

**LEGISLATIVE HEARING ON: H.R. 95, H.R. 444, H.R.
1718, AND VARIOUS DISCUSSION DRAFTS**

HEARING

BEFORE THE
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY
OF THE
COMMITTEE ON VETERANS' AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
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**LEGISLATIVE HEARING ON: H.R. 95, H.R. 444,
H.R. 1718, AND VARIOUS DISCUSSION DRAFTS**

Tuesday April 9, 2019

COMMITTEE ON VETERANS' AFFAIRS,
U. S. HOUSE OF REPRESENTATIVES,
Washington, D.C.

The Subcommittee met, pursuant to notice, at 10:00 a.m., in Room 1334, Longworth House Office Building, Hon. Mike Levin [Chairman of the Subcommittee] presiding.

Present: Representatives Levin, Rice, Pappas, Luria, Lee, Cunningham, Bilirakis, Banks, and Barr.

OPENING STATEMENT OF MIKE LEVIN, CHAIRMAN

Mr. LEVIN. Good morning. I call this legislative hearing to order.

Welcome to the Subcommittee on Economic Opportunity's first hearing of the 116th Congress. It is exciting to be with you. Before I touch on the legislative business before us today, I would like to take a moment to speak about the work our Subcommittee will be addressing this Congress.

I represent the 49th Congressional District of California. As many of you know, my district and Southern California as a whole is ground zero for many of the national issues facing our veterans; that is why I am thankful for the trust my colleagues have placed in me to serve as chair. This Subcommittee plans to address issues like veterans' homelessness, predatory educational institutions, and ensuring that our veterans successfully transition from the military to careers that take advantage of their unique and valuable skill sets.

That last point is of particular importance to me. We must be sure that our veterans aren't just getting a piece of paper, but a real plan of transition to civilian life.

There are over 46,000 veterans in the district I represent, veterans that depend on the services they earned in proud service to our country. Chair Takano has given our Committee a great goal with his VA 2030 vision, and it will be the duty of this Subcommittee to identify and carry out the objectives within our jurisdiction. I plan to make this Subcommittee a bipartisan and collaborative body, and I encourage my colleagues on both sides of the aisle to share with me their thoughts and concerns. That brings me to the work before us today.

Today, we are holding the first legislative hearing for the House Committee on Veterans' Affairs in the 116th Congress. We will consider 16 pieces of legislation, including a discussion draft of my legislation, the Navy SEAL Chief Petty Officer William "Bill" Mulder

Transition Improvement Act. I look forward to introducing this bill with my colleague from Texas, Mr. Arrington, who was a friend of Mr. Mulder's and represents his home district.

This bipartisan legislation will modernize how we assist servicemen and women as they transition to civilian life by placing a focus on what a career really means. The bill will better allow the Department of Labor and the VA to track veteran employment, evaluate the effectiveness of the Transition Assistance Program, and set up a pilot program to create up to five new job training locations that will be independent from traditional military installations. These new sites will test the viability of giving servicemen and women the ability to train for jobs in new settings that better reflect the challenges they may face in civilian life.

I also am pleased to serve as cosponsor on six other pieces of legislation being considered today, including the VET OPP Act. This legislation will elevate veterans' education, job training, and transition assistance programs by creating a new Economic Opportunity and Transition Administration at the VA.

Two of today's bills address the HUD-VASH program, which is crucial for housing veterans across the country, including those in San Diego, a city that ranks fourth nationwide in homeless residents. The Homes for Our Heroes Act will require transparency in the allocation of HUD-VASH vouchers and case management services, as well as direct the VA to complete a study identifying best practices for the program in high-cost areas. And the Veterans' House Act will expand voucher eligibility to veterans that were discharged under other than honorable conditions or served less than 24 months.

Given that the issue of veteran homelessness is especially severe in Southern California, I am pleased to collaborate with another member from the San Diego delegation, my friend Mr. Peters, on both of these bills.

I am proud of the work we are doing here today, and I am especially proud of the way we are doing it, in a bipartisan manner.

And, in closing, I would like to thank our witnesses for appearing and I look forward to your testimony.

Mr. LEVIN. With that, I would like to recognize my friend Ranking Member Bilirakis for 5 minutes for any opening remarks that he may wish to make.

OPENING STATEMENT OF GUS M. BILIRAKIS, RANKING MEMBER

Mr. BILIRAKIS. Thank you, Mr. Chairman. Thank you so very much.

Again, before I begin my comments on the bills before us today, I want to welcome you, Mr. Chairman, and the new Members to this Subcommittee. It is my honor to serve as the Ranking Member and I look forward to working with you, all the Members to continue this Subcommittee's strong record, as you said, of bipartisan accomplishment for veterans, and this Committee, the Full Committee as well have been extremely bipartisan and that is why we are getting things done for our heroes. So I appreciate it very much. I know you are going to do a great job; I look forward to working with you.

Mr. Chairman, it has been a pleasure, again, to get to know you since the Congress began, and it is clear to me that you understand what it means to serve on this Committee, a very important Committee. I look forward to working together to improve economic opportunities for our veterans.

I also want to thank all the witnesses for joining us here today to discuss these pieces of legislation pending before the Subcommittee with the intention of benefitting the lives of our servicemembers, our veterans, and their families.

The bills brought forth by our colleagues today would improve the service and economic opportunities for our veterans, and also would make changes to the GI Bill to expand benefits and close a loophole related to flight training. It also would strengthen the work we did last Congress to improve the Transition Assistance Program; also would make necessary reforms to the Vocational Rehabilitation and Employment Program; and many other worthwhile policy changes.

I am interested in hearing from our witnesses about their own views on the legislation before us, but I wanted to briefly discuss the bill on the agenda that I am going to introduce with Chairman Levin. My bill, the Fry Scholarship Improvement Act, would expand eligibility for the Fry Scholarship to certain survivors of members of the National Guard and Reserve. The Fry Scholarship provides post-9/11 GI Bill benefits to surviving spouses and dependent children of servicemembers who have died while on Active duty.

While this benefit has provided millions of dollars to eligible survivors, I am concerned that certain current eligibility rules have left out deserving survivors from the Guard and Reserve component.

To address this issue, my bill will expand eligibility for the Fry Scholarship to survivors of servicemembers who are serving in the National Guard and Reserve and who die of a service-connected injury, but whose death did not occur while they were on Active duty orders.

On our panel today, we will hear from Ms. Haycock—welcome—with TAPS about several tragic situations where a member of the National Guard or Reserve's death was determined to be service-connected, but their survivors were ineligible for the Fry Scholarship because they were not on Active duty orders when they died, and this is an injustice we are going to correct.

