

**STATEMENT OF
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EMPLOYMENT COMMISSION OF THE AMERICAN LEGION
BEFORE THE
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES
ON
PENDING LEGISLATION**

MARCH 25, 2014

Chairman Flores, Ranking Member Takano and distinguished Members of the Subcommittee, on behalf of National Commander Dan Dellinger and the 2.4 million members of The American Legion, we thank you and your colleagues for the work you do in support of our service members and veterans as well as their families. The hard work of this Subcommittee in creating significant legislation has left a positive impact on our military and veterans' community.

H.R. 2942:

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

For the past fifteen years, The American Legion has been working with both federal and state lawmakers, as well as industry leaders, to streamline the military-to-civilian licensing and certification process. Our research has shown that licensing and certification (credentialing) requirements for civilian employment pose a barrier to a smooth transition from military service to civilian employment.

At our 2012 National Convention, The American Legion passed Resolution No. 326: *Support Licensure and Certification of Active-Duty and Selected Reserve Personnel*,¹ which mandates support for efforts to eliminate employment barriers that impede the timely and successful transfer of military job skills to the civilian labor market. Enactment of legislation to reestablish the Professional Certification and Licensure Advisory Committee (PCLAC) will benefit service members, as well as those who eventually employ veterans in the civilian work-force easing the placement of qualified veterans in civilian careers, and matching civilian employers with skilled veteran employees. The Department of Veteran Affairs (VA) currently lacks subject matter experts that can provide knowledgeable recommendations to improve VA's licensing and

¹ The American Legion, "*Resolution No. 326: Support Licensure and Certification of Active-Duty and Reserve Personnel*", Ninety-Fourth National Convention of The American Legion, Indianapolis, Indiana, August 28 – 30, 2012, <http://archive.legion.org/bitstream/handle/123456789/2195/2012N326.pdf?sequence=1> (accessed March 10, 2014)

certification, improve the quality of State Approving Agency (SAA) approval process, review applications used by the SAA's, and develop and update material on licensing and certification for use in training SAA staff.

Therefore, The American Legion believes that it is extremely important that the PCLAC be reauthorized. It will bring in those subject matter experts to assist VA where they lack expertise in assessing certification and licensing programs, as well as assisting in the development of new material to support SAA's in the field.

Legislative gains in veteran licensing and credentialing have been made with the passage the Legion-supported Veteran Skills to Jobs Act. However, is more work to be done, and as such, The American Legion believes there is a definite need to resume this independent body with expertise in matters relating to licensing and credentialing which can present new solutions to VA's senior leadership and congressional members as well as other stakeholders.

The American Legion strongly supports H.R. 2942.

H.R. 3056: Warriors' Peer-Outreach Pilot Program Act

To direct the Secretary of Veterans Affairs to carry out a pilot program on the provision of outreach and support services to veterans pursuing higher education under the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs.

The American Legion applauds Representative Takano and his colleagues for their work in support of America's service members, veterans, and their families, and for introducing this legislation. However, The American Legion has several concerns with H.R. 3056, *Warriors' Peer-Outreach Pilot Program Act*: (1) the commissioning of the pilot on only three college campuses; (2) the possibility of funding being diverted from existing programs, such as VetSuccess on Campus (VSOC), that are already providing such services; (3) the possibility of redundancy.

The American Legion believes strongly in the power of peer-to-peer support, and has called for the development of peer-to-peer rehabilitation programs, in Resolution No. 136, passed at the 2012 National Convention. Similarly, The American Legion recognizes the impact that peer-to-peer support has had on currently attending service member and veteran students throughout all levels and types of institutions of higher learning (IHL). This impact has been evident through the creation of American Legion posts on college campuses² across spectrum of IHL. The American Legion has collaborated closely with our partners in the VSO community and

² List of American Legion Posts on college campus: University Veterans Post 360, Indiana University-Purdue University Indianapolis (IUPUI), Indiana; NDSU Post 400, North Dakota State University in Fargo, North Dakota; Florida Post 397, Hodges University, Florida; Lance Corporal Andrew "Andy" Nowacki Post 807, Lake Erie College, Ohio; Colorado State University-Pueblo American Legion Post, CSU-Pueblo, Colorado; Saddleback Valley American Legion Post 862, Saddleback College, California; and UND Post 401, University of North Dakota, North Dakota)

Department of Veterans Affairs on the state and local levels in an effort to bring peer-to-peer support to currently enrolled students.

