

Tom Tarantino, Deputy Policy Director, Iraq and Afghanistan Veterans of America

Testimony of Tom Tarantino
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Legislative Hearing
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Madam Chairwoman, Ranking Member, and members of the committee, on behalf of Iraq and Afghanistan Veterans of America's over 200,000 member veterans and supporters, thank you for allowing me to submit testimony sharing our members' views of on these important issues.

My name is Tom Tarantino and I am the Deputy Policy Director 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 10 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 service members and veterans.

IAVA would like to thank this committee for its constant work supporting the New Greatest Generation and would like to offer our comments on several of the bills that the Committee is currently considering.

**Bill
Description
Sponsor
IAVA Pos.**

S. 1184
Fraud in SDVOSB representation
Cantwell
Support
S. 1314
Minimum funding for DVOPs and LVERs
Tester
Not Support
S. 1634
Restore SAA approval for education
Tester
Not Support
S. 1798
Open Air Burn Pit Registry Act of 2011
T. Udall
Support
S. 1852
Spouses of Heroes Education Act
Merkley
Support
S. 1859
FAA & TSA employment grievance

Akaka
Support
S. 2130
Veterans Conservation Corps Authorization Act
Bill Nelson
Support
S. 2179
Military and Veterans Educational Reform Act
Webb
Support
S. 2206
GI Educational Freedom Act of 2012
Lautenberg
Support
S. 2241
GI Bill Consumer Awareness Act of 2012
Murray
Support
S. 2246
TAP Modernization Act of 2012
Boozman
Support
S. 2299
Servicemembers Rights Enforcement Act of 2012
Murray
Support
S. 3082
National Veterans Support Network Act
Bennet
Not Support
S. 3179
Servicemembers Housing Protection Act of 2012
Reed
Support
S. 3210
Veterans' Small Business Opportunity Act of 2012
Scott Brown
Support
S. 3233
Servicemembers Access to Justice Act of 2012
Casey
Support
S. 3235
Helping OIF/OEF veterans return to employment
Pryor
Support
S. 3236
Servicemembers Employment Protection Act
Pryor
Support

S. 1184- IAVA supports S. 1184, which will curb fraud in awarding government contracts to businesses erroneously claiming to be owned by a service disabled veteran. Considerations earned through service or disability incurred in the line of service should benefit veterans trying to win federal contracts, not unscrupulous individuals who use such veterans to “front” a company in order to gain an unjust and unearned advantage when competing for federal

contracts. Disbarment of companies and their principals who falsely claim status as a veterans or disabled veteran owned small business is an important enforcement technique that will serve to discourage fraud.

S. 1314- IAVA does not support S. 1314 which would change the way we assign DVOPs and LVERs. IAVA understands and supports the concepts expressed in this bill, but we have concerns about its methods. IAVA believes that every veteran should receive the assistance that they have earned through service to country, including the assistance of representatives from the Disabled Veteran Outreach Program (DVOPs) and Local Veteran Employment Representatives (LVERs). Half of all veterans of Iraq and Afghanistan live in rural areas where access to employment services and jobs is difficult. S. 1314 attempts to address this issue by requiring the provision of at least one DVOP or LVER for every 5,000 square miles. Currently, the formula is based on the population of the area. IAVA has concerns about the impact that this change might have on veterans in more populous areas. IAVA strongly believes that serving veterans in rural areas, whether for health care, education, employment or another issue, is paramount; however, we must find ways, including technological solutions, to serve one veteran demographic without adversely impacting another.

S. 1634 – IAVA does not support S. 1634 which would reinstate the authority of the State Approving Agencies (SAA) to approve educational programs for use with the GI Bill. In 2010, Congress unwisely removed SAA oversight of educational programs and relegated them to conducting compliance audits of schools. While IAVA opposed this change, we do not believe that returning to the pre-2010 system is the appropriate way forward. SAAs are a critical component to the success of the GI Bill. However, they were created 60 years ago in a very different educational environment. Rather than revert to the old model, IAVA believes that we should take this opportunity to examine how we can modernize the roll of the SAAs for veterans in the 21st century.

S. 1798- IAVA supports S. 1798 which would establish a registry of veterans that may have been exposed to potentially harmful toxins when stationed near open-air burn pits in Iraq or Afghanistan. Any veteran who lived near an open-air burn pit is familiar with the short-term health effects, caused by burning trash. However, the lasting effects of toxic exposure from burn pits are unknown without data tracking the health and well-being of deployed servicemembers. With more and more data leaked from DoD about the potential for long-term health problems related to toxic exposure, it is imperative that we act now. We cannot afford to let yet another generation of veterans suffer from deployment-related illnesses without proper care.