In one case, if the servicemember's death had occurred even just a few hours sooner, the survivors would have been eligible for the generous Fry Scholarship. We should not let a few hours, and some would say chance determine eligibility for this great benefit. If a death is service-connected and the servicemember is still serving our country in the Guard or Reserve, then I believe their family should be covered, and the Chairman agrees with me. I appreciate TAPS bringing this inequity to my attention and am proud to work with the Chairman on this legislation, and the entire Committee.

I know that VA has some technical questions with how the bill is drafted and I pledge to address those issues as we move forward.

I would also like to express my support for H.R. 2045, VET OPP Act, which would create a new fourth administration at VA. We

saw all too well the impact the difficulties with the implementation of the Forever GI Bill had on student veterans last fall. From this experience, it is clear now more than ever before that more focus on programs that promote economic opportunities are needed.

I applaud our colleague Dr. Wenstrup and the Chairman for introducing this bill, and it has my full support.

I am also supportive of draft bills on today's agenda that would make changes to in-state tuition rules for veterans, also would ensure the STEM scholarship program in the Forever GI Bill can be used by student veterans, and would close a loophole related to GI Bill tuition and fee payments for flight training at schools, public schools.

Again, these bills have a real impact on our veterans, and we have had a real success rate, Mr. Chairman, over the last few years working in a bipartisan manner, and get these bills through and signed by the President as soon as possible. So I look forward to discussing all of the bills before us today and to hearing from distinguished witnesses.

With that, thank you, Mr. Chairman. I yield back the balance of my time, if I have any. Thank you.

Mr. LEVIN. Thank you, Mr. Ranking Member. I am really excited to work with you in that spirit of bipartisan collaboration and I think we are going to get a lot done.

Mr. BILIRAKIS. Thank you.

Mr. LEVIN. We have a really great panel joining us today and I would like to just briefly introduce all of you, and I will go from one end to the other.

I see Ms. Rebecca Burgess, Program Manager at the American Enterprise Institute. Thanks for being with us.

Under Secretary Margarita Devlin, the Principal Deputy Under Secretary for Benefits at the U.S. Department of Veterans Affairs. There you are—oops, I got you out of order.

Ms. Ashlynn Haycock, Deputy Policy Director for TAPS, the Tragedy Assistance Program for Survivors. Thank you so much for being here.

Mr. Patrick Murray, who is here as the Executive Director of the Veterans of Foreign Wars. Hello, Patrick.

Mr. John Kamin, Executive Director at The American Legion.

I am grateful to all five of you for being here this morning.

And with that I now recognize our Under Secretary, Margarita Devlin, for 5 minutes.

STATEMENT OF MARGARITA DEVLIN

Ms. DEVLIN. Good morning, Chairman, Mr. Ranking Member, and distinguished Members of the Subcommittee. I am pleased to be here today to provide views for the Department of Veterans Affairs on pending legislation impacting programs at the Veterans Benefits Administration, or VBA.

Also on today's agenda are bills impacting the Veterans Health Administration; any questions related to those bills I will take for the record.

Since I am limited to 5 minutes for this statement, I will provide a high-level overview of VBA's bills, which I am happy to discuss in greater detail during the question-and-answer.

VBA's Office of Transition and Economic Development, or TED, is the business line and side of VBA responsible for administering VA's Interagency Transition Assistance Program, the VA portion, or TAP. TED is embarking on a cohort-based study to gain information and insights on the outcomes of TAP; in fact, the survey was just approved by OMB last week. We believe this study will meet the intent of two of the sections of the bill.

We do support the provision which will allow us to access the National Directory of New Hires to help VA understand and better track employment outcomes for veterans. And we appreciate, as always, the Subcommittee's interest in easing the transition from military to civilian status.

VBA's Vocational Rehabilitation and Employment Program, or VR&E, works with veterans with service-connected disabilities and an employment handicap to help them obtain and maintain suitable employment.

Two of the draft bills would impact the VR&E Program; one provides child care assistance to veteran participants, which is a benefit that VVR&E already provides through existing regulatory authority; the other bill removes the program's 12-year eligibility period. In 2017, the passage of the Forever GI Bill made a similar change to the Post-9/11 GI Bill, removing the eligibility period for veterans discharged or released from Active duty on or after January 1st, 2013.

While VA supports the intent of the draft VR&E bill, we suggest the bill incorporate the January 1st, 2013 discharge or release date to create parity between the VR&E and Post- 9/11 GI Bill programs.

Five draft bills on today's agenda impact our education program, including improvements for flight training programs and the STEM Scholarship program; expanded eligibility for the Fry Scholarship; expanded ability for tuition and fee charges to be equivalent to those for residents of each state; and clarification regarding transfer of entitlement of Post-9/11 GI Bill benefits to children.

VA supports the intent of these bills, but we do have some technical concerns and want to ensure the text is written to capture the improvements Congress intended. For example, the flight training bill removes the requirement to meet, on the day flight training begins, the medical requirements necessary for a commercial pilot certificate.

Our partners at the Veterans Service Organizations have raised concerns to us that meeting the medical requirements prior to entering the program is a barrier to entry; however, VA sees this as in the best interests of veteran outcomes, because it supports the veteran pursuing degrees, they will be able to use in the workforce. If a veteran were to begin or complete a flight training program and then not pass the medical exam necessary for a commercial pilot certificate, the veteran would be unable to work as a commercial pilot, thereby having used their benefits for a purpose that doesn't lead to employment. If the medical exam remains required prior to program approval, the veteran would not be subjected to this unfortunate outcome.

We look forward to continuing to work with our VSO partners and the Subcommittee to ensure that this draft bill and others im-

pecting education benefits are producing positive outcomes for veterans and their families.

VBA's loan guaranty program would be impacted by two bills on the agenda. VA does not oppose the bill that clarifies seasoning requirements for the refinanced homes, as this is a straightforward technical fix. The bill containing the provision to remove the effective loan limits on VA- guaranteed loans is more complex and I can discuss this in greater detail, although ultimately, given the uncertainty of the budgetary impacts, VA cannot support this section of the legislation at this time. However, the other sections the VA does not oppose; one aligns the current loan limit for Native Americans direct loans with the VA Guaranteed Loan Program, the other waives funding fees for members of the Armed Forces serving on Active duty who were awarded the Purple Heart.

The last bill, the VET OPP Act, would establish a separate administration responsible for VR&E, education, home loans, TAP, and verification of small businesses owned and operated by veterans. VA does appreciate the Committee's focus on improving services and benefits offered by these programs, but we do not support this bill.

