

**STATEMENT FOR THE RECORD
OF THE
DEPARTMENT OF DEFENSE
REGARDING PENDING LEGISLATION
BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES SENATE**

August 1, 2018

Chairman Isakson, Ranking Member Tester, and members of the Committee, the Department of Defense (DoD) appreciates the opportunity to provide this statement for the record addressing legislation pending before the committee. This statement focuses on the S. 2748, “Better Access to Technical Training, Learning, and Entrepreneurship for Service Member Act” or the “BATTLE for Service Member Act,” and the Discussion Draft on Transition Assistance Reform. We defer to the Department of Veterans Affairs and the Department of Labor to provide responses on those bills and sections of pending legislation with no significant DoD impacts.

S. 2748, “Better Access to Technical Training, Learning and Entrepreneurship for Servicemember Act” or the BATTLE for Servicemembers Act

DoD has no objections to H.R. 2748. This bill amends title 10, U.S.C., which requires members of the Armed Forces to receive additional training under the Transition Assistance Program (TAP), and for other purposes. In addition to ensuring members of the Armed Forces eligible for the TAP receive additional training in any of the supplemental subjects prescribed in section 1144(f) of title 10, U.S.C., the Secretary of Defense and the Secretary of Homeland Security will have the authority to waive the training for certain groups or classifications of members as the Secretaries determine, in consultation with the Secretaries of Labor and Veterans Affairs. A member may also elect in writing to not receive such additional training.

S. ____ - Discussion Draft Regarding Transition Assistance Reform

This draft bill “amends title 10, U.S. Code to improve the Transition Assistance Program for members of the Armed Forces and for other purposes.” This draft legislation directs the Secretaries of Defense, the Department of Veterans Affairs, Department of Labor, and the Department for Homeland Security to take certain actions to improve transition assistance to members of the Armed Forces who separate, retire, or are discharged from the Armed Forces, and for other purposes. DoD objects to this proposed legislation due to significant concerns identified by our review.

Service member feedback, as well as outside of government research indicate the Transition Assistance Program works well to meet the needs of our transitioning Service members. Despite anecdotal comments, DoD has yet to see strong data or evidence that would indicate the need to revamp TAP with remedial legislation. Additionally, when Veterans Service Organizations were briefed on the updated TAP curriculum in June 2018, DoD received overwhelmingly favorable responses. Several interagency evaluation efforts currently underway will provide more robust evidence to determine what improvements should be made to the TAP. For example, a study led by the Department of Labor, a longitudinal study led by the Army, and a Post-Separation Assessment led by the Department of Veterans Affairs will help DoD identify and develop sound improvements. DoD assesses the proposed legislation as premature for improving Service member transition outcomes. While refinements and improvements can always be made to programs (we continue to update TAP annually), changes are most effective when made based on evidence-based program evaluations and best practices.

DoD and its partners are extremely careful when implementing changes that impact approximately 308,000 transitioning Service members and spouses each year. When changes are

to be made to TAP, we prefer to experimentally evaluate such changes and their outcomes via a pilot study to closely analyze the impact of these changes on a smaller group of Service members rather than proceeding immediately to full-scale implementation. If the pilot confirms that the proposed changes would result in a more positive outcome for transitioning Service members, we would then implement the changes more broadly. We urge Congress to allow time for the TAP interagency governance team to continue to collect and analyze the data from our evaluation efforts in progress before legislating mandated changes to TAP. Each section of this draft bill is discussed in detail below.

Section 2. Recodification, Consolidation, and Improvement of Certain Transition-Related Counseling and Assistance Authorities

The statute should align organizational authorities and responsibilities based on the missions, roles, and responsibilities of the federal agencies and departments; thus, DoD has serious concerns about the elimination of section 1144, title 10, U.S.C. By striking section 1144, and consolidating it with section 1142, the proposed legislation assigns the authority and responsibilities from the Secretary of Labor to the Secretary of Defense for employment assistance, job training assistance, assistance in identifying employment, and training opportunities, and other information and services. As the Secretary of Labor is responsible for employment-related programs and services for transitioning Service members and veterans, DoD requests that section 1144 remain.

