

TOM TARANTINO, LEGISLATIVE ASSOCIATE, IAVA

SENATE VETERANS AFFAIRS COMMITTEE
LEGISLATIVE HEARING

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TESTIMONY OF TOM TARANTINO
IAVA LEGISLATIVE ASSOCIATE

Mr. Chairman, Ranking Member, and members of the committee, on behalf of Iraq and Afghanistan Veterans of America's one hundred and eighty thousand members and supporters, thank you for inviting me to testify at this hearing to share our members' views of on these important issues.

My name is Tom Tarantino and I am a Legislative Associate with IAVA. I proudly served 10 years in the Army beginning my career as an enlisted Reservist, and leaving service as an Active Duty Cavalry Officer. Throughout these ten years, my single most important duty was to take care of other soldiers. In the military they teach us to have each other's backs. And although my uniform is now a suit and tie, I am proud to work with this Congress to continue to have the backs of America's servicemembers and veterans.

Bill # Bill Name Sponsor Position

S. 1780 Honor America's Guard-Reserve Retirees Act Lincoln Support

S. 1866 Corey Shea Act Kerry Support

S. 1939 Agent Orange Equity Act of 2009 Gillibrand Support

S. 1940 Study herbicide exposure on children of Vietnam veterans Gillibrand Support

S. 2751 Designate a TX VA Medical Center as George H. O'Brien, Jr., VAMC Cornyn No Position

S. 3035 Veterans Traumatic Brain Injury Care Improvement Act of 2010 Baucus Support

S. 3107 Veterans' Compensation Cost-of-Living Adjustment Act of 2010 Akaka Support*

S. 3192 Fair Access to Veterans Benefits Act of 2010 Specter Support

S. 3234 Veteran Employment Assistance Act of 2010 Murray Support*

S. 3348 Allow reconsideration of misfiled BVA appeals Akaka Support

S. 3314 Outreach to veterans who reside in Appalachia Brown Support

S. 3325 Prohibit the collection of copayments for telehealth visits Begich Support

S. 3368 Authorize certain individuals to sign VA claims on behalf of vets Akaka Support

S. 3352 Veterans Pension Protection Act of 2010 (Tester) Tester Support

S. 3286 Grants to agencies to assist with VA claims Specter No Position

S. 3330 Veterans' Health and Radiation Safety Act of 2010 Casey Support

S. 3355 Veterans One Source Act of 2010 Klobuchar Support

S. 3367 Increased pension for married vets with aid and attendance Akaka Support

S. 3370 Changes to joint DIC and Social Security application Akaka No Position

S. DRAFT Expansion of VA multi-family transitional housing program Burr Support

* IAVA has offered several technical recommendations for improving these bills.

S. 1780: Honor America's Guard-Reserve Retirees Act (Lincoln)

IAVA supports S. 1780, which grants full veteran status to members of the reserve components who have 20 or more years of service and do not otherwise qualify under current laws. This legislation expands the definition of the word veteran to recognize servicemembers who served their country honorably for over two decades in the Guard and Reserve but were never called to active duty. We believe when someone takes the oath to defend this country, wears the uniform and serves that oath faithfully they have earned to be considered a full veteran and the benefits that go with it.

S. 1866: Corey Shea Act (Kerry)

IAVA supports S. 1866, the Corey Shea Act, which allows parents of fallen servicemembers to be buried in a national cemetery with their unmarried or childless sons and daughters. Many veterans of Iraq and Afghanistan are killed in their youth and never had the opportunity to start their own family. If the VA deems there is available space and the parent wants to be interred with their child should be allowed to do so in a national cemetery. As Denise Anderson, whose son Corey Shea was killed in Mosul in 2008, said in her testimony to House Veterans Affairs Committee last year, "If you decide to pass this, it would give me some peace in my life to which I can pay more attention to my husband and daughter, who I feel I have been neglecting. I could finally be able to move forward in my life just knowing I could spend eternity with my son."

S. 1939: Agent Orange Equity Act of 2009 (Gillibrand)

IAVA supports S.1939, the Agent Orange Equity Act. This bill expands the number of Vietnam veterans who qualify for presumption of service connection for diseases associated with exposure to Agent Orange. We believe that all veterans exposed to the deadly herbicide should be granted these presumptions. Agent Orange didn't discriminate between Brown and Blue Water, neither should the VA.

Few if any of our members will be affected by S.1939. However, exposure to toxic chemicals while serving in combat is a harsh reality for many Iraq and Afghanistan veterans. We are grateful that the VA just announced broad service connection presumptions for Iraq and Afghanistan veterans exposed to toxic burn pits and other hazardous chemicals. We believe that our brothers and sisters from the Vietnam War should have been extended the same treatment. It's long overdue that we afford them the benefits that they have earned.

