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KENNEDY HOLDS HEARING ON VETERANS' EMPLOYMENT ISSUES

Releases Department of Defense data previously withheld from the public

WASHINGTON, DC—Today, Senator Edward M. Kennedy, Chairman of the United States Senate Health, Education, Labor and Pensions Committee held a hearing to address employment challenges that service members face when returning from a tour of duty. The hearing focused on the enforcement of the Uniformed Services Employment and Reemployment Rights Act (USERRA) which requires employers to continue to employ members of the Guard and Reserve upon their return from duty. There are four federal agencies that are responsible for the oversight and implementation of veterans' employment rights: the Departments of Labor, Department of Defense, Defense and Justice, as well as the Office of Special Counsel.

Data previously withheld from the public were released the hearing. The data demonstrates serious inadequacies in the performance of the four federal agencies responsible for protecting returning veterans' reemployment rights. Chairman Kennedy pressed the Department of Defense to release this information.

Highlights of the data include:

- Servicemembers are returning home only to realize that their deployment has put their healthcare, their benefits, and even their jobs at risk. For example, among post-9/11 returning Reservists and National Guard:
- Nearly 11,000 were denied prompt reemployment.
- More than 22,000 lost seniority and thus pay and other benefits.
- Nearly 20,000 saw their pensions cut.
- More than 15,000 didn't receive the training they needed to return to their former jobs.
- Nearly 11,000 didn't get their health insurance back.
- In 2006, 77% of reservists and National Guardsmen with reemployment problems reported not seeking assistance of any kind. (This indicates agencies' failure to educate/reach out to returning servicemen to inform them of their rights.)
- Almost half of reservists (44%) and National Guardsmen who filed a USERRA complaint with the Department of Labor reported being dissatisfied with DOL's

handling of their case – up from 27% dissatisfaction in 2004 – and more than a third reported that DOL’s response was not prompt.

- 23% of reservists and National Guardsmen surveyed in 2006 who could not find a job post-deployment said that they were unemployed because their previous employer did not promptly rehire them as required by law.
- Almost a third of reservists (28%) surveyed in 2006 reported not receiving information on USERRA/reemployment rights during their activation or deactivation.
- The percentage of reservists and National Guardsmen who experienced difficulty getting reemployment assistance from government agencies rose from 2004 (27%) to 2006 (29%).

Senator Kennedy also plans to introduce legislation to address the issues raised in today’s hearing. The bill will seek to hold federal agencies responsible for protecting servicemembers’ employment rights. Kennedy’s legislation will also require that agencies collect veterans’ employment data in a uniform way so that problems can be identified and fixed.

**STATEMENT OF EDWARD M. KENNEDY
“PROTECTING THE EMPLOYMENT RIGHTS
OF THOSE WHO PROTECT THE UNITED STATES”
SENATE HELP COMMITTEE
NOVEMBER 8, 2007**

This Sunday, the nation will celebrate Veterans’ Day. On that solemn day we honor the generations of soldiers who have fought for our country in all the nation’s wars. We mourn for those who have lost their lives on the battlefield. And we express our immense gratitude, particularly to the members of our armed forces who have served so bravely in recent years in Iraq and Afghanistan—both those who have returned home and those still in harm’s way.

Since September 11th, one and a half million of our servicemen and women have been deployed to Iraq or Afghanistan, and more than 630,000 members of the National Guard and Reserves have been mobilized. Our forces have now been in Iraq for four and one-half years—longer than our military was engaged in World War II.

Our government has asked all of these brave men and women to make immense sacrifices for our country. They’ve been sent far from their homes for extended tours of duty. We’ve asked them to leave their families and their jobs. We’ve asked them to risk their lives, and more than 3,800 of them have made the ultimate sacrifice. In fact, this year, more soldiers have died in Iraq than in any other year of the war. They’ve put our national security first, and the nation owes them an immense debt of gratitude. When

these heroes return home, we owe them more than kind words or prayers. We must do whatever we can to help them make the transition back to civilian life.

Many veterans need to return quickly to their former jobs, to support their families. Our federal laws are meant to speed that transition, by requiring companies to quickly reemploy our nation's veterans and ensure they don't lose out at work because they answered the call of duty.

However, Department of Defense figures being released today show that tens of thousands of veterans returning home have faced the harsh reality that their service to our country has cost them the salary they deserve, their health care, and other benefits, and even their jobs. Among members of the Reserves and National Guard:

- Nearly 11,000 were denied prompt reemployment.
- More than 22,000 lost seniority and rightful pay.
- Nearly 20,000 saw their pensions cut.
- More than 15,000 did not receive the training they needed to resume their former jobs.
- Nearly 11,000 did not get their health insurance back.

Even more disturbing, veterans who seek help face a Walter Reed-like nightmare—a system that is crumbling and failing to serve them when they need it most. They have to negotiate a maze of bureaucracy. They can be shuffled among multiple agencies—only to find after all the bureaucratic run-around that they still may have to pay a lawyer to file their case in court.

With a system like this, it's no wonder that 77% of all veterans say they don't even bother to seek help when they face reemployment problems. A third say they have no idea where to turn, or don't believe that their problems would be fixed.

Our laws require the federal government to defend veterans' rights, but those who seek help must wait for months, even years, just to get a simple answer about whether the government will take their case to court.

The Department of Labor, where the vast majority of claims are referred, has taken years to resolve complaints. One case has even been open for 7 years. Federal employees seeking help waited an average of 8 months before their cases were referred to yet another agency—the Office of Special Counsel—for help. Nearly half of all veterans who sought help from the Department of Labor last year said that they were dissatisfied with the assistance they received.

Of the nearly 1,400 complaints the Department received in 2006, it referred only 24 cases—less than 2%—to other agencies for prosecution that year. As a result, the Attorney General filed only 4 federal cases on behalf of veterans in 2006, and the Office of Special Counsel litigated only a single case referred by the Department of Labor.

In a situation where tens of thousands of our veterans are having reemployment problems, these numbers are appalling.

Even worse, we've done little to help disabled veterans to meet the unique challenges they face. More than 28,000 soldiers have been wounded in action since 9/11, thousands of them seriously enough to need help to return to their former civilian jobs. Incredibly, the federal agencies tell us they don't even know what the scope of the problem is—because they don't follow disability cases in a uniform manner.

This gross abdication of responsibility to our veterans is unacceptable. These brave men and women have risked their lives to protect us—yet we are failing to protect them.

Today we will seek answers from the agencies about why more isn't being done. We also will hear from the Government Accountability Office, whose staff has produced several comprehensive reports about these problems, including two reports earlier this year. I look forward to hearing further about the in-depth work they have done.

We're also honored to have with us several veterans: Tammy Duckworth, Director of the Illinois Department of Veterans' Affairs and an Iraq War veteran; Retired Lieutenant Colonel Steve Duarte; and Lieutenant-General Dennis M. McCarthy, Executive Director of the Reserve Officers Association.

I know there are a number of men and women in the audience here who have served our country. We commend them for their service, and for their strong commitment to seek fairness for all veterans and servicemembers.

We know we can never truly repay our veterans for their immense sacrifices. They have fought hard overseas for our country, and it is up to us to fight just as hard for them when they return home to the heroes' welcome they so justly deserve.

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