichotomy between the skills necessary for academic success in postsecondary education and the skills demanded by the employers. The workforce of tomorrow will be comprised of the human byproducts of an educational system that has largely failed to teach the skills necessary to succeed in high-demand fields requiring specialized training. As Dr. Tony Carnevale Director of the Georgetown University Center on Education and the Workforce has noted, "In a recession, the economy goes to sleep, but when it awakens, there will be a need for higher-skilled people to fill skill-intensive jobs." Who better than the men and women returning home from the Post-9/11 wars to translate the intensive training and preparation into a postsecondary degree and into high-demand jobs?

As the previous panelists shared, veterans of OEF and OIF experience a higher unemployment rate than their non-veteran peers, and the unemployment rate for young veterans aged 18–24 stands at 20 percent compared to 16 percent for their non-veteran peers. Post-9/11 era veterans have returned to civilian life deserving employers to line up to hire them, but instead face the sad reality of the unemployment line. While the unemployment rate for young combat veterans is down from a staggering 31 percent in December 2011, some veteran employment experts predict that it could reach 50 percent in the next two years, especially for National Guard and reservists, who currently make up half of our current U.S. military force. The attacks on September 11th awakened a visceral sense of patriotism not felt by our country since the attack on Pearl Harbor, and for many young men and women it became the "Call of Duty," which transformed recent high school graduates into soldiers fighting for the protection of our country's most cherished tenants. But while they were deployed, the economy and the employment climate deteriorated. Our returning heroes, many of whom enlisted immediately following high school, experienced hurdles finding meaningful employment because of a number of factors, including veterans' inability to translate their military skills into language employers understand, some employers' reticence to hire a veteran because of a perceived mental or physical impairment, and, notably, the recession. Afghanistan and Iraq veterans were more likely than non-veterans to be employed in recession-impacted job sectors, such as mining, construction, manufacturing, transportation and utilities, information, and professional and business services, and less likely to be employed in industries that experienced growth during the recession, such as health care and education. Again, two million veterans will have returned from the Post-9/11 wars once the drawdown is complete, and as the Department of Defense proceeds with a planned reduction in force, it is imperative that Congress work to ensure that our veterans, particularly young combat veterans, are not only provided with the tools and resources to access a postsecondary education through their generous benefits, but also the tools and resources to make an informed, thoughtful decision about which educational opportunity will best prepare them for the workforce.

As part of a diverse coalition comprised of veteran service and postsecondary organizations, APSCU sent letters to the Chairman Miller and Ranking Member Filner, as well as to the Senate Veterans' Affairs Committee and the White House, affirming our commitment to protect every veteran who seeks to use his or her Post-9/11 GI Bill benefits, regardless of which higher education institution they choose to attend, and enabling veterans to make informed decisions about their higher education options. APSCU appreciates the speed with which Congressman Bilirakis (R–FL) responded to the recommendations proposed in our letter by introducing H.R. 4057, the Improving Transparency of Education Opportunities for Veterans Act of 2012, and the priority given to H.R. 4057 by Chairman Stutzman and Ranking Member Braley during the hearing. The transition from soldier to student is often wrought with unexpected challenges for many veterans because institutions of higher education are unprepared to fulfill the unique needs of veteran-students and veteran-students are unprepared to navigate the wave of educational options before them. As a result, many veterans fail to achieve their academic goals. H.R. 4057 directs the Secretary of the VA to develop a comprehensive policy to ensure that veteran-students have the tools necessary to make informed decisions about their postsecondary education. Ultimately, there is a shared responsibility for the academic success of our veteran-students, including the Department of Veterans Affairs (VA), the student, and the institution. It should be incumbent upon the VA to ensure that veterans are provided with the information and resources about their educational options, the veterans to utilize the information to make informed education choices, and the institutions to provide the quality of education veterans deserve with the benefits they earned.

APSCU member institutions take great care and responsibility to ensure that the transition from servicemember to student-veteran, especially those entering postsecondary education fresh from the battlefields of the Post-9/11 wars, is tailored to meet the unique need of the student, and that the transition from student-veteran to employee is successful. Our veterans have earned their education benefits through their tremendous sacrifice to our country and subsequently, it is their choice to select the school and education that will lead to academic and professional success. We must ensure that our veterans are provided with every advantage when they are presented with the numerous and distinct postsecondary choices where they will ultimately invest their education benefits and invest in their futures. Additionally, every institution of higher education entrusted with a key transitional role in the lives of our veterans, as soldiers become students, must be held accountable for the outcomes of their veteran-students. APSCU supports the Subcommittee's ef-

forts to ensure that our veteran-students are supported and protected at every institution of higher education.

Executive Summary

The Association of Private Sector Colleges and Universities (APSCU) is the primary advocacy organization for our nation's private sector colleges and universities (PSCUs), sometimes referred to as "proprietary" or "career" schools. We represent 1,650 schools, 2,000 members, and about one-half of the 3.8 million PSCU students nationwide. APSCU, and our member institutions, want to ensure that our veteran-students are well-prepared to enter postsecondary education and that every institution of higher education lives up to the standard of educating our nation's best and brightest. Our schools cater to the unique needs of non-traditional students by providing a wide range of educational options, which empowers each student to choose the type of education that fits their needs best and provides much-needed access to an underserved population.

Today however, we shine the spotlight on the educational needs of our country's often unsung heroes: our veterans. Two million veterans enlisted in the military following September 11, 2001 to serve in Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF). Since the enactment of the Post-9/11 GI Bill, veterans have continued to alter the traditional perception of what a college student looks like, as the number of students who attend college or university immediately after high school, attend full-time, live on campus, and rely on their parents to pay for their education grows smaller and smaller. PSCUs have educated 230,000 veteran-students under the new Post-9/11 GI Bill, and APSCU believes in the fundamental right of our veterans to use the educational benefits they earned through their extraordinary service to our country at the school that serves their needs best. However every postsecondary institution must be held to the highest standard when it comes to educating America's "New Greatest Generation." The number of students who used Post-9/11 GI benefits to attend PSCUs almost doubled between the first- and second-year of the benefits, from 76,746 to 152,130. The share of students who used Post-9/11 GI Bill benefits to attend PSCUs also increased slightly from 23 percent to 25 percent in the same time-frame. It is critical to note that while there was growth in the number and percentage of students educated at PSCUs using Post-9/11 GI benefits, the percentage of the total amount of benefits received by PSCUs remained constant at 37 percent. In other words, PSCUs were able to educate more students with the same share of total benefits. Additionally, about one-third, or 30 percent, of Yellow Ribbon Program participants are PSCUs. In addition, PSCUs represent 45 percent of all schools that offer the Yellow Ribbon Program to an unlimited number of veterans and that make the maximum Yellow Ribbon contribution. To truly appreciate the extent to which PSCUs participate in the Yellow Ribbon Program, 77 percent offer it to an unlimited number of veterans and 61 percent make the maximum school contribution.

Veterans have historically attended PSCUs because we have consistently offered flexible administrative and academic policies, career-focused curricula, credit for past training and experience, and support services that strive to meet their unique academic and personal needs. After being mission-focused, many veterans feel more comfortable in career-focused programs, which allow them to hone the skills learned in the military and receive the necessary training to transition into the workforce. PSCUs also know that veterans may require support with integration into the higher education culture, such as helping cope with service-related disabilities, assistance socializing with peers or instructors, or other creating a school-based veteran support network. PSCUs also know that veterans may require support with integration into the higher education culture, such as helping cope with service-related disabilities, assistance socializing with peers or instructors, or other creating a school-based veteran support network.

Two million veterans will have returned from OEF/OIF once the drawdown is complete, and as the Department of Defense proceeds with a planned reduction in force, it is imperative that Congress work to ensure that our veterans, particularly young combat veterans, are not only provided with the tools and resources to access a postsecondary education through their generous benefits, but also the tools and resources to make an informed, thoughtful decision about which educational opportunity will best prepare them for the workforce. The transition from soldier to student is often wrought with unexpected challenges for many veterans because institutions of higher education are unprepared to fulfill the unique needs of veteran-students and veteran-students are unprepared to navigate the wave of educational options before them. As a result, many veterans fail to achieve their academic goals. H.R. 4057 directs the Secretary of the Veterans' Affairs to develop a comprehensive policy to ensure that veteran-students have the tools necessary to make informed

decisions about their postsecondary education. Ultimately, there is a shared responsibility for the academic success of our veteran-students, including the Department of Veterans Affairs (VA), the student, and the institution. It should be incumbent upon the VA to ensure that veterans are provided with the information and resources about their educational options, the veterans to utilize the information to make informed education choices, and the institutions to provide the quality of education veterans deserve with the benefits they earned.

Prepared Statement of Dr. Allen L. Sessoms

Chairman Stutzman, Ranking Member Braley, and distinguished members of the Subcommittee. I am Dr. Allen Sessoms, President of the University of the District of Columbia, the only public institution of higher education here in our Nation's Capital. I am testifying on behalf of the American Association of State Colleges and Universities, commonly known as 'AASCU.' AASCU represents 420 institutions and university systems across 49 states, the District of Columbia, Puerto Rico, Guam and the Virgin Islands.

Thank you for holding this hearing and providing me the opportunity to present testimony in support of H.R. 3483, The Veterans Education Equity Act of 2011, introduced by the Honorable G.K. Butterfield of North Carolina. I ask that my testimony be entered into the record.

If enacted, H.R. 3483 would remedy a serious inequity that currently exists under the Post-9/11 GI Bill educational benefits program.

In short, The Veterans Education Equity Act addresses the harm to veterans enrolled at an out-of-state institution of higher education resulting from the passage of the Veterans Educational Assistance Improvements Act, Public Law 111–377. After passage of the 9/11 Veterans Educational Assistance Act of 2008, the Department of Veterans Affairs began the unenviable task of implementing the legislation in a very short period of time. The VA established a tuition and fee payment schedule for each state in order to do so. In creating this structure, the VA separately determined the highest amount in tuition and in required fees charged to a student attending a public institution rather than combining tuition and required fees into one amount. This structure resulted in veterans attending public institutions having all or nearly all of their tuition and fee charges paid via their Post-9/11 GI Bill benefits regardless of whether they were an in-state or out-of-state student.

In January 2011, this changed when the Veterans Educational Assistance Improvements Act was signed into law. The major focus of the legislation was to revamp the tuition and fee structure first established by the VA. The legislation established two criteria. Those students who attend public institutions receive benefits equal to in-state tuition and fee charges, while veterans attending private institutions receive the lesser of $17,500 or their actual charges for tuition and fees. Congress when drafting this legislation thus created an inequity that resulted in veterans who attend an institution located outside of their home state saw a tremendous reduction in their benefit amount. This benefit is worth, on average, about $ 8,244 per year. On the contrary, if one of our Veterans chooses to attend an out-of-state private institution, he or she will automatically qualify for up to $17,500 per year. Simply put, a Veteran who chooses to attend a public institution is entitled to, on average, less than half of the benefit a Veteran who chooses to attend private institution.

In addition to the disparate treatment of our Veterans attending public versus private institutions, the current Post-9/11 GI Bill benefit structure also asks our Veterans to pick up the difference between in-State and out-of-State tuition. This can amount to over $13,000 per year in some States, and averages $4,282 across the country. Not only are we providing our Veterans with different tuition benefits depending on the type of institution they choose to attend, we are also asking them to pick up the tab if they choose to attend a public institution in a different State.

In a metropolitan area such as the National Capital Region, where students regularly travel across State lines to earn their degrees, this significantly limits the number of institutions our Veterans may realistically choose from. For example, Veterans attending the University of the District of Columbia, but living in Maryland or Virginia, are required under District of Columbia law to pay the non-resident tuition rate of $13,380. This amounts to $7,000 per year for a full-time baccalaureate student. The Yellow Ribbon program does provide a $500 tuition assistance benefit to our non-resident Veterans; however this is only a fraction of the non-resident tuition premium.

The current Post 9/11 GI Bill tuition structure also harms those who have recently relocated to a State and enroll in that State's public institution, but do not yet qualify for in-State tuition. Many states have enacted minimum residency requirements students must meet to be eligible for in-State tuition rates. For example, in the District of Columbia, to receive the in-State tuition rate, a Veteran must reside in the District for a full year to become eligible. This may cause a recently relocated Veteran to put off pursuing a degree until he or she is eligible for a lower tuition rate.

Passage of this bill is especially important at a time when unemployment for our veterans is extremely high. According to recent statistics from the U.S. Chamber of Commerce's "Hiring Our Heroes" program, unemployment for veterans aged 18–24 is 30%. For those in the National Guard, it is 14%. These numbers are well above the national average. Other research has shown that individuals with more than a high school diploma are more likely to be employed. Passing H.R. 3483 will give our Veterans a greater opportunity to select the postsecondary program and institution best suited for them and by so doing, put them on the path to employment.

As a grateful Nation, we are committed to providing our Veterans with the maximum benefits they rightly deserve. Let's make sure we also are providing the flexibility our Veterans need to use them. On behalf of the 420 members of the American Association of State Colleges and Universities, I urge Congress to pass the Veterans Education Equity Act of 2011 without delay.