The Department of Veterans Affairs has commissioned VSOC to provide a cross-cutting system designed to serve student veterans attending college or university. One of VSOC mandates is to provide “peer-to-peer counseling”³ to those servicemembers and veterans currently enrolled in college. VSOC began as a pilot program in 2009 at the University of South Florida, and by fiscal year 2013, had expanded to a total of 94 sites⁴. The American Legion through Resolution No. 27: *Veterans GI Bill Education Improvement*⁵ believes that Congress should look to existing programs like VSOC, in order to ensure that we maximize on this success and improve what has already been accomplished through VSOC, rather than creating new pilot programs that can have an adverse impact on the success of such VA existing programs.

To properly reflect the diverse experiences of veterans in higher education and to produce a quality report on the success of peer support in higher education, The American Legion recommends examining and assessing VSOC’s existing peer-to-peer services, and IHLs that already have a successful peer support program. This will give policymakers the opportunity to assess the existing programs’ barriers and to formulate solutions.

The American Legion looks forward to working with Rep. Takano and the subcommittee to improve peer-to-peer programs through existing initiatives.

The American Legion does not support H.R. 3056 in its current form.

H.R. 3614: Military Skills to Careers Act

To amend title 38, United States Code, to improve the recognition by States of skills learned in the military by a veteran when issuing licenses and credentials.

The American Legion’s Resolution No. 52: *Support Legislation that Would Return Disabled Veterans’ Outreach Program (DVOP) and Local Veterans’ Employment Representative (LVER) Funding to a Staffing Grant* holds that we “support action that would require the Congress through the Secretary of Labor to ensure that each workforce center in the various states offering labor exchange services have sufficient funding to provide at least one DVOP/LVER staff to provide services to all veterans requiring employment and training assistance residing within the

³ United States Department of Veterans Affairs, “Welcome to VetSuccess.VA.GOV”, https://www.vetsuccess.va.gov/public/vetsuccess_on_campus.html (access March 16).

⁴ Ibid. For a complete list of VSOC locations and VSOC Counselor contact information can be found at the following link: [VetSuccess on Campus Locations and Contacts](#)

⁵ The American Legion, “Resolution No. 27: *Veterans GI Bill Education*”, Ninety-Fourth National Convention of The American Legion, National Executive Committee of The American Legion, Indianapolis, Indiana, October 16 – 17, 2013, <http://archive.legion.org/bitstream/handle/123456789/2760/2013F027.pdf?sequence=1> (accessed March 15, 2014)

state”.⁶ As such, The American Legion cannot support any legislation which would withhold funding to these programs, even as a penalty.

The American Legion does not support H.R. 3614 as written.

H.R. 4031: Department of Veterans Affairs Management Accountability Act of 2014

To amend title 38, United States Code, to provide for the removal of Senior Executive Service employees of the Department of Veterans Affairs for performance, and for other purposes.

The past several years have seen a growing number of instances of troubled management within VA facilities, with little visible administrative action taken by VA Central Office (VACO) to address those responsible for the actions in question. Whether the incidents were “negligence and mismanagement by Mental Health Service Line (MHSL) leadership [that] contributed to the death of a Mental Health (MH) unit inpatient at the Atlanta VA Medical Center⁷”, or the more widely publicized incident in the Pittsburgh, PA VA Medical System where VA officials knew “for more than a year it had an outbreak of Legionnaires’ disease, but failed to warn patients.”⁸ the response, or lack of transparent response has been consistent. The claims side of the picture is no better, with service center managers at VA receiving large bonuses and accolades despite presiding over Regional Offices that have seen backlog figures soar to double or more the previous figures, even in the midst of a concerted effort by VA to finally tame and eliminate the backlog. When leadership in these positions fails, there are little to no consequences apparent to outside observers. Veterans need to have confidence that the system will correct itself and weed out those outliers contributing to a lack of confidence in the VA, an institution ostensibly created to serve veterans. This legislation gives the Secretary the authority needed to effectively run the Department.

The American Legion is deeply concerned with the lack of accountability within the VA. This legislation would provide tools to the Secretary of Veterans Affairs to better manage Senior Executive Service employees, and hold them accountable when they fail to perform their duties in a manner that better serves the veterans entrusted to their care.

When veterans see a Regional Office losing ground and wait times increasing in the fight to reduce the claims backlog, they grow frustrated when leadership continues as if nothing was wrong. When veterans see mismanagement practices in their healthcare system that put patient health at risk, veterans want to see leadership change to show a commitment from the top down that says their health and safety are the top priority of VA. This bill gives the Secretary of Veterans Affairs the tools he needs to help convey that message back to veterans and help ensure

⁶ The American Legion, “Resolution No. 52: Support Legislation that Would Return Disabled Veterans’ Outreach Program (DVOP) and Local Veterans’ Employment Representative (LVER) Funding to a Staffing Grant”, Ninety-Fourth National Convention of The American Legion, National Executive Committee of The American Legion, Indianapolis, Indiana, October 16 – 17, 2013, <http://archive.legion.org/bitstream/handle/123456789/2213/2012N052.pdf?sequence=1> (accessed March 15, 2014)

⁷ Department of Veterans Affairs Office of the Inspector General Report No. 12-03869-179 “Healthcare Inspection: Mismanagement of Inpatient Mental Health Care Atlanta VA Medical Center Decatur, GA - APR 2013

⁸ <http://www.cbsnews.com/news/va-hospital-knew-human-error-caused-legionnaires-outbreak/>

veterans have faith and trust in the systems designed to provide health care to them and to care for their wounds of war.