In 2018, VBA completed organizational restructuring by delayering oversight offices and concentrating resources on veteran-facing positions. Additionally, with the creation of TED, we prioritized transition services not just operationally, but also in our budget. The current structure generates efficiencies from close collaboration between VBA program offices and appropriately reflects the Under Secretary's overall responsibility for veteran benefit programs.

Thank you, Mr. Chairman, Mr. Ranking Member, for the opportunity to present our views on these bills. This concludes my testimony and I look forward to answering any of your questions.

[THE PREPARED STATEMENT OF MARGARITA DEVLIN APPEARS IN THE APPENDIX]

Mr. LEVIN. Thank you, Under Secretary Devlin, and perfect timing.

Without objection, to the extent that any of the witnesses' full testimony is not given, we will add their statements to the record.

With that, I now recognize Ms. Haycock for 5 minutes.

STATEMENT OF ASHLYNNE HAYCOCK

Ms. HAYCOCK. Chairman Levin, Ranking Member Bilirakis, and distinguished Committee Members, thank you for the opportunity to speak on behalf of the 85,000 surviving families of our Nation's heroes that TAPS represents.

I am the surviving daughter of Army Sergeant First Class Jeffrey Haycock, who died in the line of duty in 2002, and Air Force Veteran Nicole Haycock, who died by suicide in 2011. In 2010, I was one of the very first recipients of the Marine Gunnery Sergeant John Fry Scholarship and for that opportunity I am incredibly grateful to this Committee.

TAPS would like to thank the Committee for all of the provision in the Harry W. Colmery Veterans Education Assistance Act of 2017 that assisted our surviving families, such as Yellow Ribbon

for Fry Scholarship recipients, the removal of the delimiting date for Fry eligible spouses, and an increase in Chapter 35 benefits.

This year, though, we are excited to see one of our long-term priorities before this Committee, providing parity for surviving children and spouses of those whose loved ones while serving in the Guard and Reserve. Their service and sacrifice are no different than those who died while on Active duty and, while almost all other benefits are equal for those survivors, the education benefits are not. It is time to make sure those survivors have the same access to the Fry Scholarship as their Active duty counterparts. TAPS estimate between 1,000 and 1,500 surviving spouses and children will benefit from these changes.

Some of the stories TAPS has heard are absolutely heart-breaking, such as the story of First Sergeant John DuPont, who served his country honorably for over 30 years, starting in the Marine Corps and then the Army National Guard. During his National Guard service, he was deployed multiple times. Upon his return, he continued with the National Guard, and lost his battle with PTSD and completed suicide in 2011. He had just returned home from his drill weekend only hours before, where he learned he was deploying again in a few months' time. Had he died a few hours earlier, his children would have been eligible for the Fry Scholarship, but because he made it all the way home, he is not considered Active duty for Fry Scholarship eligibility.

Then there is the story of Sergeant Anthony Tipps, who was a member of the Texas National Guard. Sergeant Tipps was activated in 2009 and had to leave his career for a deployment to Iraq. When he returned a year later, his career was no longer waiting for him. He died by suicide less than three months after returning from Iraq and, because of his duty status at the time, his daughter Brittany is not eligible for the Fry Scholarship even though his death was service-connected.

Finally, you have the story of Colonel David McCracken, who served honorably in the Army and Army Reserves for over 20 years. During his military career, he was deployed multiple times. During his last tour, he was activated as a Reservist, where he developed headaches. Upon return from his deployment, he was diagnosed with brain cancer, which was found to be service-connected because of the link to burn pits in Iraq. He was not on Active duty orders, nor training at the time of his death due to his illness, so his children are not eligible for the Fry Scholarship.

These are just three of the stories TAPS has heard with families who do not have eligibility for Fry Scholarship due to duty status at the exact moment of death. In the case of First Sergeant DuPont, literally hours differentiate what benefits his children receive. The families have no say in the duty status of the servicemember; therefore, they should not be treated differently.

Six months ago, I spoke with former Congressman Chet Edwards, who wrote and introduced the original Fry Scholarship in 2009. When I told him of this issue, he was stunned, because his original intent was to include all of these families and he had no idea that these families were being excluded. He has offered his support in fixing this as well.

While access to the Fry Scholarship for Guard and Reserve survivors is our largest priority in this hearing, we would also like to express our support for the creation of a fourth administration under the Department of Veterans Affairs. After the complicated implementation of the Forever GI Bill, we see this as a much-needed change in order to prioritize education benefits in the VA.

We would also like to make a recommendation to include Chapter 35 recipients in the in-state tuition bill. Chapter 35 recipients are often forgotten from legislation and, even with the \$200 increase provided by the Forever GI Bill, it is still not even comparable with the Montgomery GI Bill. If we are going to do in-state tuition across the board, let's make sure we include those whose benefits are not enough to cover tuition at a state school, let alone out-of-state tuition. Since the financial burden for in-state tuition falls on the states, we see this as an easy fix.

Thank you for the opportunity to testify today and I look forward to answering any questions you may have.

[THE PREPARED STATEMENT OF ASHLYNNE HAYCOCK APPEARS IN THE APPENDIX]

Mr. LEVIN. Thank you for your testimony, Ms. Haycock. I now recognize Mr. Murray for 5 minutes.

STATEMENT OF PATRICK MURRAY

Mr. MURRAY. Chairman Levin, Ranking Member Bilirakis, Members of the Subcommittee, on behalf of the men and women of the Veterans of Foreign Wars of the United States and its Auxiliary, thank you for the opportunity to present our views on legislation being considered today.

For far too many years, homeless veterans have been a regular sight on our Nation's streets. Ending veteran homelessness is an attainable goal and some of these bills will go a long way in doing just that.

Veterans with dependent children face diverse burdens with access to homeless benefits. Providing child care for homeless veterans so they can seek care and services while at VA is an incredibly powerful tool to help these veterans in need. And providing additional per diem for the children of homeless veterans in the Grant and Per Diem Program would expand housing options for these veterans.

The HUD-VA Supporting Housing Program is another critical benefit for veterans facing homelessness. While we see the great value in this program, we would like to see the benefit enhanced, so that veterans can be sure they will be housed in safe and secure areas. Additionally, we agree that HUD-VASH eligibility should be expanded to veterans with other than honorable discharges. Veterans with OTH discharge are at a higher risk of dying by suicide and experience higher rates for homelessness than those who receive an honorable discharge. The VFW supports this provision, which would rightfully ensure OTH veterans have access to the HUD-VASH Program.

One key area of improvement that could affect servicemember is transition; it is the linchpin that could prevent negative outcomes such as unemployment, homelessness, and veterans with mental

health conditions having to cope without proper treatment. Transition is an example of where veteran groups are the subject matter experts more so than anybody else.