DoD supports eligible transitioning Service members (including National Guard and Reserves) to receive resources, counseling, information, and services they need for their

transition from the military to civilian life. The proposed legislation, however, lacks clarity about its applicability to members of the National Guard and Reserves. National Guard and Reserve Service members eligible for TAP do not retire or separate upon demobilization or deactivation. They are “*released from active duty*” (REFRAD). Therefore, DoD recommends the phrase, “*release from active duty*” be inserted in paragraph (a) (1) to read as follows: “The Secretary of Defense and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy shall, in cooperation with the Secretary of Labor and the Secretary of Veterans Affairs, carry out a program to furnish individual counseling, information, and services described in paragraph (2) to members of the armed forces under the jurisdiction of the Secretary of Defense or the Secretary of Homeland Security, as applicable, whose retirement, separation, or *release from active duty* is anticipated as of a specific date, and to the spouses of such members.” This recommended change will clarify in statute the applicability of TAP to the National Guard and Reserve members.

DoD is also concerned about the lack of clarification as to *when* eligible members of the National Guard and Reserves shall commence and complete TAP. While the proposed legislation addresses when members of the National Guard and Reserves shall commence TAP, the proposed legislation falls short of addressing the completion date for TAP (to include all covered counseling, information, and services). The legislation does not state how and when members of the National Guard and Reserves will receive transition assistance. Given the unique operational requirements for demobilizing and deactivating Reserve Component Service members and short notice separations, DoD recommends the proposed legislation provide the Secretary of Defense waiver authority to allow National Guard and Reserve members to complete any TAP requirements not accomplished prior to release from active duty, not later

than 120 days from the date of release from active duty.

DoD does not support the requirement for “Preliminary Assistance.” Not all Military Occupational Codes align with a credential. Not all Service members wish to pursue employment in their same military occupation. Evidence-based research shows that more than half of our transitioning Service members want to pursue a civilian occupation that is different from their military career. DoD effectively utilizes existing GAP Analysis Career Readiness Standard to accomplish the objective of “Preliminary Assistance.” We recommend the requirement for “Preliminary Assistance” be deleted from the proposed legislation.

Practices for hiring counselors, vetting and establishing contracts, developing training curriculum, and testing information technology data fields do not allow DoD to meet the deadlines as written in the section of the proposed legislation titled “Commencement of Certain Instructions.” DoD requests the deadline be at least 18 but not later than 24 months after enactment. Additionally, DoD requests the Secretary of Defense be given two-year funding authority to implement requirements for this proposed legislation.

Section 3. Personnel Matters in Connection with Transition Assistance Program

DoD recommends synchronizing the staffing ratios to support approximately 308,000 eligible Service members and spouses transitioning annually because the language specified in §1142, paragraph (a) (1) requires the Secretary of Defense to carry out a program to members of the armed forces and to the spouses of such members. The proposed legislation bases its ratio on

military members at installations and does not take into account their spouses. We believe the Military Services are best positioned to determine the requirements for transition counselors.

Section 4. Tracking of Participation in Transition Assistance Program and Related Programs

DoD's primary concern is to protect Service member privacy, including each member's Personally Identifiable Information (PII). The Military Services capture most, but not all of the data requirements as outlined in Section 4 (case work and other services). DoD's existing system tracks transitioning Service members. We support enhancing our existing TAP web service; however, the cost to develop the enhancements necessary to capture all the new data and information prescribed in the proposed legislation will require further review and study. DoD supports sharing specific data through approved data-sharing agreements that preserve the integrity of each individual's PII.

Section 5. Information on Members of the Armed Forces Participating in Pre-separation Counseling and Surveys on Member Experiences With Transition Assistance Program Counseling and Services and In Transition to Civilian Life

DoD supports sections 5 (a) and (b). We defer to the Department of Veterans Affairs regarding the provisions in section 5 (c).

