

TESTIMONY
OF THE
NATIONAL GUARD ASSOCIATION OF THE UNITED STATES
Senate Committee on Veterans' Affairs
United States Senate
June 29, 2016

Dear Chairman Isakson and Ranking Member Blumenthal and other distinguished Senators of the Veterans Committee:

On behalf of the almost 45,000 members of the National Guard Association of the United States and the nearly 500,000 soldiers and airmen of the National Guard, we deeply appreciate this opportunity to share with you our thoughts on today's hearing topics for the record. We also thank you for the tireless oversight you have provided to ensure accountability and improve our nation's services to veterans and their families.

Today's slate of bills under consideration bears witness to the importance of continuing reforms that improve choice, access and standard of care to our nation's veteran population. In our testimony to the Committee in March, we have provided our views on some of these bills, so this testimony will focus on those bills that are specifically focused on veterans within the National Guard, as requested.

Since 9/11, National Guardsmen have mobilized roughly 780,000 times in support of the nation's national security objectives abroad, creating possibly the largest number of National Guard veterans since World War II.

The vast majority of these deployments involve members of the Guard who also have civilian or government employers making the Veterans' Reemployment Rights statute and the Uniformed Services Employment and Reemployment Rights Act of 1994 two of the most important laws protecting the National Guard members who step away from their jobs to serve their country. Under USERRA, all uniformed service members are protected within their civilian employment. Guard members may not be discriminated against because of their past, present or future service, including training or deployment. USERRA establishes a right to prompt reinstatement after service and ensures certain health care benefits during and after.

At NGAUS, we receive calls from our members asking about their civilian employment rights as well as from citizens considering enlisting in the National Guard. USERRA enforcement offices of the Department of Labor and the Office of Special Counsel receive tens of thousands of calls annually asking for assistance. The National Guard is also heavily reliant on Employer Support for the Guard and Reserve (ESGR), a Department of Defense program established in 1972 to promote cooperation and understanding between reserve-component service members and their civilian employers and to assist in the resolution of conflicts arising from an employee's military commitment. Many employers have rightfully received awards for their commitment to their National Guard employees, but there are still many instances where lack of understanding has caused problems.

We strongly support Senator Blumenthal's efforts under S. 3042, legislation that will clarify in law the procedural rights of Guard members within USERRA. Unfortunately, current USERRA language surrounding forced arbitration is not clear, and there are

conflicting court decisions that do not always protect Guard members' procedural rights. NGAUS asks you champion changes in law to clarify congressional intent, stop misinterpretations, protect our Guard members and grant them due process in these workplace circumstances.

NGAUS also strongly supports Senator Tester's bill, S. 832 to amend Title 10, United States Code, to authorize the provision of behavioral-health readiness services to certain members of the Selected Reserve of the Armed Forces based on need and to expand eligibility to such members for readjustment counseling from the Department of Veterans Affairs.

Guardsmen and Reservists struggle to access the same care as their active-component counterparts because they often live far from military installations. Additionally, outreach efforts to address mental-health conditions may not always reach those in need. The suicide rate for members of the National Guard and Reserve is consistently much higher than the rate for civilians and the rate for active-duty military as a result. Currently, members of the National Guard and Reserves undergo annual health assessments to identify medical issues that could impact their ability to deploy, but any follow-up care is often pursued at their own expense. Senator Tester's legislation would allow Guardsmen and Reservists to access Vet Centers for mental-health screening and counseling, employment assessments, education training, and other services to help them.

We strongly urge you to champion language that will address the military's highest suicide rates...those men and women in the National Guard who have never deployed, yet stand ready and trained to serve when called.

Although today this Committee is only considering part of Senator Tester's bill, NGAUS strongly supports the entire bill.

Thank you again, Chairman Isakson and Ranking Member Blumenthal, for allowing NGAUS to submit testimony for this hearing, and for your interest and commitment to the members of the National Guard.