The American Legion supports HR 4031.

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

To amend title 38, United States Code, to make certain improvements in the law administered by the Secretary of Veterans Affairs relating to training and rehabilitation for veterans with service-connected disabilities, and for other purposes.

At this time, The American Legion does not have an official position regarding H.R. 4037. The American Legion's goal is to ensure that veterans who incur an injury, illness or disability during military service can properly receive quality assistance in obtaining suitable employment once they leave the Armed Forces. Therefore, as a general Legion policy, any legislation passed that modifies the current rules for eligibility or priority in a federal veteran program, should also ensure that successful comparable programs are available to those veterans who find themselves no longer eligible.

The American Legion does not have a resolution or position on H.R. 4037.

H.R. 4038: Veterans Benefits Administration Information Technology Act of 2014

To direct the Secretary of Veterans Affairs to make certain improvements in the information technology of the Veterans Benefits Administration of the Department of Veterans Affairs to process claims more efficiently, and for other purposes.

Currently, veterans apply for enrollment in the U.S. Department of Veterans Affairs (VA), Vocational Rehabilitation and Employment (VR&E) through a combination of manual processes and IT systems. It is true that the VA's handling of education benefits claims seems to be generally successful, with \$27 billion in benefits already provided nationally since 2009 to about 938,000 veterans, service members, and their families.

However, The American Legion believes that in order to ensure the continued success of the delivery of education benefits, and accurately track the outcomes of VA's VR&E program, VA will need to maximize the usage of paperless IT systems, and be proactive in this area to prevent any kind of backlog such as has been seen with disability claims.

The American Legion supports the passage of H.R. 4038.

H.R. 4147: Student Veterans IT Upgrade Act

To direct the Chief Information Officer of the Department of Veterans Affairs and the Deputy Under Secretary of Veterans Affairs for Economic Opportunity to submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report regarding the information technology of the Department that is used in administering the educational benefits administered by the Secretary of Veterans Affairs, and for other purposes.

The Veterans Benefits Administration (VBA), one of U.S. Department of Veterans Affairs (VA) three line administrations⁹, provides assistance and benefits, such as educational assistance, through four veterans' regional processing offices¹⁰. According to a U.S. Department of Veterans Affairs Education Program Beneficiaries report released January 10, 2014¹¹, twenty-three states account for 80% of VBA beneficiaries' workload with a 42% increase in VBA beneficiaries' workload from 2009 to 2010 due in part to the Post-9/11 GI Bill program being fully implemented.

Prior to the passage of the Post-9/11 Veterans Educational Assistance Act of 2008, better known as the Post-9/11 GI Bill, VA delivered education benefits by relying on a combination of manual processes and legacy IT systems. However, the department also determined at that time that its legacy systems were insufficient to support the demands for processing the new benefit. This report will allow policymakers to assess the status of the system, the plan of the system, the plan of action with regard to the finalization of the system, and the anticipated cost. Under The American Legion's Resolution No. 27: *Veterans GI Bill Education*¹², we support the passage of H.R. 4147.

The American Legion supports the passage of H.R. 4147.

H.R. 4150: Veterans Employment and Training Service Longitudinal Study Act of 2014

To amend title 38, United States Code, to direct the Secretary of Labor to enter into a contract for the conduct of a longitudinal study of the job counseling, training, and placement services for veterans provided by the Secretary, and for other purposes.

⁹ VA's two other line administrations are the Veterans Health Administration and the National Cemetery Administration.

¹⁰ The regional processing offices are located in Atlanta, Georgia; Buffalo, New York; Muskogee, Oklahoma; and St. Louis, Missouri.

¹¹ National Center for Veterans Analysis and Statistics, "Education Program Beneficiaries", U.S. Department of Veterans Affairs, January 2014, http://www.va.gov/VETDATA/docs/QuickFacts/Education_Beneficiaries.pdf (accessed March 18, 2014).