Prepared Statement of Curtis L. Coy

Mr. Chairman and Members of the Subcommittee, I am pleased to provide the views of the Department of Veterans Affairs (VA) on pending legislation concerned with Veterans education, employment, and small business contracting issues. Joining me today are C. Ford Heard, Associate Deputy Assistant Secretary for Procurement Policy, Systems and Oversight, Office of Acquisitions, Logistics and Construction, and Keith Wilson, Director, Education Service, Veterans Benefits Administration.

VA is providing our insight on several bills on the agenda. Other bills under discussion today affect programs or laws administered by the Department of Labor (DoL), Department of Education (ED) and the Transportation Security Administration (TSA) of the Department of Homeland Security (DHS). Respectfully, we defer to those agencies' views with respect to the following bills: H.R. 3524 (rights for persons receiving treatment for illnesses, injuries, and disabilities affected by service in the uniformed services – DoL), H.R. 3610 (consolidation and streamlining Federal workforce – DoL and ED), H.R. 3670 (requiring the TSA to comply with the Uniformed Services Employment and Reemployment Rights Act – DHS), and H.R. 4051 (providing for off-base transition training – DoL). VA regrets we did not have sufficient time to formulate costs for four measures, H.R. 3483, H.R. 4048, H.R. 4052 and H.R. 4072. I want to begin by stating that every initiative has the admirable goal of assisting our Nation's Veterans and Servicemembers.

H.R. 3329

H.R. 3329 would amend section 3103, title 38, United States Code, to extend the period during which a Veteran may be afforded a rehabilitation program under chapter 31 of that title. Chapter 31 entitles a person with a service-connected disability and an employment handicap to participate in a rehabilitation program depending on the degree of disability and severity of employment handicap. Under current law, a Veteran generally may be afforded such a program for up to 12 years, beginning on the date of the Veteran's discharge or service-connected disability notification. H.R. 3329 would extend that period of eligibility to 15 years.

VA supports extending the period of eligibility for vocational rehabilitation services, provided that Congress finds funding offsets. Individuals may need vocational rehabilitation services during mid-life when disabilities worsen or when changing careers, or later in life when in need of independent living services. By extending the period of eligibility, VA's Vocational Rehabilitation and Employment (VR&E) program will be able to provide individuals who meet the eligibility and entitlement criteria for services under chapter 31 with the assistance they need.

VA estimates that enactment of H.R. 3329 would result in benefit costs to VA of $4.4 million for the first year, $25 million for five years, and $57.9 million over ten years. There are no significant administrative costs associated with this bill because the caseload increase would be minimal.

H.R. 3483

H. R. 3483, the "Veterans Education Equity Act of 2011," would revise the formula for the payment by VA of tuition and fees for individuals entitled to educational assistance under the Post-9/11 GI Bill and pursuing programs of education at public institutions of higher learning (IHLs).

Currently, resident and non-resident students pursuing a program of education at public IHLs receive the actual net cost for in-state tuition and fees charged by the institution. This bill would allow non-resident students to receive an amount above the net in-state charges in some instances. H.R. 3483 would amend section 3313 (c)(1) of title 38, United States Code, to require VA to pay individuals pursuing a program of education at public IHLs, the lesser of 1) the actual net cost for tuition and fees assessed by the institution for the program of education, or 2) the greater of either the actual net cost for in-state tuition and fees, or $17,500 (for the academic year beginning on August 1, 2011, with such amount to be increased each subsequent year by the average percentage increase in undergraduate tuition costs).

VA would be required to implement these changes to the payment of educational assistance for the academic year beginning on or after the date of enactment.

While VA supports the intent to provide payment equity to individuals training under the Post-9/11 GI Bill, VA cannot support this legislation as written.

Separate rules for tuition-and-fee charges would add another level of complexity to the program for both beneficiaries and schools. We continue to receive complaints from beneficiaries with regard to understanding exactly how much they will receive in tuition and fees under the Post-9/11 GI Bill program. This bill would exacerbate that problem.

Furthermore, VA continues to work aggressively on the Long-Term Solution (LTS) to further enhance processing of Post-9/11 GI Bill claims. As of June 2011, VA and the Space and Naval Warfare Systems Center Atlanta (SPAWAR) have developed five major releases for the LTS system. VA's plans to achieve full automation of a subset of Post-9/11 GI Bill claims is expected with release 6.0 in July 2012. This enhanced functionality, originally planned for June 2011, was delayed to accommodate changes to the Post-9/11 GI Bill required by P.L. 111–377, the Post-9/11 Veterans Educational Assistance Improvements Act of 2010.

The enactment of this legislation would severely hamper VA's deployment efforts and delay automation of claims. The changes made by this legislation would lead to very complicated processing scenarios in the LTS. Some of the major rules in the LTS system regarding payment amounts would need to be updated; as a result, and would cost additional money for system testers. Additionally, since the amount of educational assistance would be based on the actual net cost for tuition and fees versus the greater of the actual net cost for in-state tuition and fees and $17,500, VA would have to apply a blended set of rules to each claim that falls under these provisions.

As written, the effective date for the proposed legislation would be the date of enactment. However, VA estimates that we would need one year from date of enactment to make the system changes necessary to implement the proposed legislation. VA would be happy to work with the Subcommittee to provide technical assistance.

In addition, although we regret we were unable to estimate the costs of this proposal in time for this hearing, VA notes that any change in benefit levels that would increase the total cost of the program would necessitate the identification of offsets. VA will provide a cost estimate at a later time.

H.R. 4048

Section 8127 of title 38, United States Code, requires VA to establish annual acquisition dollar goals for VA contracts with small businesses owned and controlled by Veterans and service-disabled Veterans. In addition, section 8127 provides acquisition set-aside authority for such businesses and establishes priority for them over all other small business preferences in VA acquisitions.

H.R. 4048, the "Improving Contracting Opportunities for Veteran-Owned Small Businesses Act of 2012," would amend section 8127 by adding new subsection (k) providing that "[f]or purposes of meeting the goals under subsection (a), the Secretary shall include the acquisition of goods and services through the use of a Federal Supply Schedule of the General Services Administration."

VA is continuing to analyze this legislation, and will provide its views in writing once we complete that analysis.

H. R. 4051

H. R. 4051, the "TAP Modernization Act of 2012," would direct the DoL to provide the Transition Assistance Program (TAP) during a three-year period to Veterans and their spouses at locations other than military installations in three to five

states selected by DoL. DoL would select states that have the highest rates of Veteran unemployment and would provide a sufficient number of training locations to facilitate access by participants to meet the need in each state. DoL also would include in any TAP contract a requirement for experts in subject matters relating to human resources practices, including resume writing, interviewing and job searching skills, and the provision of information about post-secondary education.

Reports to Congress would be required in each year of the training, and after the termination of the three-year period of TAP training required by this Act, the Comptroller General of the United States would submit to Congress a report on the training, to include the feasibility of carrying out off-base transition training at locations nationwide.

VA defers to the DoL on the merits of the bill, however, VA is required to participate in TAP briefings. Therefore, we note the following impact on VA. Assuming the effective date of this legislation would be October 1, 2012, VA's estimated administrative expenses would be $1.3 million the first year and $4.5 million over three years.

H.R. 4052

H.R. 4052, the "Recognizing Excellence in Veterans Education Act of 2012," would add a new section 3698 to title 38, United States Code, directing VA to establish an honorary "Excellence in Veterans Education Award" to recognize IHLs that provide superior services to Veterans. The award would be valid for three years (however, it may be withdrawn at any time VA deems appropriate) and the IHL that received it would be noted on the list of institutions approved for Veteran education benefits, which is maintained on VA's Internet Web site. VA would grant the Award to IHLs only if: (1) the head of the IHL has a student Veteran advisory board or a student Veteran advisor from whom the head seeks advice; (2) the IHL participates in the Yellow Ribbon G.I. Bill Education Enhancement Program (Yellow Ribbon Program) under the Post-9/11 GI Bill, contributes the maximum amount under the program, and ensures that all such amounts are made available to all Veterans enrolled at the IHLs who qualify for the Yellow Ribbon program; (3) the IHL has a Veterans support program that provides services VA considers appropriate; (4) the IHL is a member of the Servicemembers Opportunity College; (5) the average graduation rate for all of the IHL enrolled students is at least as great as the average national graduation rate for all students enrolled in the same type of institution, as determined by VA; and (6) any other criteria VA considers appropriate.

VA has concerns with some of the provisions in the bill as written.

Implementing a program that awards IHLs for their service to Veterans will give them incentive to provide better service. By listing exceptional institutions on VA's GI Bill Web site, Veterans would have more knowledge regarding the best institutions available for them to attend. We are concerned, however, about the criterion regarding measurement of the graduation rates. The legislation would not require IHLs to measure the Veteran-graduation rates, and VA does not currently track them. VA recommends that language be included to require IHLs to track and report such rates.

With regard to the criteria pertaining to the IHL participation in the Yellow Ribbon Program, it appears that a school would be required to provide Yellow Ribbon benefits to every Veteran attending more than ‡ time in order to qualify for the Award. We note that currently there are few schools that provide Yellow Ribbon benefits to every eligible Post-9/11 GI Bill Veteran. Also, because Veterans' in-state costs are fully covered at most public schools, many public institutions do not participate in the Yellow Ribbon Program. Therefore, it appears these schools would be excluded from the excellence award although they may provide other forms of superior service to Veterans. Similarly, many institutions that are not IHLs would be excluded from this recognition.

This legislation requires that VA determine if the IHL has a student Veteran advisory board and a Veterans support program that provides services VA considers appropriate. Since this information is not currently collected, tracking the availability of such information would be a significant administrative undertaking for VA and schools. VA would need additional resources to implement the legislation.

VA will provide a cost estimate at a later time.

H.R. 4057

H.R. 4057, the "Improving Transparency of Education Opportunities for Veterans Act of 2012," would add a new section to chapter 36 of title 38, United States Code, directing VA to develop a comprehensive policy to improve outreach and transparency to Veterans and members of the Armed Forces through the provision of information on IHLs. Specifically, the policy would include the following elements: (1)

the most effective way to inform individuals of the educational and vocational counseling provided by VA, (2) a centralized way to track and publish feedback from students and State Approving Agencies (SAAs) regarding the quality of instruction and accreditation, recruiting practices, and post-graduation employment placement of the IHLs, (3) the value of and manner in which a SAA shares information regarding that agency's evaluation of an IHL with an accrediting agency recognized by the ED, (4) the manner in which information regarding IHLs is provided to individuals participating in the Transition Assistance Program, and (5) the most effective way to provide Veterans and Servicemembers with information regarding available VA postsecondary education and training opportunities.

In order for VA to develop the aforementioned comprehensive policy, H.R. 4057 would direct the Department to conduct a market survey to determine the availability of a commercial, off-the-shelf, online tool that would allow a Veteran or Servicemember to assess whether that individual is academically ready to attend postsecondary education and training opportunities, or would need any remedial preparation before beginning such opportunities. The survey would also determine whether a similar tool would be available to provide Veterans and Servicemembers with a list of providers of postsecondary education and training opportunities based on criteria selected by those individuals.

This measure also would direct VA, not later than 90 days after the date of enactment, to submit to the House and Senate Veterans' Affairs Committees a report describing the comprehensive policy to improve outreach and transparency required by this bill, VA's plan to implement such policy, and the results of the market survey, as well as whether VA plans to implement the tools described in the survey, if available.

VA supports providing Veterans with better information about their educational opportunities, but does not believe legislation is necessary because of policies and programs already in place at VA, ED, and the Department of Defense (DoD). VA has outreach programs within its Education Service, VR&E Service, and Benefits Assistance Service (BAS). These are proven outreach mechanisms that can easily emphasize this information.

If the intent for this bill is to increase outreach efforts in a more targeted nationwide method, VA believes existing mechanisms would satisfy that intent. For example, ED currently provides information about the quality and accreditation of IHLs participating in the Federal student financial aid programs. The National Center for Education Statistics (NCES) is the primary Federal entity for collecting and analyzing data related to education. Section 1094 of title 20, United States Code, requires institutions to complete surveys conducted as a part of the Integrated Postsecondary Education Data System (IPEDS). VA believes that ED is best-positioned to explain the informational resources available that fulfill the intent of the legislation. VA continues to work and coordinate with ED and can enhance the level of information sharing between agencies in order to simplify the information for Veterans and members of the Armed Forces to interpret and use.

VA's improvement measures for the Transition Assistance Program (TAP) are in line with the proposed legislation. TAP is currently being revised and enhanced as an initiative for both VA and DoD.

VR&E Service currently has commercial, off-the-shelf tools available to evaluate and assist Veterans and Servicemembers in determining academic readiness.

In previous years, VA conducted customer satisfaction surveys with beneficiaries to determine if they are satisfied with the overall customer experience and determine which areas of service need improvement. To acquire the information for this legislation, a similar survey could be completed with students and SAAs about the quality of the instruction and accreditation, recruiting practices and post-graduation employment placement provided by the IHLs.