On a technical note, since Vietnam Service Campaign Medals were not authorized for Vietnam until seven years after the war began, IAVA encourages the committee to fully examine whether including Armed Forces Expeditionary Medals (Vietnam) along with Vietnam Medals are an appropriate criteria for eligibility for these presumptions. Furthermore, we would request that the committee evaluate the potential affect of changing the current statutory language from "active service" to "served" and whether it would require re-litigation of claims.

S. 1940: Study on the effects of exposure to herbicides on children of Vietnam veterans (Gillibrand)

IAVA strongly supports S.1940, which requires the VA to complete a study of the effects of Agent Orange on the children of Vietnam veterans. The VA has already acknowledged that there is a link between some birth defects and exposure to Agent Orange, such as spina bifida. IAVA believes the VA must complete an exhaustive study to identify any additional diseases or conditions that the children of Vietnam veterans are suffering from due to their parent's service.

S. 2751: Designate a Texas Veterans Affairs Medical Center as George H. O'Brien, Jr., VAMC (Cornyn)

IAVA has no position on S.2751.

S. 3035: Veterans Traumatic Brain Injury Care Improvement Act of 2010 (Baucus)

IAVA supports S.3035, which requires the VA to conduct a needs assessment on whether veterans living in the Northern Rockies or the Dakotas, suffering from Traumatic Brain Injuries, have access to quality VA health care.

S. 3107: Veterans' Compensation Cost-of-Living Adjustment Act of 2010 (Akaka)

IAVA fully supports S.3017, the Veterans' Compensation Cost-of-Living Adjustment Act, which ensures that critical veterans benefits are adjusted to keep up with inflation. However, we believe that these benefits should have an automatic annual COLA increase and should not be dependent on passage through Congress.

S. 3192: Fair Access to Veterans Benefits Act of 2010 (Specter)

IAVA supports S.3192, the Fair Access to Veterans Benefits Act, because it will accept late appeals from veterans who miss VA deadlines for good cause. Korean war veteran David Henderson was medically discharged for a service connected injury after being diagnosed with paranoid schizophrenia. In 2002 he applied for an increase to his VA disability rating and the VA denied that request. During the 120-day appeal period Mr. Henderson was hospitalized due severe back pain and a psychotic break forcing him to file his appeal 15 days late.

Before Henderson's application for benefits, a doctor's note stating that he was medically incapable of turning the paperwork in on time would have been sufficient for the VA accept his appeal late. However, a recent Supreme Court case ruled that extending filing deadlines was unacceptable under current law. The Supreme Court decided that because the appeals deadline was set by Congress, and could not be extended, regardless of the circumstances.

IAVA believes that the deadline should have been extended for Mr. Henderson in his case. We also believe that veterans suffering from service-connected illnesses should be given the opportunity to extend VA deadlines if they prove that acute effects of their disability made them incapable of filling on time.

S. 3234: Veteran Employment Assistance Act of 2010 (Murray)

IAVA fully supports S.3234, the Veterans Employment Assistance Act of 2010, the first comprehensive veterans job bill since the new GI Bill. America's newest veterans face serious

employment challenges. The process of returning to civilian life is complicated by the most severe economic recession in decades. Many Iraq and Afghanistan veterans, leaving the active-duty military, find civilian employers who do not understand the value of their skills and military experience. As a result, unemployment rates for Iraq and Afghanistan veterans are staggering.

S.3234 will greatly aid unemployed veterans by:

- Expanding the new GI Bill to include training at vocational schools and the pursuit of apprenticeships and on-the-job training (OTJ);
- Providing a subsistence allowance for unemployed veterans enrolled in full-time employment and training programs;
- Assisting veteran owned small business owners with entrepreneurial training, federal procurement assistance and greater outreach;
- Requiring public disclosure of the number of veterans hired by federal contractors with contracts over \$100,000 (VETS-100);
- Demanding more accountability from state employees who are assigned to assist unemployed veterans find jobs (DVOPs/LVERs);
- Creating a grant to encourage states to establish a veterans conservation corps;
- Establishing a college center of excellence to help veterans receive more academic credit for their military experience and training;
- Studying DOD Transition Assistance Programs (TAP); and
- Funding a number of pilot programs to help recently separated veterans use their military skills and training to find meaningful employment.

This is such an urgent bill for America's veterans that I will comment on each of its separate provisions.