S. 1852- IAVA strongly supports the Spouses of Heroes Education Act (S. 1852). Eligible service members may elect to transfer their Post-9/11 GI Bill benefits to spouses or children. If a service member dies before transferring the benefit, however, his or her children will have access to the Post-9/11 GI Bill but a surviving spouse will not. Spouses are eligible for Survivors and Dependents Educational Assistance (DEA) that provides a much lower benefit and lacks some of the crucial provisions of the Post-9/11 GI Bill, such as a housing stipend. Surviving spouses already face substantial difficulties: military spouse unemployment and underemployment is astronomically high; military housing privileges and housing allowances are lost necessitating sudden moves; and the income of a spouse is lost compounding the emotional stress left in a

family by the loss of a husband or wife. It is irrational to say that a spouse does not qualify for a benefit that their children qualify for, save for the stroke of pen and bad luck. Remedying this loophole in the Post-9/11 GI Bill has been a priority for IAVA and we strongly urge you to pass S. 1852 into law.

S. 1859- IAVA supports S. 1859 which would protect veteran employee grievances at the FAA and TSA. IAVA believes that the federal government should be a model for all other employers. Unless there is a valid national security concern, there is no reason for an agency within the federal government to be exempt from giving a strong, clear and transparent avenue of redress for employment grievances from its employees.

S. 2130- IAVA supports the Veterans Conservation Corps Authorization Act (S. 2130). Veteran unemployment has remained stubbornly high. The latest Department of Labor figures have veteran unemployment significantly higher than the civilian rate. Establishing a Veterans Conservation Corps and putting veterans to work on conservation and infrastructure projects will help lower that unemployment rate. The inclusion of a summer employment program in this legislation to support veterans pursuing higher education is also important. Such a program would provide student veterans with summer jobs and real world career experience that is recognized by civilian employers.

S. 2179- IAVA strongly supports the Military and Veterans Educational Support Act of 2012 (S. 2179). This bill will help ensure that veterans using their military and veterans educational benefits do not fall victim to deceptive and predatory practices by for-profit schools. In addition to enacting reasonable oversight of educational institutions, the bill mandates that any vocational schools that train students for a course that requires a license or certification actually meet the training requirements for that license or certification as defined by the state or approving body issuing the license or certification. Above all, the legislation requires that all students using benefits are properly informed about their choices and have the ability to report fraud, waste and abuse.

S. 2206- IAVA strongly supports the GI Educational Freedom Act of 2012 (S. 2206). The VA currently has excellent resources available to veterans to help them make the most of their GI Bill. Unfortunately, few veterans know they exist and must go through red tape to use them. This bill will cut the red tape by requiring veterans to opt out of education counseling. IAVA believes that this will help veterans use their benefits to their fullest potential and ensure that their educational choices meet their needs.

S. 2241- IAVA strongly supports the GI Bill Consumer Awareness Act of 2012 (S. 2241). Right now, it is extremely difficult for veterans and their families to choose educational programs that meet their needs. Many, lured by aggressive and often deceptive marketing by for-profit schools, choose programs that do not match their career-intent or qualify them for jobs after graduation. Veterans should have the data they need about schools' costs, graduation rates and more when choosing a program. This bill will provide veterans and their families with clarity about their educational choices by establishing a robust system of consumer reporting and education.

S. 2246- IAVA strongly supports the TAP Modernization Act of 2012 (S. 2246). Allowing veterans and their spouses to retake a Transition Assistance Course at a time after separation will

be an invaluable aid as service members transition to yet another phase of their lives. At separation, a veteran or spouse may choose to continue their education. After graduating, a veteran or spouse who will be embarking on a new phase of life, such as a career or entrepreneurship, would benefit from knowing what programs or assistance they qualify for on this new path. IAVA believes that S. 2246 is a minimal investment that will achieve maximum returns for veterans, our society and our economy.