VA has concerns with providing a report within 90 days of enactment, as would be required by H.R. 4057. Until VA has an opportunity to discuss the reporting requirements with ED, VA is unable to clearly identify what resources would be needed to meet the 90-day reporting requirement.

It seems to us that each Department (VA, ED, DoL, DoD) would need to agree to share data through a central repository, make collection and presentation of such data consistent with student privacy laws, and develop a method to track and collect post-graduate employment information. Discussions must first take place between agencies to determine what systems can be integrated or if systems need to be developed to capture feedback from students and SAAs.

Information sharing between agencies and a centralized tracking and feedback system regarding quality of instruction, accreditation, recruiting practices, and post-graduate employment will require extensive coordination between several Federal

Agencies. A system meeting the criteria of this legislation does not currently exist to our knowledge.

Assuming enactment on October 1, 2012, VA estimates the administrative costs associated with H.R. 4057 would be $2.3 million in FY2013, $4.3 million over five years, and $7.5 million over ten years. Information technology costs cannot be provided since it is unclear if systems could be integrated or if systems need to be developed to capture feedback from students and SAAs.

H.R. 4072

H.R. 4072, the "Consolidating Veteran Employment Services for Improved Performance Act of 2012," would transfer a number of functions performed under programs relating to Veterans employment and all personnel, assets, and liabilities pertaining to such programs from the DoL to VA. Specifically, these programs from chapters in title 38, United States Code, would include: (1) job counseling, training, and placement services for Veterans under chapter 41; (2) employment and training of Veterans under chapter 42; (3) administration of employment and employment rights of members of the uniformed services under chapter 43; and (4) homeless Veterans reintegration programs under chapter 20.

VA and DoL share a strong interest in providing Veterans with the information, education, and skills to transition successfully to civilian careers. VA is ready to discuss these organizational issues with the Subcommittee and our DoL partners at any time.

Mr. Chairman, this concludes my statement. I would be happy to answer any questions you or the other Members of the Subcommittee may have. Thank you.'

Prepared Statement of MG Ronald G. Young

Chairman Stutzman, Ranking Member Braley, and distinguished Members of the Committee, thank you for your invitation to participate in this hearing and share the Department views on a number of pieces of legislation that have been introduced.

In my capacity as Director of Family Programs and Policy for the Assistant Secretary of Defense, Reserve Affairs, I have oversight into only one of the bills before your Committee today, but welcome the opportunity to provide you with the requested comments and concerns of the Department of Defense as a whole.

The Department has no comment regarding **H.R. 3329** extending the period of eligibility, from twelve years to fifteen years, for veterans to enroll in certain vocational rehabilitation programs. This provision would not impact benefits provided by the Department of Defense.

The Department has no comment on **H.R. 3483,** as the changes to the Post-9/11 Educational Assistance Program would not impact benefits provided by the Department of Defense to Service members. All changes proposed in this legislation would solely impact benefits provided by other Federal agencies.

The Department of Defense opposes a provision in **H.R. 3610,** a bill that would, among other things, repeal section 509 of title 32, United States Code, "National Guard Youth Challenge Program (NGYCP) of opportunities for civilian youth." Mandated by the Congress since 1993, over 100,000 students have successfully graduated from the program, with 80% earning their high school diploma or General Equivalency Diploma. On average, 26% go on to college, 20% enter the military, and the remaindered join the workforce in career jobs.

- There are 33 ChalleNGe sites operating in 27 states and one territory.
- The program design provides a framework and direction to intervene in the lives of high school dropouts.
- Findings for the ChalleNGe program indicate that its goals and objectives are being achieved.
- NGYCP graduates attained an average of a two grade equivalency gain in pre and post-testing of the Test of Adult Basic Education.
- 72% of NGYCP graduates reported positive placement activities within 30 days of graduation.
- The ChalleNGe program continues to enable high school dropouts to become productive, contributing members of their communities.

The high number of high school dropouts each year is a national security issue and can cost the American economy billions in lost productivity and earnings over the students' lifetime. The 12 million students projected to drop out over the next decade will cost our economy more than $3 trillion. According to a recent MDRC

study, the National Guard Youth Challenge Program is one of the most effective intervention programs for youth. In addition, a recent RAND Cost Benefits Analysis study reported that the ChalleNGe program generates $2.66 in benefits for every dollar spent on the program. The estimated return on investment (net benefits divided by costs) in the ChalleNGe program is 166 percent. It is for these reasons that we oppose eliminating the ChalleNGe program.

H.R. 3670 would require the Transportation Security Administration (TSA) to comply with the Uniformed Services Employment and Reemployment Rights Act (USERRA). If the legislation is passed, I am not aware of any costs the Department of Defense would incur. The Department's lead agency on USERRA, Employer Support of the Guard and Reserve (ESGR), currently handles inquiries and USERRA cases. Over the last three fiscal years, ESGR handled 20 USERRA cases that involved TSA. During this same period, 75% of all cases were resolved, including administrative closures. Eleven of the cases occurred in FY11, with 8 of the 11, approximately 73%, resulting in resolution or an administrative closure. If this legislation is enacted, ESGR would continue to assist Guard and Reserve Service members employed by TSA in addressing all USERRA issues. Furthermore, if H.R. 3670 were to amend public law 107–71, the Department of Defense would provide the appropriate USERRA training resources and assistance in order to inform and educate TSA supervisors and employees on their rights and responsibilities under the Federal law.

The Department does not oppose **H.R. 3524,** providing certain rights for persons receiving treatment for illnesses, injuries, and disabilities incurred in or aggravated by service in the uniformed services. However, the Department suggests the legislation further clarify that for persons absent from a position of employment in the Federal government by reason of receipt of medical treatment for a Service connected disability and who is entitled to be retained by the Federal employer, will not be on furlough, but rather placed in an appropriate administrative leave category.

The Department does not have comment regarding **H.R. 4048,** which clarifies contracting goals and preferences with respect to veteran-owned small businesses. If passed into law, the Department would comply with these requirements.

The Department does not have comments regarding **H.R. 4051,** which directs the Secretary of Labor to provide transition assistance training. This legislation would not impact the transition assistance programs currently being provided by the Department of Defense.

The Department does not have comments regarding **H.R. 4052,** to recognize excellence in veterans education. This legislation would not impact Department of Defense programs.

The Department concurs with the objective of **H.R. 4057,** to improve outreach and transparency of educational opportunities to Service members and veterans during the transition assistance program. However, the Department of Defense defers to the Departments of Veterans Affairs and Education regarding how best to provide greater information to these populations.

Regarding **H.R. 4072,** the Department of Defense believes that separating servicemembers, including the Guard and Reserves, need effective services to help them successfully transition to the civilian workforce. However, the Department of Defense defers to the Departments of Labor and Veterans Affairs on the specifics of this bill. Thank you for the opportunity to be here with you today, and for your support of our Service members, veterans, their families, and employers. I look forward to your questions.

Prepared Statement of Ismael Ortiz

Chairman Stutzman, Ranking Member Braley and members of the Subcommittee. Thank you for the opportunity to provide the views of the Department of Labor (DoL or Department) on pending legislation aimed at helping Veterans and transitioning Service Members succeed in the civilian workforce.

President Obama and Secretary Solis are committed to ensuring that the men and women who serve this country have the employment support, assistance and opportunities they deserve. As a result, the Administration has undertaken initiatives to train, transition and employ Veterans; encouraged the Federal hiring of Veterans; and called upon the private sector to hire and employ America's Veterans. DoL, through the Veterans' Employment and Training Service (VETS) and other agencies, is playing an important role in these and other initiatives by providing Veterans and transitioning Service Members with resources and expertise to assist and

prepare them to obtain meaningful careers, maximize their employment opportunities and protect their employment rights.

While this hearing is focused on numerous bills before the Subcommittee, I will limit my remarks to those pieces of legislation that have a direct impact on the Department of Labor, including H.R. 3524, H.R. 3610, H.R. 4051, and H.R. 4072 and will provide the relevant cost estimates at a later time. I respectfully defer to the Department of Veterans' Affairs (VA), Department of Education (ED) and the Transportation Security Administration (TSA) of the Department of Homeland Security (DHS) on the remaining pieces of legislation.

HR 3524—Disabled Veterans Employment Protection Act

H.R. 3524, the "Disabled Veterans Employment Protection Act," would amend the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994 (P.L. 103–353) to extend USERRA protections to individuals with service-connected illness, injury, or disabilities by creating a new section 4320 in Title 38, United States Code (38 U.S.C. 4320). The legislation would also amend USERRA's anti-discrimination provisions in section 4311 to define "service-connected disability" as any injury, disease, illness or other disorder formally determined by the Secretary of Veterans Affairs to have been incurred in or permanently aggravated by a period of active service in the uniformed services. Consistent with USERRA's existing language regarding persons absent from work while fulfilling military obligations, persons undergoing treatment for a service-connected disability would be deemed to be on furlough during such absence, and would retain all seniority and non-seniority benefits similar to current USERRA protections.

This bill, as drafted, would have a significant impact on relationships between employees with past, present, or future military obligations and their current and prospective employers. Both parties would have to become familiar with their respective rights and obligations under the new law, in addition to making any necessary adjustments in work schedules or similar arrangements to comply with the law. As drafted, the bill raises technical concerns about its interaction with USERRA's reemployment eligibility provisions, as well as with the Family and Medical Leave Act. We look forward to working with the Subcommittee to provide any requested technical assistance and to better understand the intent of the legislation, to help ensure that it does not unintentionally harm Veterans' employment relationships.

HR 3610—Streamlining Workforce Development Programs Act of 2011

H.R. 3610, the "Streamlining Workforce Development Programs Act of 2011," consolidates over two-thirds of current workforce programs and repeals several programs that target particular populations. We will comment here only on the parts of the bill that affect VETS programs. As part of this consolidation, the bill repeals the authorization for most Veterans grant programs, including the Transition Assistance Program, the Disabled Veterans Outreach Program, the Homeless Veterans Reintegration Program, and the Veterans Workforce Investment Program. Instead, the bill establishes a single Veterans' Workforce Investment Fund to States that will serve as the primary resource for supporting the workforce system's services to Veterans. This funding will be allotted based on the percentage of each States' relative share of the Nation's unemployed Veterans.

H.R. 3610 requires each local area to hire one or more Local Veterans' Employment Representative (LVER) staff as part of its Veterans Workforce Investment Fund activities. LVER staff would conduct outreach to employers and facilitate services to Veterans, including disabled Veterans. Currently, the intensive services that are needed by disabled Veterans are provided by specialized staff as part of the Disability Veterans' Outreach Program (DVOP). The passage of H.R. 3610 would repeal the Disabled Veteran Outreach Program without assuring that the same services would be provided by the remaining LVER staff.

Other provisions contained in H.R. 3610 would result in significant changes to current Veterans services, such as the elimination of HVRP program which provides an intensive, holistic case management approach to serving homeless Veterans with the critical component of placement into meaningful sustainable jobs that break the cycle of homelessness. This could leave thousands of homeless Veterans without the intensive services this program provides.

H.R. 3610 would also repeal the Transition Assistance Program (TAP). During FY2011, VETS provided 4,203 TAP Employment Workshops to nearly 145,000 participants, at both domestic and overseas locations. If the bill were passed, the Department would not have the authorization or funding to provide these needed services.

While DoL is committed to Federal fiscal responsibility and supports efforts to streamline the training and employment services provided to Veterans, the Administration is still reviewing this bill in light of its broader scope and significant implications for the workforce system. The Department believes it is absolutely critical that any reform allow for sufficient accountability and ensure that Veterans receive the services they need to obtain a job. DoL looks forward to working with the Subcommittee to ensure that Veterans and others receive the high-quality services they need to succeed in the workforce.

HR 4051—TAP Modernization Act of 2012

H.R. 4051, the "TAP Modernization Act of 2012," would require the Secretary of Labor to provide the Transition Assistance Program (TAP) under title 10, U.S.C., section 1144 (10 U.S.C. 1144) "to eligible individuals at locations other than military installations in not less than three and not more than five States selected by the Secretary" during the three year period beginning on the date of the enactment of this bill.

Unlike the TAP Employment Workshops currently provided to transitioning Service Members and their spouses under 10 U.S.C., 1144, an "eligible individual" for this program would be a Veteran or the spouse of a Veteran. The Transition Assistance Program Employment Workshop is designed specifically for transitioning Service Members and their spouses and as such, the curriculum is not appropriate for all Veterans. However, One-Stop Career Centers typically provide specific workshops on resume writing, interviewing, and how to conduct a job search. Thus, the relevant components of the Employment Workshop are already available to all Veterans.

If the intent of the legislation is to increase outreach to unemployed Veterans, DoL is already involved in Veteran-targeted outreach initiatives. These include the Gold Card initiative, which provides up to 6 months of case management and intensive services to eligible Post 9/11 era Veterans, and an initiative with the Army to provide additional employment assistance to Army Veterans who are drawing unemployment compensation benefits.

As workshops are already provided for job seekers at One-Stop Career Centers, coupled with the ongoing initiatives specifically focused on unemployed Veterans, this proposed legislation appears to be duplicative. We look forward to working with the Subcommittee to identify any needed program improvements.