Every single servicemember has to transition at some point, so it is a shared experience that we have all gone through. We are the military alumni and we think of our collective experience and feedback as invaluable when making reforms to the transition process. The VFW offers claims assistance to transitioning servicemembers as they prepare to move into civilian life.

Since 2015, our Benefits Delivery at Discharge Service, or BDD, has worked with men and women transitioning out to make sure they are well prepared for civilian life. Each servicemember who goes to our offices is asked to complete a survey on their entire transition experience. We have thousands of responses and a phrase I have seen repeated over and over is “drinking from a fire hose.” Veterans have also stated in surveys numerous times they wish they could go back and revisit the TAP class over again. This is why VFW has called for the reintroduction of the Off-Base TAP Pilot Program, in order to provide centralized TAP-style classes to veterans after they separate into civilian life.

We also think that formally adding to the curriculum groups that specialize in community networking is a valuable tool to enhance TAP. Connecting servicemembers to resources in the communities where they are relocating to is an important step that should happen during the TAP classes. Providing these connections to organizations that offer employment training, educational information, financial or legal assistance, is beneficial in a seamless transition and must be part of the formal TAP class, so servicemembers can begin to make these connections before they separate and not afterwards.

Lastly, I would like to speak about our support for the fourth administration within VA. Currently, the Economic Opportunity programs are contained within the Veteran Benefits Administration. Compensation, being the largest program, dominates a significant amount of attention within VBA and it makes it difficult for EO programs to get adequate attention, specialized resources, and other prioritization. For example, when the VBA has been focused on the modernization and streamlining of the claims and appeals process, we feel other important programs such as VETERANS AFFAIRS&E have seen a stagnation of resources and oversight.

This Nation should have as much focus on the economic opportunities of our veterans as it does their health and benefits. The vast majority of veterans are looking for gainful employment and/or education, and we feel that Congress should recognize the value of these programs by separating them into their own administration, focused solely on their utilization and improvement.

The VFW supports this proposal to separate from VBA all programs currently under the EO jurisdiction, create a fourth admin within VA with its own Under Secretary whose sole responsibility is EO programs. This new Under Secretary for EO would refocus resources, provide a champion for these programs, and provide a central point of contact for VSOs, other Federal departments, and Congress.

Mr. Chairman, this concludes my testimony. Again, the VFW thanks you and the Ranking Member for the opportunity to testify on these important issues before the Subcommittee, and I am prepared to take any questions you might have.

[THE PREPARED STATEMENT OF PATRICK MURRAY APPEARS IN THE APPENDIX]

Mr. LEVIN. Thank you, Mr. Murray, for your testimony. I now recognize Mr. Kamin for 5 minutes.

STATEMENT OF JOHN KAMIN

Mr. KAMIN. Chairman Levin, Ranking Member Bilirakis, and distinguished Members of the Subcommittee, on behalf of National Commander Brett P. Reistad and the nearly two million members of The American Legion, we thank you for the opportunity to testify in the Subcommittee's first hearing of the 116th session of Congress.

The 115th Congress was very productive in passing veterans legislation, and the Subcommittee on Economic Opportunity made their mark in history by shepherding in the Harry W. Colmery Veterans Education Assistance Act. Former Subcommittee Chairman Jody Arrington and Ranking Member Beto O'Rourke presented a rock-solid team that cut through political lines. With Dr. Phil Roe and Mark Takano overseeing the Committee, we have come to expect nothing less. Mr. Chairman, we welcome your leadership in this island of bipartisanship. And, Ranking Member Bilirakis, we are so happy for your steadfast support and leadership.

Due to the allotted time available, I will limit my remarks to the discussion drafts on Justice for Servicemembers Act, Transition Improvement Act, and conclude with saved rounds on the GI Bill.

The Justice for Servicemembers Act is a bill that strengthens the Uniformed Service Employment and Reemployment Rights Act by deeming forced arbitration motions unenforceable for the purpose of wrongful termination complaints. Employment law is complex, but the case of Marine Corps Colonel Michael T. Garrett simplifies this. With an Active duty mobilization pending, Colonel Garrett's employer allegedly terminated his employment to avoid the inconvenience of having to replace him temporarily. In accordance with Section 4323 and enforcement rights with respect to a private employer, Colonel Garrett filed a USERRA violation in District Court. His employer filed a motion to compel forced arbitration. After much dispute, the U.S. Court of Appeals for the Fifth Circuit ruled that USERRA is not a clear expression of congressional intent concerning the arbitration of servicemembers' employment disputes; thus, the Garrett precedent was established on USERRA violations, and hence we ask for your support on the Justice for Servicemembers Act.

I would be remiss not to inform you of a sobering reality. This same language as this Justice for Servicemembers has been introduced in no less than six sessions of Congress dating back to 2008, all without passage. Let's not wait another session.

The next bill we would like to discuss is the Navy SEAL Chief Petty Officer William Mulder Transition Improvement Act. This bill marks a strong improvement of TAP, the largest reorganization

of which since 2011. Notable is its authorization of a 5-year pilot program that would provide matching grant funds to community providers that offer wraparound transition services to veterans and servicemembers.

The necessity for this provision is consistent with a key discovery from our Employment Innovation Task Force, which conducted a survey of 550 exiting Active duty servicemembers over the summer of 2018. When asked about if TAP helped me identify community resources for ongoing support beyond transition, only 16 percent agreed or strongly disagreed; this is a wake-up call.

Additionally, we are pleased to see that language from last sessions H.R. 4835 has been included in this bill. In 2012, The American Legion helped to push the Off-Base Transition Training Pilot Program that would extend the TAP programs to veterans and their spouses in a community-based setting. Overall course ratings by participants were high; however, the pilot program expired in January 2015 and we look forward to see it relaunched.

Finally, The American Legion supports all seven bills on the docket today concerning the Post-9/11 GI Bill and Vocational Rehabilitation and Employment Program, but we implore the Subcommittee to understand that the complications with implementation of the Forever GI Bill are not of the past, they are of the here and now.

In 2018, the VA faithfully attempted to meet the Forever GI Bill deadlines. Congress and VSOs attempted to provide sound oversight and support to ensure this outcome, but we failed, and thousands of veterans paid the price in delayed GI Bill payments this past fall semester.

In November, Secretary Wilkie officially named Under Secretary for Benefits Dr. Paul R. Lawrence as the official responsible for implementing the Forever GI Bill, and we are encouraged by improved outreach and communication on GI Bill implementation, but it is incumbent upon all of us to take ownership in this success and support Dr. Lawrence in this endeavor, because we have lost the right to disbelief in the event of another GI Bill backlog. Oversight and support must be in realtime and practical no matter the challenge. That means being transparent about complications and forthright on changes, open to school inputs and adaptive to recommendations; this starts with trust. The American Legion for one will not abide the implementation of the bill which bears our past National Commander's name to be synonymous with VA failure. The new deadline for implementation is December 2019, let's get to work.