S. 2299- IAVA strongly supports the Servicemembers Rights Enforcement Act of 2012 (S. 2299). With the increased use of the National Guard and reserves in the last decade, there has been a corresponding increase in USERRA and SCRA claims. Even as the war in Iraq has ended and Afghanistan comes to an end, the military has said it plans to continue regular deployments for Guard and Reserve units. Therefore, we should expect the increase in USERRA and SCRA claims to continue. IAVA welcomes any legislation designed to strengthen the protections these laws afford servicemembers. Requiring plaintiffs to affirm they have determined a defendant's military status is an important safeguard in ensuring that the "We didn't know" line of defense is legally unacceptable and that plaintiffs are aware of a defendant's service status. Equally important are the powers granted to subpoena and serve civil investigative demands.

S. 3082- IAVA does not support the Nationwide Network of Support for Veterans and Military Families Act of 2012. IAVA agrees with the bill in principle and believes that the intentions of this bill are right. However, we have serious concerns about its execution and the ability to achieve the goals set out in the legislation. We do agree that their needs to be some sort of tool to gather and report information about all the services available in the veterans support community. However, we don't think creating a VA-connected super VSO is the answer. The real power in a VA-connected organization would be it's ability to gather, synthesize and publish information about the veteran support community that no one nonprofit has the resources to do on its own. This is something that only the government has the resources or the reach to do. However, we are highly skeptical that a privately funded organization will be able to gather the resources needed to be successful and also be able to issue grants to others in the nonprofit sector. IAVA recommends that the VA should focus on strengthening the National Resource Directory, and making its entire data open source and available to the veterans' community. Through this channel, the current VSOs can develop innovative products and programs that better distribute information to our respective memberships.

S. 3179- IAVA supports the Servicemembers Housing Protection Act of 2012 (S. 3179). Housing issues have been a major concern for service members and their families. Extending the Servicemembers Civil Relief Act to expand foreclosure protection to surviving spouses for a short period after a servicemember's death will help a significant number of servicemembers and their families. This is paramount during trying circumstances in the aftermath of a service member's death.

S. 3210- IAVA supports the Veterans' Small Business Opportunity Act of 2012 (S. 3210). This legislation extends protections for surviving spouses of 100 percent disabled veterans who own a small business, as well as surviving spouses of less than 100 percent disabled veterans who own a small business. This is an important protection that would allow surviving spouses of less than 100 percent disabled veterans, who still are owners of service-disabled veteran owned (SDVO)

small businesses, adequate transition time to diversify their business without abruptly losing their SDVO status and any contracts that derived from being an SDVO business. The three year period proposed in S. 3210 is a reasonable period to diversify or liquidate a business.

S. 3233- IAVA strongly supports the Servicemembers Access to Justice Act of 2012 (S. 3233). Recently, many cases of service members being dismissed from their employment as a result of military service have gained national notoriety and many studies and surveys have indicated a potential bias against hiring military members and veterans, particularly serving members of the Guard and Reserves. One of the main problems with USERRA enforcement is the lack of “teeth” in the law. S. 3233 significantly remedies this problem. Removing sovereign immunity as a defense, removing USERRA claims from arbitration, enhancing the remedies for USERRA violations by including mandatory recovery of legal fees, making notice of USERRA compliance a contractual obligation for contractors and requiring equitable relief and granting the right to a jury trial are huge strides forward in the law that will finally make enforcement of USERRA viable and worthwhile, particularly for individuals seeking redress.

S. 3235- IAVA supports the HIRE at HOME Act (S. 3235). We believe that states should take military training into consideration when issuing vocational licenses and certifications. However, IAVA recognizes that no service or agency has qualified what that training means in the civilian market. IAVA worked with Congress in 2011 to include a study in the VOW to Hire Heroes Act that will quantify and qualify the gaps and overlaps between military training and civilian certifications. But without studying the core skills one receives in a given military school we cannot establish a standard. By requiring states to make and report that evaluation, we will accelerate the process with state specific data. This data, combined with the study from the VOW to Hire Heroes Act, will lead to developing clear guidelines for the military, veterans and employers on how their skills and education should translate.

S. 3236- IAVA strongly supports the Servicemember Employment Protection Act of 2012 (S. 3236). This legislation addresses some substantial areas where USERRA protections are lacking and adds some powerful incentives for USERRA compliance and penalties for USERRA violations. S. 3236 significantly expands the scope of USERRA coverage by removing USERRA complaints from arbitration, expanding USERRA to protect service members undergoing medical treatment for deployment-related injuries and disbaring government contractors who violate USERRA. Coupled with the provisions of S. 3233, passage of S. 3236 would be part of the most significant upgrades to USERRA since it became law in 1994.