HR 4072—Consolidating Veteran Employment Services for Improved Performance Act of 2012

H.R. 4072, the "Consolidating Veteran Employment Services for Improved Performance Act of 2012," would transfer all responsibilities, functions, personnel, assets, and liabilities of the programs under title 38, Chapters 41, 42, 43 and 20 of the United States Code from the Department of Labor to VA by October 2013. The intent of this legislation appears to be to transfer all Veteran related services and programs from DoL to VA.

Within the Department of Labor, VETS has primary responsibility for many of these programs, including the Jobs for Veterans State Grants (JVSG) Program, Transition Assistance Program Employment Workshops (TAP), the Homeless Veterans' Reintegration Program (HVRP) and the Uniformed Services Employment and Reemployment Rights Act (USERRA). However, other DoL agencies, such as the Employment and Training Administration (ETA) and the Office of Federal Contract Compliance Programs (OFCCP), are also directly involved in the administration of programs that would be transferred by H.R. 4072.

VETS' core mission is employment for Veterans. The agency's functions to meet that core mission fall into two categories: (1) employment and training services; and (2) labor law enforcement. In doing its work, it is of course essential that VETS coordinates its activities with other Federal agencies, such as the VA and DoD in the Transition Assistance Program, to ensure our men and women who served in the Armed Forces are taken care of.

The "One-Stop System" is the cornerstone of the Nation's workforce system and is administered by DoL, along with partner programs funded by the Departments of Education, Health and Human Services, Housing and Urban Development, and Agriculture. The One-Stop system, which consists of over 2,500 One-Stop Career Centers throughout the country, ensures the coordinated delivery of employment and training services to employers and individuals seeking upward mobility.

Much of what DoL does for Veterans and other eligible persons concentrates on maximizing the employment and training opportunities developed though our relationship with State Workforce Agencies. For instance, VETS offers employment and

training services to eligible Veterans primarily through the Jobs for Veterans State Grant (JVSG) program. This program provides grants to State Workforce Agencies to hire, train, and support employment staff. The DVOPs and LVERs funded by these grants provide intensive services to those Veterans that face barriers to employment and reach out and educate employers on the benefits of hiring Veterans.

DoL is not only an employment and training agency; it is also a worker protection agency with a vital role in enforcing the employment rights for Veterans and Service Members. VETS is responsible for promulgating regulations interpreting, administering, and helping enforce the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). USERRA provides employment and reemployment rights to eligible Service Members and Veterans by protecting those individuals from adverse discrimination due to their past, present, or future military service, status or obligations. VETS' professional investigative staff accepts and investigates complaints filed by individuals who believe that their employment or reemployment rights have been violated by public or private-sector employers. In addition, VETS staff provides technical assistance and briefings on the law to the public. Many employment disputes arise from misunderstandings on employee and employer rights and obligations under the law, and, as a result, VETS seeks to resolve issues at the earliest possible opportunity. Since September 11, 2001, VETS has received and investigated on average, approximately 1,375 cases per year. VETS conducts thorough and complete investigations, including obtaining all documentary evidence and witness statements. VETS also has subpoena authority and uses it when necessary.

VETS works with the employers and claimants to achieve a satisfactory resolution. When VETS is unable to resolve the issue, the claimant may request that the case be referred to either the U.S. Department of Justice (for non-Federal employers) or the Office of Special Counsel (OSC) (for Federal-sector employers) for those agencies to determine whether they will provide representation in Federal District Court or before the Merit Systems Protection Board, respectively. In the alternative, the claimant may elect to pursue relief as a pro se litigant or through private counsel at his or her own expense.

In addition to its USERRA responsibilities, VETS is also responsible for investigating complaints received pursuant to the Veterans' Employment Opportunities Act of 1998 (VEOA; 5 U.S.C. 3330a) from preference-eligible Veterans who have alleged that their Veterans' preference rights in Federal hiring or during a reductions-in-force (RIFs) have been violated. The proposed HR 4072 fails to include VETS' Veterans' preference among those functions to be transferred to VA.

Another enforcement program that would be transferred to the VA under the bill is DoL's Office of Federal Contract Compliance Programs (OFCCP) enforcement of Sections 4212 (a)(1) and 4212 (a)(2)(A) of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA). VEVRAA prohibits Federal contractors and subcontractors ("contractors") from discriminating against protected Veterans [1] and requires them to ensure equal opportunity for protected Veterans in all aspects of employment, such as recruitment, including listing job openings with appropriate employment services, hiring, training, and promotion. [2]

OFCCP enforces two other laws that require nondiscrimination and affirmative action by contractors, in addition to VEVRAA: Executive Order 11246 (which covers race, national origin, color, sex, and religious discrimination) and Section 503 of the Rehabilitation Act of 1973 (which covers disability discrimination). Today, OFCCP conducts a robust program that monitors the more than 179,000 contractor establishments (or facilities), with contracts totaling over $700 billion – covering approximately one quarter of American workers—for compliance with all three of these laws.

---

[1] Those with disabilities, those recently discharged, and those who served during a war, campaign or expedition for which a campaign badge is authorized.

[2] Coverage of contractors and Veterans varies according to when the contract was entered into. For contracts entered into before December 1, 2003, the contract dollar threshold is $25,000, and the Veterans covered are: (1) special disabled Veterans; (2) Veterans of the Vietnam era; (3) Veterans who served on active duty in the Armed Forces during a war or in a campaign or expedition for which a campaign badge has been authorized; and (4) Veterans separated from the service for one year or less. For contracts entered into on or after December 1, 1993, the contract dollar threshold is $100,000, and the Veterans covered are: (1) disabled Veterans; (2) Veterans who served on active duty in the Armed Forces during a war or in a campaign or expedition for which a campaign badge has been authorized; (3) Veterans who, while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order No. 12985; and (4) Veterans separated from the service for three years or less.

If enforcement of Sections 4212(a)(1) and 4212(a)(2)(A) of VEVRAA were to be moved from DoL to the VA, care must be taken to avoid adverse effects on contractors' compliance with those sections. Under its two other authorities, OFCCP already conducts thousands of investigations of contractors' employment practices every year, and practices related to the employment of protected Veterans is fully integrated into OFCCP's systems.

Conclusion:

VETS has a core mission of providing employment and reemployment services to Veterans and transitioning Service Members, as well as protecting their employment rights. In doing this, VETS partners with other DoL agencies as well as VA and DoD. DoL looks forward to working with the Subcommittee and our partners to ensure that we provide effective assistance to Veterans.

Mr. Chairman, this concludes my statement. I would be happy to entertain any questions you or the other Members of the Committee may have.

Statements For The Record

HON. MIKE MCINTYRE

Testimony to the House VA Committee
March 5, 2012

Chairman Miller, Ranking Member Filner, and Members of the Veterans' Affairs Committee:

I submit this testimony in support of the Veterans Education Equity Act of 2011, H.R. 3483, legislation I sponsored with Congressman G.K. Butterfield. This important measure would equalize veterans' tuition benefits under the Post 9/11 G. I. Bill and change an inequity in existing law which allots more education funds to veterans enrolled in private colleges than those in public institutions. I would also like to highlight my constituent, Sgt. Jason Thigpen, who is testifying today, and the organization he started, the Student Veterans Advocacy Group at the University of North Carolina at Wilmington, which was instrumental in formulating this legislation.

As you know, the Post 9/11 Veterans' Educational Improvements Assistance Act capped the education benefit amount for veterans who enroll in private colleges at $17,500 and limited the education benefit for those who enroll in public colleges to the amount charged for resident tuition and fees. The current law unintentionally burdens a significant number of American veterans, requiring them to pay thousands of dollars out-of-pocket in non-residential tuition rates. This could add up to more than $100,000 in certain states.

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 resident tuition exceeds $17,500, the bill would cover the full cost of tuition. The bill makes no changes to existing law for veterans who choose to attend private colleges and universities.

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. Therefore, I respectfully request your important consideration and support of this measure that will restore equal education benefits for all veterans.

Mike McIntyre
Member of Congress

U.S. TRANSPORTATION SECURITY ADMINISTRATION

MAR -6 2012

The Honorable Marlin Stutzman
Chairman

Subcommittee on Economic Opportunity
Committee on Veterans' Affairs
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Stutzman:

Thank you for your letter of February 17,2012, regarding the Subcommittee on Economic Opportunity's legislative hearing scheduled for March 8, 2012. I appreciate the opportunity to share the Transportation Security Administration's (TSA) views on H.R.3670.

Enclosed for your consideration is the TSA's Statement for the Record regarding H .R. 3670, legislation which would grant Transportation Security Officers rights under the Uniformed Services Employment and Reemployment Rights Act. We share the Subcommittee's support of our Nation's veterans, and TSA is proud that more than 15,000 veterans are counted among the Agency's employees. Representing nearly 25 percent of our workforce, veterans are working throughout TSA to provide the highest level of security for the traveling public.

I hope this information is helpful. If we may be of further assistance, please call the Office of Legislative Affairs at 571-227-2717.

Sincerely yours,

Peter W. Hearding
Deputy Assistant Administrator
for Legislative Affairs

Enclosure

Thank you, Chairman Stutzman, Ranking Member Braley, and distinguished Members of the Subcommittee for the opportunity to submit this written statement for the record about the ways the Transportation Security Administration (TSA) supports our military personnel in the employment process in addition to facilitating travel for soldiers and their families throughout the United States.

TSA is proud to count many uniformed servicemembers among our employees. Over 10,000 veterans—or approximately 20% of the Transportation Security Officer (TSO) workforce—serve on TSA's front line securing our Nation's transportation sector. TSA has endeavored to ensure that our policies and procedures are consistent with the law, and structured to promote the substantive rights to which veterans' are specifically entitled under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Employment Protection for Service Members

TSA is authorized under the Aviation and Transportation Security Act (ATSA) to set the qualifications, conditions and standards of employment for TSOs, notwithstanding any other provision of law. ATSA, δ111(d), 49 U.S.C. δ44935, note. If enacted, H.R. 3670 would amend δ111(d) of ATSA to expressly state that the TSA Administrator would be required to comply with USERRA. Specifically, if amended, δ111(d) of ATSA would read as follows (new text added by H.R. 3670 is in bold font):

> **(1) GENERAL AUTHORITY—Except as provided in paragraph (2), and**notwithstanding any other provision of law, the Under Secretary of Transportation for Security may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of Federal service for such a number of individuals as the Under Secretary determines to be necessary to carry out the screening functions of the Under Secretary under section 44901 of title 49, United States Code. The Under Secretary shall establish levels of compensation and other benefits for individuals so employed.
>
> **(2) UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT—In carrying out the functions authorized under paragraph (1), the Under Secretary shall be subject to the provisions set forth in chapter 43 of title 38, United States Code.**

TSA's policies for veterans afford TSOs the same substantive rights enumerated in H.R. 3670. In 2006, TSA established policies and procedures for employment and reemployment of members of the uniformed service-consistent with the provisions of USERRA (38 U.S.C. δδ 4301-4344) in the form of TSA Management Directive 1100.30-17, *Uniformed Services Employment and Reemployment,* which is supplemented by a more detailed Handbook and available to all TSA employees. The policy, updated and expanded in 2009, addresses: predeployment procedures for both the employee and management; leave and other benefits afforded to servicemembers; and the responsibilities of employees, human resources specialists and supervisors/managers regarding reemployment rights of servicemembers. The

Handbook also addresses the special considerations that apply to returning employees who suffer a service-connected disability including reassignment to another position for which the employee qualifies if the employee can no longer perform the essential functions of the position held prior to his or her military service.

Through the application of this policy, TSA demonstrates its commitment to treating both TSO and non-TSO uniformed service employees with equal respect. TSOs who believe their USERRA rights have been violated may contact the Department of Labor (DoL) for assistance and TSA works closely with DoL to address any disputes that arise. TSA has worked diligently to educate supervisors and human resources specialists policies related to uniformed services employment and reemployment while establishing relationships with the interagency partners. As a result, most issues are resolved before they reach the DoL complaint stage. Based upon the fact that TSA has these policies in place, we believe that H.R. 3670 is unnecessary.

Facilitating Travel through Risk-Based Security Measures

In addition to supporting our veteran employees by protecting their USERRA rights, TSA is also committed to expediting the screening process for our uniformed servicemembers. U.S. servicemembers are entrusted with the responsibility to protect our citizens with their lives. TSA recognizes that these members pose very little risk to security and has developed procedures at our security checkpoints to allow military personnel to move safely and expeditiously through our nation's airports.

—Military personnel traveling in uniform with a valid military ID are not required to remove their footwear unless it alarms the walk through metal detector at the checkpoint while family members who want to accompany a deployed military servicemember to the boarding gate, or greet them returning from deployment at the arrival gate, may receive passes to enter the secure area of the airport after being properly screened.

—To facilitate the screening of injured and wounded servicemembers, TSA has partnered with the Department of Defense (DoD) to develop a process to inform us when our injured military heroes are traveling through our Nation's airports.