The Legion appreciates the opportunity to comment on the bills being considered by the Subcommittee, and I would be happy to answer any questions you might have.

Thank you.

[THE PREPARED STATEMENT OF JOHN KAMIN APPEARS IN THE APPENDIX]

Mr. LEVIN. Thank you for your testimony, Mr. Kamin. Finally, I now recognize Ms. Burgess for 5 minutes.

STATEMENT OF REBECCA BURGESS

Ms. BURGESS, Chairman Levin, Ranking Member Bilirakis, and distinguished Members of the Subcommittee, thank you for the opportunity to appear here today. It is an honor.

Caring for veterans' well-being has been the genuine concern following every armed conflict in the United States; recognizing how the Nation ought to deliver that care has simultaneously been its most consistent challenge.

American's veterans face three significant challenges in their post-service transition: procuring employment, accessing the education or training associated with civilian occupations, and overcoming the broken veteran narrative.

Veterans' transition stress is often mischaracterized as a grave mental health disorder, feeding the broken veteran narrative. Legislation geared only towards veterans' suicide unconsciously perpetuates this image with the best intentions. But reformulating veteran legislation in the positive language of economic opportunity emphasizes post-service growth in a whole-of-health model. Congress can instigate this through creating a fourth Veterans Economic Opportunity Administration with a dedicated Under Secretary, as highlighted by the VET OPP. This would benefit veterans, but also the VA, Congress, and the American taxpayer.

At the American Enterprise Institute, we work to present solutions with teeth in them to improve the lives of flesh-and-blood human beings. Here is what we see: the American public respects the military and those who serve in the aggregate, but they don't know anything about them. They call veterans heroes, but believe they are broken. Even the best-intentioned employers and educators labor under the false impression that veterans are not experienced and educated candidates, that veterans do not pursue a college degree or vocational training, or that veterans don't have successful careers after the military.

VA remains the Nation's most prominent recognition of military service, and the millions who qualify for VA health or other benefits drive the public narrative about former soldiers. That dynamic translates to the public assuming that VA serves any veteran and that every veteran is in need of those services. Over time, this has adversely constructed a veteran-as-deficit model that is particularly damaging to veterans themselves.

For over a century, VA has delivered financial benefits or pensions to veterans calculated from the premise that the injured veteran will never enter the economy again. Despite broad innovations that have shifted our economy from an industrial age to an information age model, VA continues to think in industrial age terms about especially injured and disabled veterans. As society enlarges its definition of disability, VA has grown haphazardly to be the second-largest Federal agency with VBA making VA's largest financial outlays.

The increase of high disability awardees seems entirely warranted, but the current disability schedule is also problematic, as it appears to disincentive veterans from entering the workforce or engaging in society. The levels of veterans' sense of social isolation, not to mention rates of suicide, are unacceptable outcomes for this policy model. VA's failure to measure its program outcomes ham-

strings its ability to service veterans. As recent congressional hearings over VA's bungled implementation for just the GI Bill shows, it directly hurts veterans, and contributes to young men and women deciding against joining the military and against being under the VA's care in the future.

This is a terribly worrisome cycle, but we have a historic opportunity to harness the power of congressional legislation to reshape the veteran narrative. By rethinking the ability VA has to be an active partner with Congress, and understanding veterans as investments to be leveraged towards greater individual growth with positive societal impact, the proposed VET OPP Act champions the veterans-as-asset model. The VET OPP Act champions the pathway to success for post-service veterans, because VA's suite of educational assistance, VETERANS AFFAIRS&E, and career counseling programs make accessible the tools veterans need to progress from war to work, but these are currently pushed toward the bottom of the program pyramid within VBA.

With VBA's energies continually directed towards its backlog of hundreds of thousands of disability claims, its institutional resources are concentrated on the disability system to the neglect of its education and economic programs. Two small examples. In only 10 years, VA has failed five times to implement the GI Bill; second, if you visit VA's Office of Employment and Economic Impact Web site within VBA, it tells you it is no longer available.

This systemic reason is why we consistently see VA's failure to implement congressionally-mandated programs, no matter who sits in the White House. Coincidentally, a majority of veterans' report that their top challenge in transitioning to civilian life is navigating VA's administrations and benefits.

In the 21st century information age, education is key to employment, and employment is the door to a successful transition to civilian life. Education and employment combined give veterans the crucial tools to reforge civilian identities. The psychic rewards of work, productivity, and a career cannot be underestimated, which is corroborated by the true veteran narrative. Veterans, it turns out, are immensely successful. Empirical data shore that up by showing how veterans with increased level of education are wealthier, healthier, and more civically engaged than even their civilian peers. This is the veteran narrative that should predominate and the VET OPP Act can trigger this shift.

VA's economic opportunity programs are truly different in kind from the other operations VBA manages. Separating out management of these programs honors that difference and creates greater accountability, attention, and leadership over what could be the Nation's most important instrument in partnering with veterans in their civilian success. An outdated agency model shouldn't be allowed to prevent veterans from investing their talent and ability in the American economy. This matters. Veterans are the unacknowledged permanent ambassadors of military service; they are assets.

Thank you.

[THE PREPARED STATEMENT OF REBECCA BURGESS APPEARS IN THE APPENDIX]

Mr. LEVIN. Thank you, Ms. Burgess. I appreciate your testimony this morning.

With that, we will begin the question portion of the hearing, and I recognize myself for 5 minutes.

Mr. Murray, Mr. Kamin, and Ms. Burgess, questions generally directed at any of the three of you. I appreciated hearing today's testimony on the VET OPP Act, and I am proud to be the Democratic lead of this Congress, picking up the torch from Chair Takano.

I think it is clear that economic opportunity-related business lines need an advocate at the Under Secretary level to push forward decisions, funding, and IT system modernization. However, I also believe we shouldn't rush into massive change without proper planning. I want to understand how VA will divide up personnel and office space should this bill become law; change personnel structure; and ensure IT systems are modernized and continue to communicate across agencies.

So, Mr. Murray, Mr. Kamin, and Ms. Burgess, what are some of the top issues you believe VA should be reporting its plan for should it be directed to create a fourth administration?

Mr. MURRAY. Thank you, Mr. Chairman. We feel that it is not going to be an over-bureaucracy issue. There are already people that cover these issues, we are just going to separate them out into a different authority. There will probably be some additional personnel needed, but this isn't going to become some burdensome, you know, new buildings, hundreds, thousands new employees, things like that. They are already doing the work, it is just they are not represented with a seat at the table as much as we feel they should be.

