

MANDATORY VETERAN SPECIALIST TRAINING ACT OF
2009

MAY 14, 2009.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. FILNER, from the Committee on Veterans’ Affairs,
submitted the following

R E P O R T

[To accompany H.R. 1088]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans’ Affairs, to whom was referred the bill (H.R. 1088) to amend title 38, United States Code, to provide for a one-year period for the training of new disabled veterans’ outreach program specialists and local veterans’ employment representatives by National Veterans’ Employment and Training Services Institute, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 1088 was introduced on February 13, 2009, by Representative Stephanie Herseth Sandlin of South Dakota, the Chairwoman of the Subcommittee on Economic Opportunity of the Committee on Veterans' Affairs. This legislation would reduce the allotted time to attend the training administered by the National Veterans' Employment and Training Services Institute (NVTI) from three years to one year from the date of hire for state employees assigned to perform duties of a Disabled Veterans' Outreach Program (DVOP) Specialist or a Local Veterans' Employment Representative (LVER).

BACKGROUND AND NEED FOR LEGISLATION

The Veterans' Employment and Training Service (VETS) of the U.S. Department of Labor (DOL) is responsible for overseeing transition services programs, employment programs, and protecting employment rights, in addition to other workforce-related matters for veterans. Furthermore, VETS oversees DVOP and LVER programs dedicated to assisting transitioning servicemembers and disabled veterans to the civilian workforce.

The role and responsibilities of DVOPs and LVERs are to assist veterans with securing gainful employment. To help veterans achieve employment, they help facilitate services for veterans who have special needs, provide training opportunities, career counseling, and job referrals. While not limited to these tasks, they also attend or coordinate job fairs, and help build relationships with potential employers to increase employment opportunities.

The U.S. Department of Labor established the NVTI to provide specialized training and professional skills enhancement of veterans' service providers' staff. NVTI is operated by the University of Colorado at Denver, with classes offered on campus and by long-distance learning.

The NVTI basic training focuses on improving employment services for veterans through a professional skills-development program. Those that attend training include DVOPs and LVERs. Training is designed to provide the necessary skills sets and competence to participants to meet the needs of veterans. The offered courses address the following core issues: veterans' benefits, transition assistance, case management, marketing and accessing the media, management of veterans' services, and includes a basic employment course.

During the 110th Congress, the Subcommittee on Economic Opportunity held various hearings in which concerns were raised over inadequately trained DVOPs and LVERs. Currently, DVOPs and LVERs are required to attend NVTI courses within three years of being employed. Veterans service organizations argued that the three-year time limitation does not meet the needs of veterans because the average time it takes DVOPs and LVERs to attend NVTI is 2.5 years. In other words, these untrained specialists spend time doing work unrelated to employment service and lack the necessary skills to help veterans.

The Committee agrees that while the current core training requirements provide critical information necessary for a successful DVOP and LVER, current law fails to meet the needs of veterans

by permitting DVOPs and LVERs to work while lacking the skills to effectively assist military veterans.

The Committee believes that requiring early training for DVOPs and LVERs is the best way to ascertain that a greater number of employment service programs will increase the proficiency of DVOPs and LVERs to assist servicemembers with transition assistance, veterans' benefits, and a higher employment track.

HEARINGS

On March 4, 2009, the Subcommittee on Economic Opportunity held a legislative hearing on several bills introduced during the 111th Congress, including H.R. 1088. The following witnesses testified: The Honorable Steve Israel of New York; The Honorable Peter Welch of Vermont; The Honorable Lloyd Doggett of Texas; Mr. Justin Brown, Legislative Associate, National Legislative Service, Veterans of Foreign Wars of the United States; Ms. Cheryl Beversdorf, RN, MHS, MA, President and Chief Executive Officer, National Coalition for Homeless Veterans; Mr. John L. Wilson, Associate National Legislative Director, Disabled American Veterans; Mr. Mark Walker, Assistant Director, National Economic Commission, The American Legion; Mr. Thomas Zampieri, Ph.D., Director of Government Relations, Blinded Veterans Association; Mr. Patrick H. Boulay, Chief, USERRA Unit, U.S. Office of Special Counsel; Mr. Keith M. Wilson, Director, Education Service, Veterans Benefits Administration, U.S. Department of Veterans Affairs. Those submitting statements for the record included: Mr. John M. McWilliam, Deputy Assistant Secretary, Veterans' Employment and Training Service, U.S. Department of Labor; The Honorable Rodney Alexander of Louisiana; The Honorable Steve Buyer of Indiana; The Honorable Bob Filner of California; Mr. David French, Vice President, Government Relations, International Franchise Association; Mr. Thomas S. Whitaker, President and Deputy Chairman, North Carolina Employment Security Commission, on behalf of National Association of State Workforce Agencies; and the Paralyzed Veterans of America.