Section 6. E-mailing Transition Assistance Materials to Supporters of Members of the

Armed Forces Transitioning to Civilian Life

DoD does not support this provision of the proposed legislation. Departmental policy gives Service members the option to include their email address in the Remarks section of the DD Form 214, "Certificate of Release or Discharge from Active Duty." Members may elect a State/Locality Veterans Affairs office to receive information. In addition, transition assistance materials, to include the Transition GPS (Goals, Plans, Success) curriculum, described in the proposed legislation, can be obtained through public web sites as presented during TAP. Transitioning Services members and their spouses can avail themselves of the websites and the materials at any time before, during and after transition. DoD does not support obtaining a third party email address to provide information readily available online. TAP materials, to include all TAP curricula, can be accessed free of charge through public web sites. |

Section 7. Command Matters in Connection with Transition Assistance Programs

DoD accomplishes the requirements of section 7(a) through DoD policy, which requires the Inspectors General to assess TAP at military installations. The Military Services provide professional military education to inform Commanders, at all levels, about all aspects of command, including TAP. Therefore, DoD recommends Section (b) be deleted.

Section 8. Comptroller General of the United States Report on Participation in Transition Assistance Programs at Small and remote Military Installations

DoD supports Section 8 of the proposed legislation.

Section 9. Education of Members of the Armed Forces on Career Readiness and Professional

Development

DoD recognizes the important role career readiness and professional development pursuits can play in professionalizing the Force and in enhancing the Service member's ability to transition to the civilian workforce upon completion of military service. Providing opportunities, whether academic-or certification-related, is an investment in our people. Whether an individual is acquiring knowledge, skills, or abilities needed to perform mission functions or make a seamless transition to an industry profession, DoD supports education, certification, training, and employment assistance that maximize opportunities both in and out of service. DoD collaborates with the Departments of Labor and Veterans Affairs on a Service member outcomes initiative that aligns career readiness and professional development opportunities to better ensure Service members are prepared to successfully enter the civilian workforce upon completion of service, and that veterans are able to capitalize on their Service training, education, and experiences in pursuit of civilian career opportunities.

Although DoD is generally supportive of the proposed provisions of section 9, and has already aligned and coordinated appropriate assets to support Service member lifecycle development opportunities and career pathway programs, we recommend removal of the below listed provisions.

Remove section 9(b)(1) as DoD already informs the transition plan required by section 1142(g)(1)(C) through various established tools including the Joint Services Transcript, the Community College of the Air Force Transcript, and the Verification of Military Experience & Training document.

Remove section 9(b)(2)(B), as DoD has no capability to collect, store, and update information provided by hundreds of local communities across the nation. However, DoD is postured to support a trusted external data source that provides centralized insight into such civic programs and resources.

Remove section 9(d), as DoD does not support mandating an Alumni Network Program. DoD would support language that encourages the Military Services to establish a Network Program; however, we recommend the decision be left to each Military Service's discretion. Further, DoD recommends consideration of alternative terminology such as "Professional" or "Veteran" to describe the Network Program vice "Alumni." Alumni historically refers to graduates or formal students of a particular school, college, or university, and such a naming convention might not properly convey the intent of Congress to focus on career mentoring, networking, and advice and not higher education solely.

Lastly, DoD has significant concerns with section 9(c) as there is potential duplication between this effort, those under section 2 of this proposal, and numerous other personal and professional development authorities of DoD. Additionally, this provision mandates the provision of information beyond that available, yet provides no additional manpower or financial resources. DoD's Voluntary Education enterprise employs approximately 500 professional guidance counselors. Each year, this workforce counsels more than 256K Tuition Assistance beneficiaries, as well as another 350K Service members participating in other Voluntary Education programs such as college-level examination and academic skills improvement. Increasing the requirement to provide information, without appropriate resources, would jeopardize the impact of such legislation.