Vocational Training Under The New GI Bill

“After approximately 30 interviews and temporary positions I chose to attend school under the new GI Bill.” –IAVA Vet

The new GI Bill is the greatest investment in veterans and their families since World War II and it couldn't have come at a better time. Veterans, facing tough economic times and high unemployment rate, are flocking to universities across the nation, making themselves more marketable in the job market. The Post-9/11 GI Bill has enabled over 250,000 students to attend first-rate colleges and universities.

“This was a huge disappointment to me when I found out my schooling was not covered under the new GI Bill... I am a mechanic by vocation; there are no 4-year degree programs for people like me.” –IAVA Vet

Unfortunately, a significant number of veterans have been short-changed under the new GI Bill. Apprenticeships, on-the-job training and vocational programs are excluded from the new GI Bill. IAVA strongly supports the provision in S.3234, which would include vocational training programs, apprenticeships and on-the-job training (OTJ) in the new GI Bill. Veterans pursuing vocational training should not be penalized for going to a strictly vocational school. The WWII

GI Bill sent over 8 million veterans to school. More than half of those veterans were not seeking a college degree; they participated in some type of vocational training program. Unfortunately, nearly 16,000 modern veterans pursuing vocational training will not be able to access the new GI Bill.

On a technical note, IAVA recommends modifying section 7 of this bill to include a definition of an approved program of apprenticeship and not reference other programs. We believe this definition should mirror the Chapter 30 definition (38 USC 3002(3)(c)(i)). We also believe that the section allowing vocational programs under the new GI Bill should include approved programs under 38 USC 3452(f). This mirrors the current rules under the new GI Bill and 38 USC 3452(c) which is the definition of approved programs used by Chapter 30 of the Montgomery GI Bill.

Lastly, IAVA believes that including vocational programs in the new GI Bill is just one piece of a broader, more comprehensive effort to upgrade the new GI Bill. We look forward to working with the Chairman and Ranking Member as they develop their comprehensive new GI Bill upgrades legislation.

Employment Training Assistance

“I have had to move my family 2-3 times in search for employment... I have had LOTS of difficulty finding employment” – IAVA Vet

We believe that the employment training assistance program will greatly help veterans struggling to find employment by offering GI Bill-like incentives to complete job-training programs. S. 3234 creates a monthly subsistence allowance for veterans enrolled full time in an approved employment training program. Veterans would receive a monthly subsistence allowance equal to the monthly living allowance provided under the new GI Bill. In order to be eligible a veteran would have to be unemployed for more than 4 consecutive months and no longer qualify for the GI Bill or vocational rehabilitation. Lastly, it would provide a veteran up to \$5,000 in relocation expenses to participate in this program.

Small Business Help

“Navigating through the maze of red tape to A) start a business and B) get it registered as a Disabled Veteran-Owned Business... A small business owner wears a lot of hats, and the soft skills acquired through military experience are not enough, I needed some real hands on experience or time with a mentor to help create a successful enterprise.”
– IAVA Vet

The Veterans Business Center (VBC) program proposed in S.3234 will fund a number of grants to help small business owners grow and mature their businesses. The program will provide matching grants of \$150,000 to approved groups who wish to become an official VBC. These VBCs will be responsible for providing direct education, counseling and development to veteran owned small businesses. The VBC program will also provide grants to help increase access to

capital, assist in contract procurement and outreach to service-disabled veteran owned small businesses. Lastly, the VBC program will be responsible for hosting a biannual veterans' entrepreneurial development summit.

While we think the VBC program will be an incredibly helpful program to veteran-owned small businesses, we recommend a few minor modifications. First, we believe that the matching grant designed to help establish each VBC should be increased to \$200,000. Secondly, the director of the VBC program should be given the flexibility to offer grants less than the full amount, in the event the organization requesting to become a VBC can't match the full amount. Lastly, we believe the VBC should include in their training programs how to "deployment-proof" a business for veteran owners who are still members of the National Guard or Reserves.

"During my deployment I had to totally shutter the doors on my construction business. It put my family in a very difficult position" – IAVA Vet

Transition Assistance Program (TAP) and Disabled Transition Assistance Programs (DTAP)

"Once I learned how to translate my skills into civilian-speak, I found I was in high demand and very competitive for several good positions." – IAVA vet

Servicemembers approaching separation can take advantage of the Transition Assistance Program (TAP). The program provides employment and training information as well as a variety of counseling programs. The Departments of Defense, Veterans Affairs, Transportation, and Labor partner to conduct three-day workshops where servicemembers learn interview skills, tips for job searches and how to prepare civilian resumes and cover letters. The program has shown some effectiveness: according to the Department of Labor, servicemembers who participate in TAP find their first post-military job three weeks faster. S.3234 would require a complete study and recommendations to improve the TAP program.