Mr. LEVIN. Mr. Kamin or Ms. Burgess?

Mr. KAMIN. Yes, I would just first like to go on the record as saying The American Legion is studying this issue very closely and we currently don't have a position on it. That being said, we share the Chairman's foresight that this shouldn't be done in haste, that whatever decision is made is done with careful planning, and we know with implementation of the Forever GI Bill that that is the foremost challenge.

That being said, the VET OPP's implementation date, I believe, is October 2020 for that fiscal year, so we don't see any incongruence there that would hamper that implementation. But, again, The American Legion is still studying the issue.

Ms. BURGESS. And I would say that our interest in this is not to grow bureaucracy, it is to streamline really how to deliver the benefits, and that is what the point of this is. And we also are studying VA as a whole to see where program overlap happens and where we can actually simplifying and take these out.

Thank you.

Mr. LEVIN. I would like to, if I might, switch gears and talk for a minute about the Bill Mulder Transition Improvement Act. To the entire panel, I appreciate the support you have offered for this legislation. Transition is clearly a priority for everyone on the Subcommittee and this bill is the start of our work this Congress, but the issue is something we are going to continue to work on. As I mentioned earlier, the bill would create a pilot program to establish

sites where veterans and spouses might access transition training at locations other than military installations.

My question is open to the entire panel. Could you explain the importance of an off-base transition program or transition programs to reaching veterans who have already separated from the military? A question for any of you.

Mr. MURRAY. Mr. Chairman, it is something that we hear time and time again that folks while they were still wearing the uniform maybe didn't recognize the value of the TAP class. Like I said, drinking from a fire hose, it was just too much to take for one week. Once they take off the uniform and they are back in their community, they recognize the issues that are facing them that they might not have known at the time while they were still in service.

Having a centralized place where the Department of Labor, VA, SBA, can come and give them, you know, a one-stop-shop class is important. Once they take off the uniform, then they recognize the challenges that they might not have known, you know, 3 months ago, a year ago, whatever it might be.

Mr. LEVIN. Anybody else care to comment?

Ms. BURGESS. Mr. Chairman, research shows that consistently pre-leaving the service veterans don't think that they will need soft skills, but immediately afterwards both employers and veterans recognize that they need soft communication skills especially, and therefore they need some type of a better transition.

Mr. LEVIN. I would also ask, what do you think our next steps should be? Specifically, what part of transition needs the most attention and should be addressed as part of this bill, or the next transition-focused legislation that our Subcommittee should take up?

Again, open to anyone.

Ms. DEVLIN. Thank you for the question. I would suggest that our study that we are about to embark on will give us a lot of information about how veterans feel about the transition program.

One of the challenges we typically face with questions such as these is, we rely on our own judgment and experience, I think we should rely on the experiences of those veterans who have recently transitioned. The study we will be undertaking will ask veterans, will survey veterans at 6 months post-transition, 1-year post-transition, and 3 years post-transition; it will be a cohort-based study for 5 years.

Why is this important? Because when I went out to military bases and I talked to servicemembers who were about to transition, they had no idea what they were about to embark on. You can train them all you want, you can teach them about their benefits, but it is not until the reality hits and they are on the other side of the DD-214 that it really sinks in, and that is when they realize what they really need. This survey will help us understand what those experiences are post-transition, so that we can then go back and make assessments about how to improve the Transition Assistance Program.

Mr. LEVIN. Thank you, Under Secretary.

With that, I would now like to recognize Ranking Member Bili-rakis for 5 minutes.

Mr. BILIRAKIS. Thank you, Mr. Chairman, I appreciate it very much. Good questions, by the way.

Ms. Devlin, last year we saw how the Voc Rehab Program and the implementation of its new case management study did not have the proper oversight in its execution, and saw with the implementation of the Forever GI Bill that additional oversight was clearly needed.

Regarding the Department's position on the fourth administration bill, can you please go into greater detail about how added oversight over these important economic programs is unnecessary?

Ms. DEVLIN. Thank you for the question, I am happy to address it. Up until recently, up until our restructuring, we did have additional oversight over those programs with the Deputy Under Secretary for Economic Opportunity. What we did in fact was eliminate those layers of bureaucracy.

And somebody mentioned having a seat at the table. Whereas in the past we might have had two Deputy Under Secretaries with a seat at the table for their respective programs, every program executive director, including the Acting Executive Director for Education Service, the Director for Voc Rehab, the Director for our loan guaranty, these programs that we are talking about, they have a seat at the table with the Under Secretary, with myself as the Principal Deputy Under Secretary.

When Dr. Lawrence and I entered into these roles that we have now in May one of the first priorities we knew we had to face was the issues with Colmery. We immediately began weekly meetings on Colmery Act implementation, which is why we were able to detect the issues and concerns when we did, and elevate those concerns to the Secretary, so that the Secretary could take action, which he did.

The other issue we knew was important is we watched the hearing with the then Executive Director of Voc Rehab and understood the issues with the case management system and the staffing issues in VR&E, and we came to realize that the VBA had never acted on the legislation from 2016 to increase the hiring of Voc Rehab counselors to get to a 1-to-125 ratio. That was immediate action taken on the part of our leadership and that was immediate action taken because all those executive directors had a seat at the table.

The other thing I just would like to point out is that the interconnectivity between all of the VBA programs, it is like vital organs that are connected, and when you go to separate them you can't see it as just taking a basket of benefits and distributing it now across two baskets; they are interconnected. When we talk about survivor issues, there are parts of the disability compensation system and parts of the education system that have to interplay.

The chain of command in a regional office is one chain of command under one director. These division-level managers work together to resolve issues together, they have synergies among each other, that would be taken apart with the separation of the programs.

And the last point I will make is that the 1-year implementation is too tight. Creating this—taking this action will create a huge

distraction away from implementation of things like Colmery Act and other transformations that we have underway in VR&E, and other programs in the economic opportunity suite.

Mr. BILIRAKIS. Okay. Is there anybody on the panel that has an opposing view that would like to comment on Ms. Devlin's remarks?

Ms. BURGESS. Mr. Ranking Member, I would say that the American public believes that the core function of Congress' oversight and, from that perspective, is there ever too much of its core function that it can do.

Thank you.

Mr. BILIRAKIS. Okay. All right, why don't I go ahead and ask my—well, we don't have a lot of time. I will get—is one more question—

Mr. LEVIN. Yes.

Mr. BILIRAKIS. Okay, I appreciate it. Mr. Kamin and Mr. Murray, please share with us why it is important that we improve a servicemember's transition from Active duty to civilian life, and how the draft TAP bill proposes key changes that will positively impact overall outcomes for individuals separating from the military?