—TSA will soon begin incorporating active duty U.S. Armed Forces members with a valid Common Access Card, traveling out of Ronald Reagan Washington National Airport into the TSA Pre✔™. If TSA is able to verify the servicemember is in goodstanding with the Department of Defense, they will receive TSA Pre✔™ screening benefits, such as no longer removing their shoes or light jacket and allowing them to keep their laptop in its case and their 3-1-1 compliant bag in a carry-on. Building on its initial success, TSA envisions expanding TSA Pre✔™ benefits to active duty servicemembers at additional participating airports in the coming months.

Of course, nothing will guarantee that a passenger receives expedited screening. To remain effective, TSA must retain the ability to employ random and unpredictable security measures at any point in the process. TSA's goal at all times is to maximize transportation security to stay ahead of evolving terrorist threats while protecting privacy and facilitating the flow of legitimate commerce.

This Subcommittee plays a vital role in advancing legislation that assists our Nation's military personnel and enables us to repay the debt of gratitude owed to those who defend the rights and liberties enjoyed by all Americans. The Subcommittee's continued vigilance on behalf of veterans ensures that those who nobly defend our Nation are rewarded for their service. Thank you for the opportunity to submit this written statement to discuss how the Transportation Security Administration (TSA) supports our military personnel in the employment process in addition to facilitating travel for soldiers and their families throughout the United States.

TERRY "T.P" O'MAHONEY

March 7, 2012

The Honorable Jeff Miller
Chairman, House Committee on Veterans' Affairs
2416 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Miller:

On behalf of the nearly 1.8 million veterans in Texas, I would like to thank you for the significant leadership, vision and hard work you have given to improve their lives and the lives of their families.

As Chairman of the Texas Veterans Commission, and as a former member of the Texas Workforce Commission, I would also like to commend you for sponsoring House Resolution 4072. Your legislation very closely tracks the "Texas Model" of placing the veteran employment function within the state's veteran affairs agency.

Since 2006, when those functions were combined within the Texas Veterans Commission, Texas has excelled at finding employment for our veterans. Today, we lead the nation, by far, in finding jobs for our Texas veterans. In the last fiscal year, 38,714 veterans found work with assistance provided by over 170 Veteran Employment Specialists at TVC. When veterans help veterans, amazing things happen: one of every three jobs created in the top 10 funded states were created in Texas; Texas spends one-third as much as the median cost to hire a veteran among the top 10 states; and, though Texas received 7 percent of the nation's veteran employment funding in the last year, it accounted for 18 percent of the veterans entering into employment after receiving assistance from veteran employment specialists.

It is with this experience in mind, and in the hope of assisting your effort to build on the success of this model, that I respectfully offer the following observations and principles for HR 4072:

1. The "one-stop" concept should be preserved. When the veterans' employment function was combined within the Texas Veterans Commission, state legislators were careful to ensure that veteran employment specialists continue to work within the workforce centers.

2. Remove the option allowing non-veterans to serve as veteran employment specialists. You may want to consider removing the language in HR 4072 (Sec. 4) that would allow states to hire a non-veteran to serve as a veteran employment specialist if no veteran is available. It has been our experience in Texas that qualified veterans are always available to assist their fellow veterans.

3. Ensure that "intensive services" are preserved. Veterans who, for a variety of reasons, have significant barriers to employment should be accommodated. Accordingly, Texas Veterans Commission recommends that you consider including intensive services as part of the "Principal Duties" outlined in the consolidation portion of your bill (Sec. 4).

4. Ensure that the legislation provides the flexibility necessary to the states to implement the changes by the most appropriate and effective means.

Because Texas is unique, we have a unique interest in ensuring that HR 4072 preserves our effective model for combining veterans employment and allows other states to capitalize on the success we've enjoyed. Specifically, Texas Veterans Commission is concerned that language in HR 4072 (Sec. 4) requiring that consolidation occur "in a state under the applicable state employment service delivery systems" could have a severe unintended consequence for Texas. Without greater specificity, the clause might be misinterpreted as a requirement to return Texas' veteran employment functions back to the Texas Workforce Commission. We simply request that alternative language specifying that the consolidation occur "in a state under the appropriate veterans' employment agency," be considered as an alternative.

5. Preserve and enhance veterans' employment funding through performance outcomes.

I know you are as committed as we are to being fully prepared to meet the increased needs of a military drawdown. The costs of defending freedom will not end with the withdraw of troops from Iraq and the impending drawdown in Afghanistan. At the same time, taxpayers must be assured that funding for veteran employment assistance is used effectively. To promote the greatest return on investment for veteran employment dollars, Congress should require performance outcomes in the annual funding formula for states. Such a measure will incentivize states to excel at training and employing veterans.

I sincerely thank you, the Committee, and your staff for your leadership and consideration. I stand ready to answer any questions or provide any information you may need to assist your efforts.

Thank you for all you do on behalf of our nation's veterans.

Sincerely,

Terry "T.P." O'Mahoney
Chairman, Texas Veterans Commission

cc: Committee on House Veterans' Affairs

DR. R. SCOTT RALLS

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to enter testimony into the record regarding H.R. 3483, the Veteran's Education Equity Act of 2011. I represent a System of 58 colleges that provides education and workforce training to almost 900,000 North Carolinians annually—approximately one out of every eight adults in our state.

Ours is a system that grew out of an innovation to foster statewide economic prosperity through workforce development. Founded on the concept of educating and training persons for jobs they had not previously performed, our colleges have transformed into centers of education and innovation, responsive to a 21st century knowledge-based economy whose employers not only demand - but expect - a highly skilled, highly trained workforce that we are called upon to provide. Our "open door" philosophy is rooted in the belief ascribed to by one of our founders, Dr. Dallas Herring, where we take every student from where they are in life and take them as far as they can go to be productive members of our society.

Since 2008, our colleges have grown by over 33,000 students, or roughly the size of one of our flagship state universities, North Carolina State University. Whether it is due to job layoffs, constricting family finances, or persons with 4-year degrees coming to our colleges to be retrained for job-ready fields of work, more individuals are turning to our community colleges as the pathway to further their educational goals. Those returning in increasing numbers also include our nation's servicemen and women.

North Carolina is proud to be the most military friendly state in the union. With major military bases at Fort Bragg, Camp Lejeune, Seymour Johnson, and Cherry Point, our state takes tremendous pride in supporting members of our country's armed services and their families. Through partnerships like those at Coastal Carolina Community College in Jacksonville, Fayetteville Technical Community College in Fayetteville, Wayne Community College in Goldsboro or Craven Community College in New Bern, our colleges maintain close connections with our armed services to ensure that our military members are well served and equipped with the skills they need to be successful in their military careers and beyond.

Equally important is the value we place on our United States veterans. Whether relocating in our state to begin retirement, or in many cases to begin a second career, our community colleges provide the instruction and training for our veterans to succeed in a new phase of their lives. As a System, we are concerned that changes made in the Post 9/11 Veterans Education Assistance Improvements Act of 2011 (PL 111-377) caused unintended consequences to our non-resident veterans. While acting in good faith to contain the overall program costs, the bill had the net effect of reducing benefits for veterans who for tuition purposes are classified as out-of-state residents.

The interpretation being made to limit tuition and fees at public institutions to the applicable institution's in-state tuition rate for both in-state and out-of-state Veterans unintentionally disadvantages out-of-state veterans who wish to attend public institutions in North Carolina. In the 2010-11 academic year, over 700 veterans attending North Carolina's community colleges were adversely affected by this interpretation. One student at Pitt Community College expressed the hardships she now faced in terms of deferring her education because of the inability to now afford tuition. "I was told I had full benefits no matter where I lived . . . I feel this is (a) mistreatment to veterans who have served their country". When discussing the plight of former military servicemen and women, another student-veteran remarked, "They are now being told that their out-of-state tuition won't be covered as it once was, causing many of them to be unable to afford their education."

Fortunately, the bill you have before you for consideration, H.R. 3483, the Veterans Education Equity Act of 2011, will enable Veterans to receive this benefit that they previously enjoyed prior to changes to the Post 9/11 GI Bill. Due to the leadership of North Carolina Congressman G.K. Butterfield, and joined by Howard Coble, Walter Jones, Larry Kissell, Mike McIntyre, Brad Miller, David Price, Mel Watt and 50 other Representatives, H.R. 3483 will allow the affected veteran population to receive the greater of (1) actual net costs for in-state tuition or (2) $17,500 for the academic year beginning on August 1, 2011.

University of North Carolina System President Tom Ross and I co-authored a letter to the state's congressional delegation respectfully requesting action to remedy this situation for our veterans. Recently, our college presidents, working in concert with our local college boards of trustees, endorsed H.R. 3483 as a part of our system's Federal agenda. Trustees had the opportunity to visit with our delegation last

month to reiterate their support for this legislation. While this cannot be done without a cost, we sincerely believe that an educational opportunity for all of our servicemen and women is a price worth paying. It is in our state's best interest to educate servicemembers. As President Ross and I acknowledged last year, servicemembers are our best students—they graduate on time and they continue to grow our state's economy. With thousands of men and women set to return from tours of duty overseas, we owe it to them to reinstate this education benefit as recognition of their service to our country. This seems to be a small price to pay in exchange for what they have given to us.

Thank you for the opportunity to express our system's support of this important piece of legislation.

Please insert the total number of undergraduate military servicemembers using GI Bill grants charged *out-of-state* tuition rates for each of the following school years:

College	2006–07	2007–08	2008–09	2009–10	2010–11
Alamance	*	1	0	0	1
Asheville-Buncombe	6	8	10	19	27
Beaufort Co.	0	0	0	0	0
Bladen					
Blue Ridge	0	0	0	1	1
Brunswick	0	1	0	0	1
Caldwell	2	1	0	2	5
Cape Fear	n/a	n/a	n/a	49	108
Carteret					
Catawba Valley	0	0	0	0	0
Central Carolina					
Central Piedmont	16	12	11	15	29
Cleveland					
Coastal Carolina	7	10	11	35	59
Coll. Of Albermarle	26	14	10	8	6
Craven	*	*	*	22	69
Davidson County	*	*	*	3	*
Durham					
Edgecombe					
Fayetteville	*	*	*	63	155
Forsyth	2	1	2	5	10
Gaston	*	1	4	6	9
Guilford	10	2	3	7	22
Halifax	0	0	0	0	0
Haywood	0	2	0	3	3
Isothermal					

College	2006–07	2007–08	2008–09	2009–10	2010–11
James Sprunt	0	0	0	0	0
Johnston	0	0	0	0	0
Lenoir	0	0	0	2	1
Martin	*	1	0	0	0
Mayland					
McDowell					
Mitchell					
Montgomery					
Nash	0	0	3	5	1
Pamlico	0	0	0	0	1
Piedmont	1	0	0	3	4
Pitt	15	19	17	30	53
Randolph	4	2	8	13	22
Richmond	0	0	0	1	3
Roanoke-Chowan	0	1	0	1	1
Robeson	0	0	0	0	1
Rockingham					
Rowan-Cabarrus	*	*	*	9	16
Sampson					
Sandhills	*	*	*	*	*
South Piedmont					
Southeastern	0	0	0	0	0
Southwestern	1	0	0	2	0
Stanly	0	0	0	3	4
Surry	0	0	0	0	0
Tri-County					
Vance-Granville	*	*	2	2	3
Wake	25	42	47	57	85
Wayne	0	0	0	5	13
Western Piedmont	*	*	*	1	1
Wilkes	0	0	1	3	1
Wilson	*	0	0	0	0

College	2006–07	2007–08	2008–09	2009–10	2010–11
TOTAL	***115***	***118***	***129***	***375***	***715***

* no data available

UNC System GI Bill Use Fall 2011

	Chapter 30	Chapter 31	Chapter 33	Chapter 33 (TEB)	Chapter 35	Chapter 1606	Chapter 1607	Total # Students Using VA Education Benefits
ASU	20	4	92	77	56	51	3	303
ECSU	7	3	33	31	31	10	1	116
ECU	84	11	451		156	75	13	790
FSU	100	32	228	81	82	36	5	564
NC A&T	18	8	58	112	96	42	8	342
NCCU	15	15	56	76	106	30	4	302
NCSU	57	16	227	167	99	27	4	597
UNCA	7	4	20	10	9	4	3	57
UNCC	76	37	330	81	112	76	15	727
UNCCH	22	7	129	141	67	14	1	381
UNCG	59	14	116	100	102	29	5	425
UNCP	42	14	225		81	28	0	390
UNCSA	5	0	11		0	0	0	16
UNCW	63	10	291	112	75	9	5	565
WCU	46	8	86	33	47	11	2	233
WSSU	12	10	64		46	19	2	153
UNC System	633	193	2417	1021	1165	461	71	5961

	GI Bill students considered out-of-state for tuition purposes
ASU	25
ECSU	12
ECU	48
FSU	31
NC A&T	59
NCCU	14
NCSU	69
UNCA	2
UNCC	73
UNCCH	42
UNCG	39
UNCP	8
UNCSA	5
UNCW	52
WCU	20
WSSU	17
UNC System	516

IRAQ AND AFGHANISTAN VETERANS OF AMERICA

Testimony of Ramsey Sulayman

Mr. Chairman, Ranking Member, and members of the Committee, on behalf of Iraq and Afghanistan Veterans of America's 200,000 Member Veterans and supporters, I thank you for inviting me to submit this testimony and share the views of our members' on these important pieces of legislation.