SUBCOMMITTEE CONSIDERATION

On March 19, 2009, the Subcommittee on Economic Opportunity met in open markup session and ordered favorably forwarded to the full Committee H.R. 1088 by voice vote.

COMMITTEE CONSIDERATION

On May 6, 2009, the full Committee met in an open markup session, a quorum being present, and ordered H.R. 1088 reported favorably to the House of Representatives, by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report the legislation and amendments thereto. There were no record votes taken on amendments or in connection with ordering H.R. 1088 reported to the House. A motion by Mr. Buyer of Indiana

to order H.R. 1088 reported favorably to the House of Representatives was agreed to by voice vote.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are reflected in the descriptive portions of this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

EARMARKS AND TAX AND TARIFF BENEFITS

H.R. 1088 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House of Representatives.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate on H.R. 1088 prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate for H.R. 1088 provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 13, 2009.

Hon. BOB FILNER,
Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1088, the Mandatory Veteran Specialist Training Act of 2009.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Camille Woodland.

Sincerely,

ROBERT A. SUNSHINE
(For Douglas W. Elmendorf).

Enclosure.

H.R. 1088—Mandatory Veteran Specialist Training Act of 2009

H.R. 1088 would require the Department of Labor (DOL) to accelerate the training currently provided to certain employees who assist eligible veterans in finding suitable training and employment. New employees and current employees hired since the beginning of 2006 who have not yet received training would be required to complete the training within a year. CBO estimates that implementing this bill would cost approximately \$3 million over the 2010–2014 period, assuming appropriation of the necessary amounts. Enacting the bill would not affect direct spending or revenues.

Under current law, affected employees are required to complete training through the National Veterans' Employment and Training Services Institute (NVTI) within three years of being hired. Based on information from the DOL and NVTI, CBO estimates that a backlog of approximately 600 current employees and an estimated 300 new employees would need accelerated training. CBO estimates that the training cost, including two five-day courses, travel, and lodging, would be approximately \$3,500 per person. Once those employees have been trained, costs for such training would return to the level under current law.

H.R. 1088 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. States that receive grants for providing employment and training service to veterans would be required to comply with new requirements for training state personnel. Any costs those governments incur to comply with the new grant conditions would be incurred voluntarily.

The CBO staff contact for this estimate is Camille Woodland. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates regarding H.R. 1088 prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act would be created by H.R. 1088.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for H.R. 1088 is provided by Article I, section 8 of the Constitution of the United States.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides the short title of H.R. 1088 as the “Mandatory Veteran Specialist Training Act of 2009.”

Section 2. One-year period for training of new disabled veterans’ outreach program specialists and local veterans’ employment representatives by national veterans’ employment and training service institute

This section reduces from a three-year period to a one-year period the length of time in which state employees assigned to perform duties of a Disabled Veterans’ Outreach Program Specialist or a Local Veterans’ Employment Representative to obtain training administered by the National Veterans’ Employment and Training Services Institute.

This section provides effective dates for employee training. New employees would be required to take the training on or after the date of enactment and previously hired employees, hired on or after January 1, 2006, and before the date of enactment, would have one year after the date of enactment in which to complete training.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

TITLE 38, UNITED STATES CODE

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PART III—READJUSTMENT AND RELATED BENEFITS

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CHAPTER 41—JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

* * * * *

§ 4102A. Assistant Secretary of Labor for Veterans’ Employment and Training; program functions; Regional Administrators

(a) * * *

* * * * *

(c) CONDITIONS FOR RECEIPT OF FUNDS.—(1) * * *

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(8)(A) As a condition of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title, the Secretary shall require the State to require each employee hired by the State who is assigned to perform the duties of a disabled veterans' outreach program specialist or a local veterans' employment representative under this chapter to satisfactorily complete training provided by the National Veterans' Employment and Training Services Institute during the **three-year period** *one-year period* that begins on the date on which the employee is so assigned.

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