Again, just basically following up on the Chairman's questions. These are really important bills today that we are hearing about. Go ahead.

Mr. KAMIN. Thank you, sir. And we agree that this is an important issue in terms of how we can update and elevate TAP, and I would say two things on this.

Number one, we have talked a little bit about community providers being important and we could look at this as on-time versus in-time delivery, where we recognize that when people are approaching their EDS date from Active duty oftentimes the last thing on your mind is tweaking your resume or learning these soft skills. It is just not where most people's heads are at and I can say that having transitioned twice from Active duty.

And, as Ms. Burgess pointed out, that doesn't mean that down the road you do realize, shoot, I wish I had paid attention more. And by putting this information into the fingertips of veterans, we see that as critical.

And, secondly, as our survey pointed out, there is a problem where there are no community providers that are represented on TAP and this takes active steps to re-engage communities, because we know that civic association engagement through peer-to-peer mentorship is a critical part and it is one that is lacking right now.

Mr. BILIRAKIS. Thank you.

Mr. Murray, briefly, can you comment, please?

Mr. MURRAY. Absolutely. I think providing grants to organizations that provide the connections and the services for transition is important. Also, connecting the servicemembers with the community of where they are looking to move to. Not everybody moves off of Camp Pendleton and moves to San Diego, they might move back to the middle of the country or the East Coast. So having the knowledge of what is actually in that community before you get there is very important; it is preventative, it is not something that we are looking to clean up the mess afterwards.

Mr. BILIRAKIS. Thank you very much, very helpful.

I yield back, Mr. Chair.

Mr. LEVIN. Thank you, Mr. Ranking Member.

I would now like to recognize Miss Rice for 5 minutes.

Miss RICE. Thank you, Mr. Chairman.

Ms. Burgess, can you expound on—so I think one of the biggest issues is how we help members transition from Active duty back to civilian life, and I know that there are a lot of high-tech companies that are actually working with the VA to—actually, you know, different branches of government to reach out to people who are going to be separating with 6 months and actually employing them and training them for the like 5 million jobs that are unfilled in that high-tech industry, and it really works well. I mean, there literally is not one second from the time that they separate from Active duty to the time that they are employed in the private sector, literally, not a second.

So can you—I mean, they know how to do it, but they are not doing it enough. I guess it is not their fault, but tell us how we can do it better. I mean, it just seems to be one of those problems that should be—we should be able to address.

Ms. BURGESS. Thank you for your question.

So, in transition, what happens is not only is there the employment aspect of it, but there is also the psychological aspects of it and the narrative aspects of it, and it is the narrative that can also be the actual—the point of difficulty, because the employers often don't understand what it means to have been in the military and what it means to be a veteran. And so they are coming at it also needing basically a narrative in which to interact with the veteran, and if that narrative is predominantly that veterans are broken and that they need a suite of programs to help them to succeed no matter what, they are already viewing veterans as a deficit that they have to invest in towards a negative way.

So if the entire narrative overall is that veterans are actually successful and that they actually succeed very well in relation to their civilian peers, then the employers and the entire suite of the community is already on a positive note about veterans. And I think that is one of the most important levels of success.

Miss RICE. Well, yeah, but the reality is that a lot of them are dealing with issues that they need to deal with—I mean, that need to be addressed.

Ms. BURGESS. So one of the most important things that they need is a sense of identity and it is the identity that helps them to work through these particular issues. I would never say that the increase in mental health programs has been negative. This is an important step forward for Congress and the American people to see and to recognize these, but this is recognizing the veteran as an entire human being and a whole-health model. And it is those three elements, education, employment, and a sense of identity in the community that really bring that forward.

Thank you.

Miss RICE. I totally agree with. I totally agree with you, I am just writing down some notes. Okay, thank you so much.

Mr. Kamin, so one of the bills that passed in the last Congress that I proposed was called the BRAVE Act and I understand that

you have some opposition to that, and you laid that out very clearly in your written testimony. I just want to make it clear that it was not the intent of the legislation to disadvantage small businesses, but rather to incentivize businesses both large and small to focus on and improve their veteran hiring and retention practice; not just hiring for the sake of getting business, but actually retaining veterans as employees as well.

So do you have any—I would love your input as to how we can in any way modify the legislation to meet that specific intent, but also address your specific concerns.

Mr. KAMIN. Thank you, ma'am, and I appreciate your concerns. And I do believe we should qualify our position on that, because it is more that we want to study the issue. We take small business very seriously and the concern is, for instance, if I start a small business and I don't have—it is a family business and I have family members who are involved and I am not employing any veterans, will this legislation in some way affect the benefits that I receive.

So that is the only concern and it is something we are happy to work with your office to kind of dive into details to alleviate some of those concerns. So that is the only issue we have.

Miss RICE. Wonderful. Thank you very much and I will follow up with you on that.

Thank you, Mr. Chairman.

Mr. LEVIN. Thank you.

I would now like to recognize Mr. Bergman for 5 minutes.

Mr. BERGMAN. Thank you, Mr. Chairman. And, you know, as one of the few members who is on both Veterans Affairs' and Armed Services, you know, as we look at the service, if you will, for a young boy or girl when they consider joining the military to their Active duty and reserve time, and then their transition to the Veterans Administration system, and many, many, many, many decades later when we are dealing with them and serving them as they close out to their next transition, it is extremely important that we consider all of those strings and all those threads that attach.

Ms. Devlin, is the VA including the individual Ready Reserve in any of the pilot programs? Those, you know, men and women who have served their initial obligation in their 8-year contract, but yet they have transitioned from Active duty. They still have a responsibility because of their contract to be in the individual Ready Reserve, although now they are back in the education world, the business world, the whatever. Anything, any pilot programs reaching out through the services or the Reserve components to make sure that that group understands what transition—you know, what version of TAP might be available to them while they are in there?

Ms. DEVLIN. That is a great question, thank you.

One of the things that we did in April of last year was we revamped the Transition Assistance Program for Active duty and in doing so we also considered the different needs of the Reservists and also National Guard.

So one of the things that we learned from that population is that their benefits are different in the sense of their entitlement can be different based on whether they were called up, whether they were

not called up. So we do have a different platform that enables them to understand their benefits and their unique entitlements.

We also participate in many of the field-based activities for outreach such as Yellow Ribbon Program activities to try to reach individuals that may not have been a part of the TAP program and may not be aware of their benefits.

Mr. BERGMAN. In your estimate, if you took 100 percent of the people eligible for TAP, what percentage of them have that—if you will, that 2 or 4 or 6 years of service and then have transitioned, as opposed to those walking out the door with 20-plus years and a retirement pension that is in their pocket at that time?