My name is Ramsey Sulayman and I am a legislative associate with Iraq and Afghanistan Veterans of America (IAVA). I am a major in the United States Marine Corps Reserve, have seen life on active-duty and the reserves, and I deployed as part of Operation Iraqi Freedom, serving as an infantry platoon commander and company executive officer with a reconnaissance unit operating on the western border with Syria. The view expressed in this testimony are those of IAVA and do not reflect any position held by the Marine Corps. The Marine Corps has two missions: winning battles and making Marines. The first mission is what we are known for: Marines have demonstrated their prowess in war for over 236 years. The second is a duty I believe continues throughout life. As the saying goes, there are no ex-Marines. I'm proud to continue to serve through my work at IAVA and to say to all members of our armed forces, past and present, "I've got your back."

Bill #	Name/Subject	Sponsor	Position
H.R. 3329	Extend VocRehab eligibility to 15 years	Rep. Sanchez, Linda	Support
H.R. 3483	In state tuition fix to the Post-9/11 GI Bill	Rep. Butterfield	Support
H.R. 3524	Leave for veterans seeking treatment for injuries	Rep. Braley	Support
H.R. 3610	Moving Vet employment services to the States	Rep. Foxx	Oppose
H.R. 3670	Extending USERRA protections to the TSA	Rep. Walz	Support
H.R. 4048	Veterans preference to the GSA catalogue	Rep. Johnson	Support
H.R. 4051	Extending TAP off base	Rep. Stutzman	Support
H.R. 4052	Recognizing GI Bill friendly schools	Rep. Stutzman	Support
H.R. 4057	Consumer education for student veterans	Rep. Bilirakis	Support
H.R. 4072	Moving VETS program from DoL to VA	Rep. Miller	Support

H.R. 3329—IAVA supports H.R. 3329, extending veterans' eligibility to apply for VA Vocational Rehabilitation and Employment benefits from 12 to 15 years. Given the experience from past wars, most notably Vietnam, we should lay the foundation to help veterans of Iraq and Afghanistan who may not show disabling conditions for years to come. Extending the eligibility to apply for Voc Rehab benefits is a prudent, low-cost step that can be taken before any need arises; which is to say, before it is too late to do much good.

H.R. 3483—IAVA supports H.R. 3483, the Veterans Education Equity Act of 2011, and its attempt to address an inequity with the Post-9/11 GI Bill. Currently, GI Bill payments for out-of-state students are limited to the cost of in-state tuition. Veterans attending a private school in the same state can receive up to $17,500 in tuition and fee assistance. Veterans who choose to attend a public school in a state where they do not legally reside often incur a sizable debt burden to make up the difference between in-state and out-of-state tuition rates. Ideally, we would prefer that all schools that receive GI Bill funds treat all veterans and their dependants as in-state residents. However, bringing the out of state tuition and fee cap on par with the cap for private schools is an acceptable compromise.

H.R. 3524—IAVA supports H.R. 3524, the Disabled Veterans Employment Protection Act. The decrease in the rate of fatalities during the wars in Iraq and Afghanistan in comparison with historical levels has been a welcome development. However, many more servicemembers survive with either physical or mental health injuries. When these veterans re-enter civilian life and the workforce, their injuries still require treatment and this often entails extended absence from a veteran's place of employment. H.R. 3524, assures that veterans can more fully recover from their service-connected injuries while remaining employed.

H.R. 3610—IAVA opposes H.R. 3610. IAVA recognizes that the intent of H.R. 3610 reflects valid concerns about tailoring employment help for veterans to local economies: the needs in Silicon Valley might differ substantially from the manufacturing centers in Michigan. However, IAVA opposes the methods H.R. 3610 proposes to meet this goal. We believe that transferring veterans employment funding and services to the states removes valuable Congressional oversight and risks lowering standards for these programs. Among our most pressing concerns is that states could choose not to receive grant funds, thereby eliminating services altogether. Our fears are not allayed by the argument that such a circumstance is "unlikely." Furthermore, the fact that spending is now solely at the discretion of the states means the funds currently used to help veterans could be used for other purposes, thereby diluting their effect and lessening the help available for transitioning or displaced veterans. Additionally, programs that are now successful could have their funding cut or their focus shifted as states focus on other employment priorities. Therefore, IAVA opposes passage of H.R. 3610.

H.R. 3670—IAVA supports H.R. 3670. USERRA is a critical reemployment safeguard for members of the Guard and Reserves. IAVA believes that USERRA protections should be extended to all state and Federal employees. H.R. 3670 addresses this gap in USERRA protection for the Transportation Security Administration

(TSA). In 2010, the Department of Homeland Security employed nearly 47,000 veterans, many of them in the TSA. It is only reasonable that Guardsmen and Reservists who are employed by the Federal government receive the same protections as their peers who are employed in the private sector.

H.R. 4048—IAVA supports H.R. 4048, extending veterans preference to veteran-owned small businesses that wish to list services to the Federal government in the GSA catalogue. Extending contracting preference to veteran-owned business has historically been an effective and sensible method of ensuring that veterans find quality employment after leaving service. At a time where veteran unemployment is staggering, this bill will provide more opportunities for veteran business owners to offer goods and services to the country that they have fought to protect.

H.R. 4051—IAVA supports H.R. 4051, the TAP Modernization Act of 2011. It's smart policy to allow veterans who have already been through the Transition Assistance Program (TAP) and their spouses the opportunity to retake the program. TAP is taken at the very end of a servicemember's time in service and during a transition that, even in the best of circumstances, is hectic. The opportunity to retake TAP as a refresher is a valuable resource. IAVA endorses H.R. 4051, but we believe that the pilot program should be scaled up quickly, ahead of schedule and to more locations if it proves successful. IAVA understands that limiting the scope and geography of the pilot program is necessary initially; however, we suggest incorporating a set of benchmarks to determine the efficacy of the program prior to the three and a half year deadline set in the current version of the legislation.

H.R. 4052—IAVA supports H.R. 4052, the Recognizing Excellence in Veterans Education Act of 2012. The Post-9/11 GI Bill is the most significant veterans' benefits in the last half-century. One of the key obstacles for many veterans to effectively utilize the Post-9/11 GI Bill is the lack of good information available to help them make sound educational and job training choices. H.R. 4052, will help bring clarity to this process. This program will serve as a beacon marking veteran-friendly schools with the Excellence in Veterans Education Award. The criteria for awarding the Excellence in Veterans Education Award are excellent indicators that an educational institution places value on its student veterans, from the academic (graduation rates) to the financial (full participation in the Yellow Ribbon program).

H.R. 4057—IAVA supports H.R. 4057, the Improving Transparency of Educational Opportunities for Veterans Act of 2012. IAVA's main priority is to ensure transparency and accountability in GI Bill benefits and their use. IAVA believes that the GI Bill is the most effective program available for transforming our generation of veterans into the "New Greatest Generation." IAVA also realizes that, like the original GI Bill, unscrupulous actors whose goals are to take advantage of veterans by poaching their hard earned benefits is a threat to the Post-9/11 GI Bill. If we do not preserve the integrity and effectiveness of the Post-9/11 GI Bill, we will lose this transformational benefit. IAVA advocates a three-prong strategy to ensure that VA educational benefits are used wisely: 1) data collection, 2) consumer education, and 3) regulation enforcement through market means.

H.R. 4057 stresses the first two and IAVA supports this approach. We believe that the availability of clear and equivalent data, available in an easily accessible and transparent format, is an essential element to ensure smart use of VA educational benefits. All schools, regardless of profit goal or government support, should have to provide this information so that students can assess how a given school meets their needs. IAVA believes that College Navigator, a site run by the Department of Education, is an excellent model. However, the data is inconsistent; not all schools report the same data. Mandating that all schools report the same data is crucial.

While IAVA supports the goals of H.R. 4057, as well as the legislation itself, we would like to address some areas of potential concern. We are pleased to see a broad definition of post-secondary education and training opportunities, but are concerned that emphasis on "commercially available off-the-shelf online tool(s)" will have limitations. We are concerned that an existing tool currently in the government's toolbox (like College Navigator) might be bypassed for a commercial option, like GIBill.com or EducationConnection.com, which are a funnel sites for mostly for-profit schools.

H.R. 4072—IAVA supports H.R. 4072, the Consolidating Veterans' Employment Services for Improved Performance Act of 2012. Given that the unemployment rate for OIF/OEF-era veterans has hovered around 25% higher than the civilian rate, IAVA continues to scan the horizon for innovative approaches to solve the veteran unemployment crisis. H.R. 4072 takes a different tactic than most, focusing on a veterans' first point of contact when they leave service: veteran employment services. Two of the critiques we at IAVA hear most often from veterans is that a multitude of overlapping services cloud options rather than clarify them. Additionally, competing programs and services muddle rather than sharpen the focus on getting vets employed. By bringing the Department of Labor Veterans Employment and

Training Service (DoL VETS) into the Department of Veterans Administration (VA), duplication of effort will be minimized by creating synergies and leveraging resources within one department while still maintaining the capability to leverage across executive branch departments.

This idea is not new, but has never coalesced into action. Now is the time for action. Under the current system, DoL VETS receives funding from DoL to execute VA priorities. It is like having one member of the House of Representatives located in the Senate. Aligning the resources of VETS with the veteran-centric mission of the VA results is an obvious streamlining of control, communication and resources.

IAVA recognizes that there are many questions to be answered and details to be considered. However, we feel that H.R. 4072 is thorough in its application and intent. H.R. 4072 transfers VETS on a one-for-one basis in funding and importance from DoL to VA and IAVA's support for H.R. 4072 is contingent on that point. VETS must remain well funded and maintained at the organizational rank at VA that it currently occupies at DoL.

Caring for the men and women who defend freedom is a solemn responsibility that belongs to lawmakers, business leaders, and everyday citizens alike. In the past several years, we have seen a turning point in the way we care and provide for our nation's warriors. Despite critical successes, however, veterans' education and employment services are still not up to standard. We must remain ever vigilant and continue to show the men and women who volunteer to serve their country that we have their backs. Thank you for your time and attention.

DISABLED AMERICAN VETERANS

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.

PARALYZED VETERANS OF AMERICA

Chairman Stuzman, Ranking Member Bilirakas, and members of the Subcommittee, Paralyzed Veterans of America (PVA), thanks you for the opportunity to submit a statement for the record regarding the proposed legislation being considered by the Subcommittee. PVA appreciates the fact that you are addressing these

important issues that affect the economic wellbeing of veterans. We support your effort to help these men and women that have honorably served their Nation as they transition successfully back to the civilian world.

H.R. 3329

PVA supports H.R. 3329, legislation to extend the eligibility period for vocational rehabilitation programs from the current length of twelve years to the proposed length of fifteen years. Today's regulations require veterans to apply for Vocational Rehabilitation and Employment (VR&E) services within 12 years of the date of their military separation or upon notification by VA of a service-connected disability rating conferring eligibility. Although many veterans may not understand their eligibility or the value of VR&E services, other veterans who are initially eligible may not need the services until after the 12-year delimiting period has expired. Some service-connected injuries will have an aggravated effect on the veteran as they get older. This could create limitations on employment functions that a veteran once had at a younger age. Although the veteran still has the economic need and the desire to continue employment, their service-connected disability will require the veteran to modify or learn new employment skills.

Although PVA supports H.R.3329, *The Independent Budget (IB),* co-authored by PVA, AMVETS, Disabled American Veterans, and Veterans of Foreign Wars, believes the time limit for accessing VR&E programs should be eliminated entirely. In fact, the FY2013 edition of the IB recommends that Congress eliminate the 12-year delimiting period for Vocational Rehabilitation and Employment services to ensure that veterans with employment barriers or problems with independent living qualify for services for the entirety of their employable lives.

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

PVA supports H.R. 3483, the "Veterans Educational Equity Act of 2011." This bill would change the existing law that allows for more educational funds to veterans who are enrolled in private colleges than those in public institutions. The current law unintentionally burdens some veterans by requiring them to pay additional fees not provided by the Post-9/11 GI Bill when attending some out-of-state public institutions. Many veterans that qualify for the Post-9/11 GI Bill do not live in their original home state. When these veterans attend a local institution they are penalized with a much higher tuition as an out-of-state student. This legislation will also allow the veteran to receive up to $17,500 in educational benefits; however, if the in-state tuition exceeds $17,500, this legislation would provide payment for the total tuition. Passage of H.R. 3483 will allow veterans to focus on obtaining their education without worrying about which state they must live in to avoid excessive unreimbursed tuition fees.

H.R. 3524, the "Disabled Veterans Employment Protection Act"

PVA supports H.R. 3524, the "Disabled Veterans Employment Protection Act." Of the men and women that have honorably served both at home and abroad, many are exiting military service with lifelong injuries or disabling conditions as a result of their service. Unfortunately, some employers have discriminated against these men and women as they must take time away from work to address their medical problems. PVA supports this legislation that will protect those veterans that must take time away from work to attend to their service-connected injuries or medical conditions. We would also note that many of the same protections are already afforded to any individual with a disability under the provisions of the Americans with Disabilities Act.