Utilization of TAP is regrettably low. The Marine Corps is the only branch of service that requires its members to sign up for TAP briefings, but attendance is still not mandatory. The Department of Defense has established a goal of 85% participation across the services, yet only 60-65% of all separating active-duty servicemembers attend the TAP employment seminars. In the National Guard and Reserves, the usage rates are even lower: only 30 percent of all separating Reservists or National Guardsmen attend some portion of TAP. In addition, all aspects of TAP are not always available and the time constraints of troops' demobilization process can make attending a TAP session difficult, if it is available at all. To encourage greater participation, the Department of Defense launched TurboTap.org in 2007. This website allows active-duty and reserve servicemembers access transition resources on their own time, including information on military and VA benefits and employment assistance. There is still much to be done to achieve the 85% participation target.

Federal Contracting

"I ended up getting a job with a company that is contracted out by the government and is unionized. So everyone is understandable and supports my actions with the military." – IAVA Vet

The Federal Government is the world's largest buyer of goods and services, with purchases totaling over \$425 billion each year. With this level of spending the Federal Government can leverage its purchasing power to require potential contractors to increase veterans hiring. Current federal law mandates federal contracts over \$100,000 "take affirmative action to employ" veterans. These contractors are required to publish job openings with the state job banks and to annually report the number of veterans they have retained by submitting a VETS-100 form to the Department of Labor. These contractors are also prohibited from discriminating against veterans.

Unfortunately, the data collected from VETS-100 forms is aggregated and only partially published in the Department of Labor VETS annual report. IAVA is pleased to see that S.3234 would require these forms to be publically reported, allowing interested parties to review whether contractors are actually following through on these contracting requirements. The public disclosure of these forms should create healthy competition between contractors on which contractor hired more veterans. IAVA would love to see companies like Boeing and Lockheed Martin make these statistics part of their bids for the next big defense contract.

Other Technical Notes

§ 9: Center of Excellence in Reforming Higher Education – In order to ensure this noble program is successful we recommend Including the Secretary of Education in the planning process along with the Secretary of Veterans Affairs and the Assistant Secretary of Labor for Veterans' Employment and Training.

S. 3348: Allow Reconsideration of Misfiled Appeals (Akaka)

IAVA supports this bill, which would streamline the process of appealing a disability claim and would not penalize veterans for misfiling a notice of appeal.

S. 3314: Outreach to Veterans Who Reside in Appalachia (Brown)

IAVA supports this bill, which requires the VA to conduct outreach to veterans who reside in Appalachia. However, we feel that the VA must prioritize outreach nationally and we recommend that they include a distinct line item in their annual budget request specifically for outreach programs.

S. 3325: Prohibit the Collection of Copayments for Telehealth Visits for Veterans (Begich)

IAVA supports this bill, which would prohibit the VA from collecting copayments for telehealth and telemedicine visits. Since it is impossible for the VA to place brick and mortar buildings near every veteran in the United States, veterans who live in rural areas should not be charged if a medical professional could not see them in person.

S. 3368: To Authorize Certain Individuals to Sign VA Claims on Behalf of Claimants (Akaka)

IAVA strongly supports this common sense draft bill that will allow an authorized individual to sign on behalf of a veteran who is a minor, physically unable or declared mentally incompetent.

Incapacitated veterans should not have to fight through bureaucratic red tape to get their paperwork moving.

S. 3352: Veterans Pension Protection Act of 2010 (Tester)

IAVA supports this bill, which would expand the amount of reimbursements that veterans and their dependents are forced to claim as income relating to eligibility for pension claims.

S. 3286: VA Pilot Program to Provide Grants to State and Non-Profit Agencies to Assist Claims Development (Specter)

IAVA has no position

S. 3330: Veterans' Health and Radiation Safety Act of 2010 (Casey)

IAVA supports this bill that aims to improve training for VA employees and contractors in the use of low-level radiation therapies.

S. 3355: Veterans One Source Act of 2010 (Klobuchar)

IAVA supports this bill that intends to create an interactive one stop for veterans to learn about and access their benefits from the Department of Veterans Affairs.

S. 3367: Increase in Pension for Married Veterans Who Both Require Aid and Attendance (Akaka)

IAVA supports this bill, which would increase the rate of pension for a household with married disabled veterans requiring regular aid and attendance.

S 3370: Changes The Requirements For The VA And Social Security To Provide A Joint Application For DIC And Social Security Benefits (Akaka)

IAVA has no position

S. DRAFT: Expansion of the VA's Multi-Family Transitional Housing Program (Burr)

IAVA supports this bill, which would improve and expand on the VA's multi-family transitional housing program.