¹² The American Legion, "Resolution No. 27: *Veterans GI Bill Education*", Ninety-Fourth National Convention of The American Legion, National Executive Committee of The American Legion, Indianapolis, Indiana, October 16 – 17, 2013, <http://archive.legion.org/bitstream/handle/123456789/2760/2013F027.pdf?sequence=1> (accessed March 15, 2014)

The American Legion through Resolution No. 304: *Support Full Funding and Staffing for the Veterans Employment and Training Services (VETS)*¹³ has long championed full funding and staffing for the Department of Labor’s Veterans Employment and Training (VETS) program, and believes that collecting data and resetting performance metrics is integral to the wise stewardship of a program.

According to a Government Accountability Office (GAO) report entitled, “*Veterans’ Employment and Training, Better Targeting, Coordinating, and Reporting Needed to Enhance Program Effectiveness*”, it is estimated that the federal government spends around \$1.2 billion on six veterans’ employment and training programs, two of which are Disabled Veterans’ Outreach Program (DVOP) and Local Veterans’ Employment Representatives (LVER), which serve about 888,000 participants¹⁴. The Department of Labor (DOL) has yet to conduct impact evaluations that assess their program effectiveness to determine whether outcomes are attributable to program participation of veterans and not other factors. As a result, Congress and other key stakeholders lack essential information needed to assess each program performance.

Crucial to properly administering the DVOP and LVER employment services is collection and analysis of past performance data in order to gauge the effectiveness of federally-funded programs and services which the states administer. DOL’s inability to gauge the results and effectiveness of their own programs, as well as their inadequate oversight of performance measure at the state level, is cause for concern of accountability.

The American Legion enjoys the unique benefit of having a large contingent of members who are DVOPs and LVERs and who sit on various commissions and councils which advise The American Legion with regard to policy. Based on testimony supplied by these members, The American Legion believes a longitudinal study conducted by a third party would help to identify lapses in program stewardship and will allow DOL-VETS to make improvements to existing programs and services. The American Legion supports the ‘Veterans Employment and Training Service Longitudinal Study Act of 2014.’

The American Legion supports H.R. 4150.

H.R. 4151: Veterans Education Survey Act of 2014

To direct the Secretary of Veterans Affairs to enter into a contract with a non-government entity to conduct a survey of individuals who have used or are using their entitlement to educational assistance under the educational assistance programs administered by the Secretary of Veterans Affairs, and for other purposes.

¹³ The American Legion, “*Resolution No. 304: Support Full Funding and Staffing for the Veterans Employment and Training Services (VETS)*”, Ninety-Fourth National Convention of The American Legion, Indianapolis, Indiana, August 28 – 30, 2012, <http://archive.legion.org/bitstream/handle/123456789/2171/2012N304.pdf?sequence=1> (accessed March 10, 2014)

¹⁴ United States Government Accountability Office (GAO), “*Veterans’ Employment and Training, Better Targeting, Coordinating, and Reporting Needed to Enhance Program Effectiveness*”, December 2012, <http://www.gao.gov/assets/660/650876.pdf> (accessed March 16, 2014).

In 2012, the Department of Veterans Affairs has dispersed nearly \$11 billion of VA education benefits to almost 1 million veterans¹⁵. Since the 2009 implementation of the Post-9/11 GI Bill, education benefits have significantly increased for service members, veterans, and their families. The Post-9/11 GI Bill provides payments for tuition and fees at accredited institutions of higher learning (IHL), as well as disbursing a separate payment for housing expenses and a stipend for books. The VA's education and training benefits are intended to provide resources which afford opportunities to veterans which they may have missed due to his or her military service, and to ease transition from military service to the civilian workforce

Despite this huge expenditure of funds, the VA has yet to conduct an impact survey and/or study to evaluate the experiences of those individuals using the GI Bill benefit, in order to evaluate how such a robust benefit has impacted the lives of veterans who are transitioning from the military to civilian life. Such an assessment would ascertain the return-on-investment for policymakers, advocates, and taxpayers. The American Legion, as author of the Serviceman's Readjustment Act of 1944, known as the GI Bill, continues to take a great interest in veteran education benefits, and as such, supports H.R. 4151 through Resolution No. 27: *Veterans GI Bill Education*¹⁶ as sound legislation which will help to ensure that we are able to examine the extent to which this benefit provides effective transitioning tools to service members and veterans.

The American Legion supports H.R. 4151.

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.

¹⁵ United States Government Accountability Office (GAO), "VA Education Benefits: Student Characteristics and Outcomes Vary across Schools", July 25, 2013, <http://www.gao.gov/products/gao-13-567> (accessed March 17, 2014).

¹⁶ The American Legion, "Resolution No. 27: *Veterans GI Bill Education*", Ninety-Fourth National Convention of The American Legion, National Executive Committee of The American Legion, Indianapolis, Indiana, October 16 – 17, 2013, <http://archive.legion.org/bitstream/handle/123456789/2760/2013F027.pdf?sequence=1> (accessed March 15, 2014)