H.R. 3610, the "Streamlining Workforce Development Programs Act"

PVA opposes the provisions of H.R. 3610, the "Streamlining Workforce Development Programs Act." At first glance, this legislation appears to be a response to the Government Accountability Office (GAO) report that identified 47 job training programs throughout the Federal government that seemingly overlap or provide similar services. However, viewing these programs as simply duplicative and redundant undervalues the nature of many of these programs and ignores the full scope of objectives of these programs and the populations of people in this country that they serve.

H.R. 3610 would consolidate 33 of those programs outlined in the GAO report into what are described as four "flexible" funds. These funds include:

- Workforce Investment Fund providing job training services to adults, youth, unemployed workers;
- State Youth Workforce Investment Fund focused on disadvantaged youth to encourage school completion;
- Veterans Workforce Investment Fund for employment services to veterans; and,
- Targeted Populations Workforce Investment Fund to assist ex-offenders, refugees, migrant and seasonal farmworkers and Native Americans.

Additionally, the legislation would require the development of common performance measures for all employment and job training programs and would give states greater flexibility in determining workforce system service areas.

PVA has the unique perspective of examining the proposed legislation both through the lens of a veterans' service organization as well as an organization that serves the broader community of people with disabilities. First, we oppose this legislation viewing it from the perspective of the disability community. While it seems that the legislation proposes to shore up some requirements of state workforce plans—plans which state governors are required to submit to the Department of Labor in order to receive funding under this legislation—to directly address the employment training and job placement needs of people with disabilities, it is unclear how those individuals with the most significant disabilities, such as PVA members with catastrophic spinal cord injury, would fare under this system. It is particularly troubling that this bill eliminates Title VI of the Rehabilitation Act—the Supported Employment program—created specifically for those individuals with the most severe disabilities who often face the greatest challenges in obtaining and retaining employment. Too often, under broad, generic job training programs, those who are hardest to serve become casualties of the performance measurement system.

Second, we oppose this legislation viewed from the perspective of the veterans' community. We appreciate the fact that the bill eliminates the weaker phrasing of state plan provisions in current law that only requires "an assurance that veterans will be afforded the employment and training activities by the State to the extent practicable" and instead requires these activities to be "in accordance with the Jobs for Veterans Act." Presumably, this provision is intended to draw the attention of state workforce plan developers to the specific requirements of the Jobs for Veterans Act. However, H.R. 3610 excepts sections 4103A and 4104 of title 38—the provisions that govern the Disabled Veteran Outreach Program (DVOP) and Local Veterans Employment Representatives (LVER) from the above stated provision. Of great concern is that the bill actually repeals the DVOP and LVER sections from law altogether.

It appears that funds in the newly consolidated Veterans Workforce Investment Fun would be used to hire "one or more local veterans' employment representatives to carry out employment, training, and placement services." Local workforce areas would be required to give preference in hiring to service disabled veterans, veterans or if none of the above are available to anyone with expertise in serving veterans. These staff would be "administratively responsible" to the director of the one stop center.

In addition to repealing the DVOP and LVER programs, H.R. 3610 also repeals the Veterans Workforce Investment Program included in the Workforce Investment Act, the Homeless Veterans Reintegration Program (HVRP) as well as employment and job training assistance under Section 1144 of Title 10. The underlying assumption of these repeals seems to be that these are duplicative and redundant programs identified by the GAO report and thus can be dealt with under the four consolidated workforce investment funds. However, we would highlight the fact that the HVRP is perhaps the most cost-effective, cost-efficient program in the Federal government. Every year the HVRP is funded well-below its authorized level, and yet, its outcomes reflect great success in serving homeless veterans.

H.R. 3610 takes a broad swipe at consolidating programs deemed to be "unnecessary and duplicative." Unfortunately, the bill flatly ignores the fact that many of these programs are the best option available for veterans and people with disabilities.

H.R. 3670

PVA supports H.R. 3670, legislation to protect the employment and reemployment rights of veterans and members of the Guard and Reserve who have taken time away from employment to fulfill their obligation to the nation. The Uniformed Services Employment and Reemployment Rights Act (USERRA) was passed to protect the men and women that take time away from their place of employment to fulfill their military obligations. Every day veterans of the current conflict return to their

home communities and to their jobs they left because of the protection provided by USERRA.

The Transportation Security Administration (TSA) was created in the wake of 9/11 to strengthen the security of the nation's transportation system. In the rapid assembly and deployment of the TSA to provide needed transportation security, some of the existing Federal requirements were waived to expedite the formation of this new agency. The protection of workers provided by USERRA was one of those Federal requirements. It is unfortunate that this Federal agency has grown to more than 50,000 employees and is not required to comply with USERRA. As a result we have veterans that are returning from protecting their country (some in harm's way) and are not allowed to return to their chosen careers in the TSA. Perhaps the exclusion of Federal requirements was necessary in order to rapidly stand up this agency in 2002, but it makes no sense to allow the agency to continue to be exempt from USERRA. PVA supports this legislation that will ensure that veterans have a job to return to after serving their nation.

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

PVA supports H.R. 4048, the "Improving Contracting Opportunities for Veteran-Owned Small Business Act of 2012." This legislation would ensure that proper priorities outlined in title 38 U.S.C, δ8127 are followed when the VA chooses to initiate a contract under the Federal Supply Schedule. PVA has long been a proponent of contracting preference being provided to service-disabled veteran-owned and veteran-owned small businesses. This preference should be applied in any contracting activity that the VA conducts.

H.R. 4051, the "TAP Modernization Act of 2012"

PVA supports H.R. 4051, the "TAP Modernization Act of 2012." This legislation would require the Department of Labor (DoL) to conduct the Transition Assistance Program (TAP) training off military bases in locations away from current locations that have traditionally offered TAP. This legislation could prove particularly beneficial for Guard and Reserve members that are returning to their communities away from mobilization stations and major military installations after their deployment. A large number of these veterans are from rural areas and do not have the access to support programs for veterans that would be available in metropolitan areas. Additionally, not every Guard and Reserve member has had the benefit of the broad array of information that is provided through the TAP program. This legislation would require a three-year pilot program to be presented in three to five states selected by the VA. Considering the current unemployment rate of veterans, we believe that it is imperative that the VA make an effort to provide this service in five states. This effort will be evaluated by the Comptroller General to determine its value with assisting unemployed veterans.

The expansion of TAP through this legislation would also coincide with the rollout of the new version of TAP by the DoL's Veterans Employment and Training Service (VETS). After twenty years of presenting the same basic TAP program, VETS, in coordination with the VA and the Department of Defense (DoD) have created a new TAP to ensure its relevance and compatibility to today's job market. This new TAP is currently being evaluated after being tested in several locations and will be in use nationwide in 2013. Taking a new TAP program out to areas away from major cities or military bases will reach a new audience of veterans that critically need all information pertaining to support, programs and opportunities currently available for veterans.

H.R. 4052, the "Recognizing Excellence in Veterans Education Act of 2013"

PVA does not oppose H.R. 4052, the "Recognizing Excellence in Veterans Education Act of 2013."

H.R. 4057

PVA supports H.R. 4057, legislation to direct the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency for effectively informing veterans about educational and vocational counseling opportunities and requires VA to create a central means for tracking feedback about the quality of higher education institutions. It also instructs the VA to examine the best ways in which state approving agencies share information about their evaluations of institutions of higher learning and the manner in which information about these institu-

tions is provided to TAP participants. Finally, it requires the VA to include in this policy the most effective way to provide veterans and members of the military with information regarding postsecondary education and training opportunities available to them. The need for transparency of this information along with outreach to the veteran by the VA is critical.

Although the VA should not be providing information to influence specific choices the veteran may make for their future, many educational and training programs are aggressively pursuing the veteran often with misleading promises. Without the latest information readily available and presented to veterans explaining the relevancy and the successful outcomes from the wide range of available career programs, veterans could make decisions that could be detrimental to their future success. However, this effort will require additional designated funding in order for it to receive priority in the VA. Without funding, it could become another attempt to help veterans that never materializes.

H.R. 4072, the "Consolidating Veteran Employment Services for Improved Performance Act of 2012"

PVA supports H.R. 4072, the "Consolidating Veterans Employment Services for Improved Performance Act of 2012." The proposed legislation would shift the organization and responsibilities of the Veterans Employment and Training Service (VETS) out of DoL and into the Department of Veterans Affairs (VA). Additionally, the legislation would consolidate the duties of the Disabled Veterans Outreach Program (DVOP) specialists and the Local Veterans Employment Representatives (LVER) into a single veterans employment representative. This legislation closely resembles a recommendation included in *The Independent Budget* for FY2012. The *IB* states:

> In order to achieve better outcomes for veterans, all veterans' programs designed to enhance economic security, such as those focused on employment, education, and business assistance, should be centralized into a single new administration inside the Department of Veterans Affairs.

While the IB recommendation called for this alignment to be commensurate with the three administrations within VA, we support the plan outlined in this legislation that would place principle control for VETS under the Veterans Benefits Administration.

Both Congress and the Administration have demonstrated their concern for the employment of veterans. With new initiatives from Federal agencies to assist veterans, and directions from the Administration to address unemployment among veterans, veterans still maintain an unemployment rate several percentage points above the national average. Combining the Federal government's efforts to assist veterans with employment, entrepreneurship, career counseling, and education and training programs should create a synergistic effect and at the same time eliminate any duplication of programs. This will maximize the combined Federal effort and as one united effort, should be easier to monitor results and make necessary modifications in programs if needed. Ultimately, the move of VETS to the VA will ensure that veterans receive the highest priority in these employment, education and training programs.

Once again, PVA would like to thank you for the opportunity to comment on the proposed legislation. We appreciate the strong focus that the Subcommittee has placed on expanding opportunities for success of veterans in education, the workforce, and the business community.

Information Required by Rule XI 2(g)(4) of the House of Representatives

Pursuant to Rule XI 2(g)(4) of the House of Representatives, the following information is provided regarding Federal grants and contracts.

Fiscal Year 2012

No Federal grants or contracts received.

Fiscal Year 2011

Court of Appeals for Veterans Claims, administered by the Legal Services Corporation—National Veterans Legal Services Program—$262,787.

Fiscal Year 2010

Court of Appeals for Veterans Claims, administered by the Legal Services Corporation—National Veterans Legal Services Program—$287,992.

WOUNDED WARRIOR PROJECT (WWP)

Chairman Stutzman, Ranking Member Braley, and members of the Subcommittee:

Wounded Warrior Project (WWP) welcomes this opportunity to share an important perspective on H.R.4057 and is pleased to offer our views on this legislation. This bill would require VA to develop a comprehensive policy to ensure better outreach and greater transparency by providing information on institutions of higher learning to veterans who consider accessing their educational benefits. Consistent with the important goal of establishing a comprehensive policy to foster transparency relating to veterans' higher education options, we recommend that the bill be revised, as discussed below, to help ensure that post 9-11 warriors gain access to additional information critical to their academic success.

As an organization dedicated to honoring and empowering Wounded Warriors, and appreciative of the critical importance of education in helping warriors achieve their goals, WWP welcomes this Committee's consideration of H.R. 4057 and the importance of developing more information to assist veterans in using their education benefits.

The post-9/11 GI bill plays a vital role in enabling access to higher education for veterans who have served in Afghanistan and Iraq to advance their education, and achieve economic empowerment, and veterans are availing themselves of that valuable benefit. The FY2013 budget projects post-9/11 expenditures will approach $10 billion. A 2010 RAND study focused on veterans' experience using the post-9/11 GI bill found that close to a quarter of surveyed students identified the post-9/11 GI bill benefits as a major aspect of their decision to enroll in higher education.[1] While institutions of higher education receive substantial Federal monies for their warrior populations, who often face injuries that hinder their academic success, the availability of specialized services to support those veterans has not kept pace with the program's growth.

As returning veterans, and particularly Wounded Warriors, begin to make the often difficult transition from military service, the generous benefits available under the post 9/11 GI Bill offer a promising path to employment and new careers opportunities and advancement. With the increasingly large number of veterans taking advantage of their educational benefits, VA should be establishing metrics to measure veterans' success and to track the availability of appropriate campus-based support.

In our experience, the road to higher education, and to making informed choices among often wide-ranging options, can be very difficult to navigate. For those without counseling options such as those provided through VA's vocational rehabilitation program, there may be little to guide the individual in making informed choices, particularly as it relates to the extent of pertinent support a school provides veterans. Even the most careful researcher would have great difficulty identifying the kinds and levels of support at most institutions. Student-veterans themselves are often uncertain of what specialized services, if any, are available. In a survey of over 500 WWP alumni who have enrolled in courses of higher education, more than 44% indicated that they were unsure if their campus had a dedicated disability services support staff member, over 55% were unsure if mental health services were offered on campus, and over a quarter of respondents did not know if the campus offered any type of academic support services such as tutoring.[2] Veterans who may know of services they should be able to access on campuses often have trouble navigating the process of getting those benefits and lack a clear understanding of where to go for information.

