

STATEMENT OF
THE DEPARTMENT OF DEFENSE

BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES

ON PENDING LEGISLATION

JULY 15, 2011

Chairman Miller, Ranking Member Filner, and members of this distinguished Committee, thank you for extending an invitation to the Department of Defense to address pending legislation that would significantly affect our Service members: H.R. 169; H.R. 1941, the proposed "Hiring Heroes Act of 2011"; and H.R. 2433, the proposed "Veterans Opportunity to Work Act of 2011".

The Department defers to the VA on H.R. 169 as DoD does not have any specific concerns.

The Department recommends modifying H.R. 1941 and H.R. 2433, and the Department's comments are limited to sections directly affecting it.

Summary of the Department's views on pending legislation

H.R. 1941

The Department's comments on H.R. 1941 are limited to sections directly affecting it.

Section 2: The Department is not opposed to the provisions of section 2 that would extend Section 1631 (b)(1) of the National Defense Authorization Act (NDAA) for 2008 (Public Law 110-181) through December 31 2014. Section 1631 (b)(1) allows Service members, with a severe injury or illness to receive vocational, rehabilitation and employment benefits (but not compensation) from the Secretary of Veterans Affairs to facilitate their recovery and rehabilitation while still a member of the Armed Forces. Extending this benefit provides Service members with disabilities assistance in identifying the training requirements and resources needed to achieve their rehabilitation and employment goals.

Section 6: The Department does not support section 6 at this time. The Department continues to work closely with Departments of Veterans Affairs and Labor, and the interagency, to enable seamless transition from Service members to Veteran. Our efforts are consistent and integrated with the President's Veteran Employment Initiative to help federal agencies identify qualified Veterans, clarify the hiring process for Veterans seeking employment with the federal

government, and help them to adjust to the civilian work environment once they are hired. The President's statement highlights the fundamental purpose for that effort -- "Honoring our sacred trust with America's Veterans means doing all we can to help them find work when they come home so they never feel as if the American Dream they fought to defend is out of reach for them and their families." Although we believe that the DOL employment workshop offers benefits to Service members, we do not support making participation mandatory at this time. DOL is currently redesigning its 2 ½ day employment workshop and will have the new workshop in place in November 2011. The Department recommends an analysis of the impact of the new workshop on employment before considering a mandate of this component of TAP for all transitioning personnel.

There is also an unknown, but potentially huge new resource requirement, which would result from extending the length of time Service members are on active duty in order to be in compliance with mandatory TAP requirements. This would require an in-depth resources analysis, showing the impact of extending personnel on active duty to provide TAP counseling/briefings as well as to determine the impact on existing facilities (i.e., adequate classrooms, additional counselors/coaches, administrative support staff, IT support, equipment/computers, and IT infrastructure). Such resource requirements should be considered in an analysis of whether to go forward with any mandate.

The DoD Transition Assistance Program (TAP) must be an integral part in our ability to achieve the seamless transition. TAP is an important tool to prepare Service members for life after they separate or retire from the military. A congressional policy decision to mandate it should provide maximum flexibility for the Service Secretaries to ensure that there are waiver authorities available to exempt military personnel from mandatory training when appropriate given the unique circumstances of individual cases. This should also provide Service Secretaries with the tools for managing their personnel during transition.

Section 9: The Department believes that section 9 is unnecessary as it duplicates existing processes that provide the capability to crosswalk Service member skills to equivalent civilian occupations, and therefore does not support section 9 of H.R. 1941.

During mandatory (required by statute) preseparation counseling, Service members are informed about the Occupational Information Network. The revised DD Form 2648, Preseparation Counseling Checklist for Active Component (AC), Active Guard Reserve (AGR), and Reserve Program Administrator (RPA) Service Members, states, “counselors will provide information on civilian occupations corresponding to Military occupations (see Occupational Information Network (O*Net website) at www.online.onetcenter.org/crosswalk and related programs...”