Section 10. Employment Skills Training

DoD supports an expansion of eligible participants under the DoD SkillBridge authority with the below comments. Further clarify section 10(2)(A)(ii). Eligibility does not appear to be limited to spouses of transitioning Service members for which 10 USC 1143(e) was enacted. Recent statistics indicate that 54 percent of Service members are married. This potential pool of participants far exceeds the roughly 200K transitioning Service members for which the program was intended each year. DoD is concerned that the new eligibility parameters drastically change the scope of the program and may have significant implications for program implementation.

Further clarify section 10(2)(A)(iii). Eligibility does not appear to be limited to recently transitioned Service members for which 10 USC 1143(e) was enacted. With roughly 200K transitioning Service members each year becoming eligible in perpetuity, DoD is concerned that the new eligibility parameters drastically change the scope of the program and may have significant implications for program implementation. Additionally, DoD is concerned about the authority to expend its operations and maintenance appropriation in support of separated Service member participation. There is some precedent for this in the form of stipends and bonuses paid to veterans participating in the Troops-to-Teachers program. However, in this example, eligibility for the program expires 3 years after separation.

The proposed legislation is unclear about whether spouses and Veterans may utilize base housing, receive compensation-type benefits, etc. For example, spouses and veterans would not be eligible for compensation while participating, to include housing and allowances funded

by DoD. A policy review would need to be accomplished to determine whether unemployment compensation paid by DoD would be permissible in conjunction with participation in SkillBridge programs.

Further clarify the intent of the \$10M identified in section 4. The DoD SkillBridge is intended to be a low/no cost program whereby providers fund the necessary job training and employment skills training opportunities.

Section 11. Identification of Opportunities for Job Training and Employment Skills Training for Members of the Armed Forces for Employment with the Department of Veterans Affairs in SkillBridge Programs of the Department of Defense

DoD supports the proposed change of section 11 with two comments: (1) Replace “the Secretaries of the military departments shall . . .” with “the Secretary of Defense shall . . .”; (2) Consider broadening the language, including authority to work with all Federal agencies in support of critically understaffed and high-skilled positions. While DoD is already working with the Department of Veterans Affairs to establish such opportunities, we have been approached by other Federal agencies requesting consideration as well (e.g., Department of Homeland Security for cybersecurity professionals).

Section 12. Evaluation of Transition Training and Counseling Relating to Post-secondary Education and Use of Educational Assistance from Department of Defense and Department of Veterans Affairs

DoD supports the proposed evaluation of section 12, with one recommendation. Remove Section (d), contract organization. In accordance with the Code of Federal Regulations, DoD may leverage Federally Funded Research and Development Centers (FFRDC) for the purpose of the proposed analysis.

Section 13. Longitudinal Study on Changes to Transition Assistance Program of Department of Defense

DoD defers to the Department of Veterans Affairs for comments on section 13.

Section 14. Establishment of Governing Board to Support Prevention of Drug Overdoses, Deaths by Suicide, and Alcohol-related Mortality

DoD defers to the Department of Veterans Affairs for comments on section 14.

Section 15. Review of Economic Risk Factors in Suicide Prevention

DoD defers to the Department of Veterans Affairs for comments on section 15.

Section 16. Grants for Provision of Transition Assistance to Members of the Armed Forces After Separation, Retirement, or Discharge

The DoD defers to the Department of Labor for comments on section 16.

Section 17. Sense of Congress on Transition Assistance Program and Other Transition-related Assistance for Members of the Armed Forces

DoD concurs with the provisions of section 17.

This large and complex piece of proposed legislation brings potentially huge resource implications in the form of more counselors, Information Technology enhancements, veterans' surveys, the creation of professional networks, opening counselor notes to other federal agencies, and adding TAP to command climate assessments, with unintended consequences. This proposed legislation would move DoD to a TAP case management system and would require more resources to fulfill all the mandates outlined. Additionally, requirements that span the gap from Service member to veteran will require additional attention to data privacy, collection, and storage requirements, as well as increased public disclosures and opportunity for comment through the Federal Register process.

The Department of Defense thanks the Committee for its outstanding and continuing support of our Service members, veterans, and their families.