The 2010 RAND study found that over 66% of veterans who were able to access a campus veterans program office found that resource to be "quite helpful" or "extremely helpful" in pursuing their academic goals compared with only approxi-

[1] J Steele, N Salcedo, J Coley. "Military Veterans' Experiences Using the Post-9/11 GI Bill and Pursuing Postsecondard Education." RAND Corportation, November 2010. Accessed: *http://www.rand.org/content/dam/rand/pubs/monographs/2011/RAND—MG1083.pdf*

[2] Wounded Warrior Project Policy & Programs Survey, November 2011.

mately 29% of respondents rating the VA phone hotline the same way.[3] These data underscore how important campus investment and involvement with their student veteran population really is. We believe VA must do more to require institutional recipients of post-9/11 GI bill funds to make such services available to the student-veterans who enroll and ensure that information is easily accessible so that warriors are able to make informed decisions before applying and enrolling.

We applaud the principle underlying H.R. 4057 that veterans availing themselves of benefits under the GI bill should have ready access to relevant information. This is an important starting point, but, as drafted, the measure falls short of ensuring that its impact would address in a systematic manner the critical issues post-9/11 warriors face. As more and more veterans enroll in institutions of higher education, it is important that VA collect pertinent—and accurate—data that is easily accessible to student-veterans. Because campus-based support services must be tailored to meet warrior-specific injuries and academic needs, we recommend that H.R. 4057 be amended to include language that would make modest but important improvements, specifically to require institutions of higher education to provide information on the following:

1. The size of their student-veteran population and student-veteran academic performance and retention and graduation rates; and
2. The specific support services dedicated, and available to, student-veterans at such institution (and, as pertinent, at each campus of such institution).

While we also appreciate the bill's effort to develop information on student-outreach, we recommend revising the language in new section 3698(b)(5) that calls on VA to identify "the most effective way" to inform veterans of their educational benefits and post-secondary educational opportunities. Given the range of individual backgrounds and disabilities among warriors pursuing higher education, outreach strategies should be multi-faceted. We strongly advise against a one-size-fits-all approach, and recommend accordingly that the language be revised to refer to "effective ways" in lieu of "the most effective way" to conduct outreach. In essence, VA should be encouraged to pursue wide-ranging approaches to reach out to and engage veterans.

We would be pleased to work with the Committee to draft language in advance of any markup to address the important issues discussed above. With such changes, WWP would be pleased to enthusiastically support H.R. 4057.

MATERIAL SUBMITTED FOR THE RECORD

Letters Submitted To Hon. G.K. Butterfield

May 18, 2011

The Honorable GK Butterfield
United States House of Representatives
Washington, DC 20515-3301

Dear Mr. Butterfield:

We write to bring your attention to an important and urgent matter for a select group of Veteransusing the Post 9/11 GI Bill benefit in North Carolina.

On January 4, 2011, the President signed S. 3447, *The Post-9/11 Veterans EducationalAssistance Improvements Act of 2010* into law. The Act makes several improvements to theoriginal program and we are grateful for all that you did personally to strengthen it. Regrettably,the bill also has unintended consequences and we hope that we can work together to fix onespecific issue as expeditiously as practicable.

Under Section 102 of the Act, Congress provides financial assistance to servicemembers for ahigher education at public, private and foreign institutions. The Act provides for a $17,500upper limit for tuition and fees for qualified servicemembers on an annual basis. The UnitedStates Department of Veterans Affairs (VA) interprets the Act to limit tuition and fees at publicinstitutions to the applicable institution's in-state tuition rate for both in-state and out-of-stateVeterans. This is certainly reasonable for Veterans who are residents of the state of NorthCarolina. However, because North Carolina's in-state tuition rate is sharply

[3] Steele et al, 28.

lower than the out-of-state tuition rate, this change unintentionally disadvantages out-of-state Veterans who wish toattend public institutions in North Carolina. The out-of-state Veteran seeking a public highereducation in North Carolina must pay the difference between the in-state and out-of-state ratefrom other sources of funds, select another college, or delay a higher education. This is not whatwas intended.

We strongly urge Congress to correct this oversight quickly by permitting the $17,500 upperlimit without deference to an in-state tuition rate for out-of-state Veterans seeking a highereducation at public institutions. We estimate that as many as 1000 students in North Carolina areaffected for the 2011-2012 academic year. What makes this situation particularly troubling isthat the VA notified colleges and universities in late March of their interpretation - long afterstudents have applied for and received notice of their favorable admission. This group ofstudents gained admission under one set of rules but will enroll under new rules that require asubstantial out of pocket expense through no fault of the student. Again, this cannot be what youintended.

It is in North Carolina's best interest to educate servicemembers. Service members are our beststudents - they graduate on time and they continue to grow North Carolina's economy—so longas they remain here. Many of the affected students have lived in North Carolina as active dutyservicemembers for quite some time regardless of their official residency. And, many of themdo not make the decision to get their degree until it is too late to establish residency for tuitionpurposes in North Carolina. Not only do we owe them the education that they seek but we needthem to help us build North Carolina's future.

We are aware of other efforts to make "technical corrections" to the The Post-9/11 VeteransEducational Assistance Improvements Act of 2010. Thus far none of the existing bills include asolution for our issue in North Carolina. We respectfully request your help as we try to resolvethis issue as soon as practicable. Please feel free to call us or our staff, Kimrey Rhinehardt(UNC) at 919-943-0381 or Jennifer Willis (NCCCS) at 919-807-6957, to discuss this issuefurther.

Sincerely,

Thomas W. Ros,
President
The University of North Carolina

Scott Ralls
President
The North Carolina Community College System

November 17, 2011

Honorable G.K. Butterfield
United States House of Representatives
2305 Rayburn House Office Building
Washington, D.C. 20515

Dear Representative Butterfield,

Iraq and Afghanistan Veterans of America (IAVA) is pleased to offer our support for your legislation to remedy the disparity between in-state and out-of-state tuition rates faced by some veterans using the Post-9/11 GI Bill. The Veterans Education Equity Act of 2011 will help bring fairness and parity to the benefits used by those who have fought for our Nation as they make the transition to civilian life.

The GI Bill was intended to help veterans attend institutions of higher learning, particularly public institutions, but the difference between in-state and out-of-state tuition rates has proven to be an obstacle for many veterans. Veterans classified as out-of-state students are reimbursed for tuition and fees at in-state tuition rates, which are often significantly lower. Qualifying for instate tuition is made all the more difficult because servicemembers move frequently around the country and the world. This scenario means that tuition at some of the leading universities in our country is still out of reach for some veterans unless they accrue significant debt. IAVA believes that veterans have already paid their debt through service to our Nation in a time of war.

The Post-9/11 GI Bill offers our nation's veterans an exceptional opportunity to gain the formal education which, along with the skills and decision-making abilities gained through their military experience, will allow them to take their place as America's New Greatest Generation. IAVA has been a staunch advocate for granting out-of-state students tuition benefits equal to at least what students attending private schools receive. The Veterans Education Equity Act of 2011 will achieve this

goal, helping remedy the disparity and easing the burden on veterans. It will also guarantee parity and the efficient use of benefits.

IAVA believes that our New Greatest Generation deserves the chance to contribute to our Nation in peace with the distinction they did in war. We are proud to offer our assistance and thank you for this important legislation. If we can be of help, please contact Ramsey Sulayman, IAVA Legislative Associate, at (202) 544-7692, or *ramsey@iava.org*.

Sincerely,

Paul Rieckhoff
Founder and Executive Director
Iraq and Afghanistan Veterans of America (IAVA)

February 21, 2012

The Honorable G.K. Butterfield
United States House of Representatives
2305 Rayburn House Office Building
Washington, D.C. 20515

Dear Representative Butterfield:

On behalf of the more than two million men and women of the Veterans of Foreign Wars of the United States and our Auxiliaries, we thank you for introducing H.R. 3483, the Veterans Education Equity Act of 2011, which provides equality in educational assistance for veterans using Post-9/11 G.I. Bill benefits. This bill will lessen the tuition disparity between veterans attending out-of-state public institutions and veterans attending private institutions.

The VFW played a significant role in the original passing of the Post-9/11 G.I. Bill and consequently has a vested interest in a fair implementation of its benefits. The benefit was designed to offer veterans of the current conflicts the opportunity to receive a free education at the public school of their choice. Unfortunately, veterans who do not qualify for residency status at many public schools must bear the burden of the additional tuition and fees not covered by the current payment model. Furthermore, veterans who choose to attend private schools can now receive up to $17,500 in reimbursement. As a result, veterans without residency status at public schools can often carry a significantly higher tuition burden than veterans at private schools.

We believe that this disparity is unfair to veterans who choose to attend public schools, as the benefit intended, yet cannot establish residency. Due to the nature of military life, obtaining residency status can often be difficult. Servicemen and women must constantly move across the country and even around the world, which can prevent them from establishing domicile in any one state. We must take these extenuating circumstances into account and offer an equitable benefit for veterans who choose to attend both public and private schools.

Recognizing that the men and women who serve today are the future leaders of our great nation, the VFW helped pass the Post-9/11 G.I. Bill, and we will continue to work to ensure the benefit is administered fairly. The VFW thanks you and your staff for your attention to this issue, and we stand ready to assist in ensuring our brave servicemembers receive the quality educationalopportunities they deserve through their earned military and veterans' benefits. We are pleased tooffer our support for H.R. 3483 and urge you to move the bill in Congress.

Sincerely,

Raymond C. Kelley, Director
VFW National Legislative Service

December 20, 2011

Honorable G. K. Butterfield
United States House of Representatives
2305 Rayburn House Office Building
Washington, DC 20515

Dear Representative Butterfield:

On behalf of the 2.4 million members of The American Legion I would like to express support for H.R. 3483, the Veterans Education Equity Act of 2011, which provides for the equalization of benefits for veterans who choose to attend public universities and colleges.

Current law caps education benefits for veterans attending private institutions at $17,500 per year, while stipulating that veterans attending public colleges and universities receive only the amount charged for tuition and fees. The result of this is an undue burden in out- of-pocket expenses on some veterans who attend public colleges. By providing up to$17,500 for all veterans regardless of the institution they opt to attend, this measure remedies this issue while ensuring that educational benefits earned in service to our country are not undermined , but remain available and equitable for all veterans.

Again, The American Legion fully supports enacting H.R. 3483 and applauds your leadership in addressing this critical issue facing our nation's veterans.

Sincerely,

FANG A. WONG
National Commander

Letters Submitted To Hon. Marlin Stutzman from Eric K. Shinseki, Secretary, Veterans Affairs, Washington

THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON

April 2, 2012

The Honorable Marlin Stutzman
Chairman, Subcommittee on Economic Opportunity
Committee on Veterans' Affairs
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

On March 8, 2012, Mr. Curtis L. Coy, Department of Veterans Affairs' (VA) Deputy Under Secretary for Economic Opportunity, Veterans Benefit Administration, testified before your Subcommittee on numerous bills of interest to the Department. At that time, Mr. Coy indicated that we would like to provide the Committee our views and cost estimates on additional bills after having the opportunity for further review. By this letter, we are providing our costs on two of these bills, which deal with VA educational assistance benefit issues: H.R. 3483, the ″Veterans Education Equity Act of 2011″ and H.R. 4052, the ″Recognizing Excellence in Veterans Education Act of 2012,″ as well as our views and costs on H.R. 4048, the ″Improving Contracting Opportunities for Veteran-Owned Small Businesses Act of 2012.″ The Administration's position on H.R. 4072 is still under development.

H.R. 3483

H.R. 3483 would change the educational assistance payable for certain individuals under the Post-9/11 GI Bill who are pursuing programs of education at institutions of higher learning. Specifically, the bill would change the tuition and fees payable for non-resident students attending a public institution that currently charges less than $17,500 annually for the comparable in-state tuition and fees at that institution.

VA estimates benefits costs of enactment of H.R. 3483 to be $710.8 million in the first year, $4.0 billion over five years, and $9.0 billion over ten years.

H.R. 4052

H.R. 4052 would direct VA to establish the ″Excellence in Veterans Education Award,″ to recognize institutions of higher learning that offer exemplary services to Veterans. The award would be valid for three years and institutions that receive such award would be annotated on the list of institutions approved to receive VA education benefits that appears on a VA Web site.

VA estimates, that if H.R. 4052 were enacted, VA would need 11 additional Full-Time Equivalents (FTE) for data collection, analysis, and communication with institutions of higher learning and the bill would cost $726 thousand for the remaining six months of FY2012, $6.3 million over five years, and $14.9 million over ten years.

H.R. 4048

H.R. 4048 would require VA to report amounts associated with purchases from the Federal Supply Schedules in measuring VA's service-disabled Veteran-owned and Veteran-owned small business contracting achievements. As that already is VA's practice pursuant to the Federal Acquisition Regulation, 48 CFR Chapter 1, Section 4.606, we consider this bill unnecessary. Enactment of H.R. 4048 would not result in any additional costs to VA.We appreciate this opportunity to comment on this legislation and look forward to working with you and the other Subcommittee Members on these important legislative issues.

Sincerely,

Eric K. Shinseki

○