The Occupational Information Network (O*NET) is under the sponsorship of the US Department of Labor/Employment and Training Administration. The O*NET program is the nation's primary source of occupational information. Central to the project is the O*NET database, containing information on hundreds of standardized and occupation-specific descriptors. The database is continually updated by surveying a broad range of workers from each occupation. O*NET OnLine contains crosswalks between the O*NET-Standard Occupational Classification (SOC) and the Classification of Instructional Programs (CIP), Dictionary of Occupational Titles (DOT), Military Occupational Classification (MOC), Registered Apprenticeship Partners Information Data System (RAPIDS), and Standard Occupational Classification (SOC).

Additionally, the Department of Labor’s Employment and Training Administration has a long-standing record of assisting transitioning Service members with O*NET.

Another program is the United States Military Apprenticeship Program (USMAP), a partnership between Secretary of Labor, Secretary of Navy and Secretary of Transportation. Out of 300 enlisted Military Occupational Specialties (MOS's), 257 are covered under USMAP trades/occupations employing apprenticeship. Occupations offered through USMAP cross over into several civilian industries, including servicing, manufacturing and construction, and transportation/utilities.

Section 10: The Department opposes section 10. The authority under this section is too broad in its application and scope. It would appear the language would simply allow veterans to be non-competitively appointed to the GS system within 180 days of discharge. There appears to be no

provision on how we would establish qualifications. Given we have a myriad of hiring authorities for veterans, we do not see what problem this language is trying to solve. Further, it runs the risk of making it extremely difficult for someone who is not a veteran to gain entry level employment in light on this authority. We run the risk of inadvertently giving veterans preference that is far overreaching and will likely be challenged by the Merit Systems Protection Board.

Section 12: The Department is not opposed to the provisions of section 12 which would allow the Department to establish a pilot program to provide separating Service members, who are on terminal leave, work experience with civilian employees and contractors of the Department of Defense to facilitate the transition of those members from service in the Armed Forces to employment in the civilian labor market. The Department realizes the value of programs that improve the employment outcomes for our transitioning service members, such as those that provide exposure to the civilian work environment while working for the Department. The Department of Labor, Veterans Affairs, and Homeland Security all jointly develop and contribute to the Transition Assistance Program, and we look forward to working with them to improve transition outcomes by using new and creative ideas, such as the one provided in this section.

H.R. 2433

Comments on H.R. 2433 are limited to sections directly affecting the Department.

Section 202: The Department opposes section 202. As with section 6 of H.R. 1941, we believe TAP is an important tool to prepare Service members for life after they separate or retire from the military. However, Section 202 would require mandatory participation in the DOL Employment Workshop for all transitioning Service members and only allows exceptions when “a documented operational requirement prevents attendance.” As written, this section would require personnel to be retained on active duty until they have completed this TAP component. If enacted, this provision should include a waiver authority to exempt mandatory attendance in order to give the Service Secretaries greater flexibility for managing their personnel during transition.

Section 204: The Department believes that section 204 is unnecessary and does not support this provision as written. On June 2, 2011, Secretary Jefferson, Assistant Secretary for Veterans Employment and Training Service, Department of Labor, discussed the redesigned DOL Employment Workshop in testimony before this committee's Subcommittee on Economic Opportunity. The redesigned workshop will gather input from TAP attendees: 1) after the Employment Workshop; 2) during the job search; and 3) after they secure employment to assess how useful the workshop was in helping them obtain a job. We believe the redesigned DOL Employment Workshop, which is scheduled to be implemented November 2011, accomplishes the intent of the proposed legislation to assess the effectiveness of transition assistance employment efforts.

Section 307: The Department supports section 307 mandating the completion of the joint Department of Defense and Department of Labor Credentialing Work Group study of 10 military occupation specialties. We request the Departments be granted sixteen months from the date the contract is awarded to complete the study, analysis and submit the report to congress as required by paragraphs b and c of this section,