Ms. DEVLIN. So, I don't have that data at my fingertips, and I can take it for the record, but I can tell you that the military services have been really great about offering different classrooms for individuals who are leaving the military and more of a senior leadership status versus their junior enlisted individuals, because their lifestyles circumstances are typically different. So, they have been very good about that.

And I know Department of Defense isn't here to speak on their own behalf, but we have a very close working relationship with DoD and the military services and Department of Labor, and we work on these issues together.

Mr. BERGMAN. Okay. Ms. Burgess, you made a comment that you mentioned about soft-communication skills, did I get that right? Would you explain that, please?

Ms. BURGESS. Yes. So, there is the hard skills of just the technical aspect of a particular employment and the soft skills, which are mainly communication skills—how do you interact with your fellow employees, your employer, how do you understand the workplace, those types of aspects.

Mr. BERGMAN. So, do you see a difference between, let's say you had two brothers or two sisters that were twins—one went into the military and one didn't—do you see a difference in their soft communication skills that one might have versus the other one?

Ms. BURGESS. The veterans, themselves, say that they do, because of the structures and hierarchy of military life and then the various different structures and stresses of being in a civilian employment where you can be more of an advocate for yourself sometimes in relation with your employer or your boss, say.

Mr. BERGMAN. Okay. And I know we are going to have a second round. What I am going to do right now, rather than get into an involved question, I am just going to yield back and then we will go to the second round.

Mr. LEVIN. Thank you. With that, Ms. Luria is now recognized for 5 minutes.

Ms. LURIA. Well, thank you.

And thank you all for being here today. I wanted to follow up on both, the Chairman and the Ranking Member's question, again, about the VET OPP Act.

And for Ms. Devlin, just going back to some of the comments that you made in your opening statement. So, I can fully understand the VA's position, I wanted to get more in-depth details from you. You said that while the VA appreciates the Committee's focus on improving services resources offered by these programs, we do not

support this bill. And, furthermore, you say that you have accomplished organizational restructuring that fundamentally changes the way the VA operates.

And one of my biggest concerns is that we change things and we change them too rapidly to allow them to go into effect and then evaluate them. So, can you talk about some of those changes and how you think they affect these specific range of things that fall economic opportunity and then what the metrics will be by which you could measure them so we could have a better opinion if those changes may actually already be effective and this may be redundant.

Ms. DEVLIN. Absolutely. I am happy to address that. One of the things that we realized in looking at the organizational structure, first of all, was that every executive director for each of these business lines did not have a seat at the table. There was a filter between them and the Under Secretary, and myself, as the Principal Deputy Under Secretary.

So, one of the things we did was make sure they all had an equal voice—that is done. The other piece that we realized is that our very important Transition Assistance Program, which, by the way, is a passion of mine, I would like to see that we make improvements before my son transitions out of the Marine Corps in a few years.

One of the things we realized is that there was a lack of transparency. So, if you looked at our budget up until the 2020 budget, we did not have a chapter in the budget specifically speaking to transition or the Transition Assistance Program; in fact, the information around how much we were spending on that program was buried inside the Vocational Rehabilitation and Employment Program chapter, because it didn't have its own chapter.

We not only created an operational office to lead that program so that it had direct oversight over one executive director who was responsible for that mission; whereas in the past, the executive director responsible for TAP was always responsible for other programs, as well. And so, it is operational, but it is also in the budget. So, now we have very much more transparency so that as we talk about programming funds, it will be clear where those funds are going.

The other piece that we elevated is the Chapter 36, career and educational counseling program. Over the course of many years, there is a direct appropriation for contracting out those services and it has been very underutilized. So we are focusing efforts on actually talking to transitioning servicemembers and veterans to identify what it is that they think they would like out of that program and how could we better tailor it to their needs and also market it better to them so that they understand they can take advantage of it.

We also lead by example. Speaking to the issues of soft skills and also employers hiring veterans, I am a rehabilitation counselor by training, so my job, when I first joined VA, was to help veterans with service-connected disabilities get to an employment goal. So, I understand that very, very well.

We did update our Web site, by the way, about a year and a half ago. So, we do have information on there. But in terms of employ-

ers, we lead by example. We have a program called WARTAC and what we do is we go to military installations across the country and we recruit servicemembers before they transition to become veteran service representatives and work in our disability compensation system, working the veterans' claims. So, we lead by example in terms of making sure that we provide employment opportunities to these veterans, as well.

Ms. LURIA. Okay. Another thing that is cited in the discussion of this particular topic is that the TAP program requires an overlap with the Department of Labor, because the Department of Labor actually has a lead. Three days of the program are administered by the Department of Labor. And what I have the impression that this seeks to do is improve that relationship between the VA and the Department of Labor to make that more smooth.

Do you feel like you currently have a good working relationship with the Department of Labor to deliver this content and are they willing to make adjustments, as both sides determine that there is new things that need to be included in the curriculum?

Ms. DEVLIN. We have an excellent relationship with our Department of Labor partners at this time, yes, and we talk frequently. In fact, we have a regularly recurring meeting at various levels in the VA between various levels of Department of Labor, including the interagency structure that is formal, but also, we have informal conversations. We pick up the phone and call each other and discuss ideas. So, we definitely have a good collaboration.

Ms. LURIA. And, lastly, you mentioned a survey that you are doing at certain, post-separation, for veterans to collect data. And do you feel that that will give you a continuous feedback loop on how the process is working?

Ms. DEVLIN. Absolutely. We do. We are very excited to get the survey started. We just got approval from OMB last week, so we are now in the process of getting ready to start fielding the survey.

Ms. LURIA. Thank you. I yield back my time.

Mr. LEVIN. Thank you. Mr. Barr is now recognized for 5 minutes.

Mr. BARR. Thank you, Mr. Chairman. And thanks for holding this hearing, and thank you to our witnesses.

And as we think about veterans' benefits and think about, especially the jurisdiction of the Subcommittee on Economic Opportunity, I think of the statistic that we are confronted with in Congress that there are more job openings in America today than there are unemployed Americans. And I love what you said, Ms. Burgess, about veterans being assets. They most certainly are.

And in my experience in meeting veterans in the Sixth Congressional District, especially those who have recently separated from their Active duty, these are the best and brightest our country has to offer. They most certainly are assets because they exhibit qualities of teamwork. They exhibit qualities of leadership, of a service to a cause greater than, themselves. These are exactly the qualities that employers are desperate for right now in this country. So, it is very, very important that we get this right and we continue to offer our veterans with greater opportunities to meet that need in the labor market.

I did want to ask Ms. Devlin a question about the STEM scholarships issue. The draft legislation that we shared with you, we ap-

preciate your feedback in improving or making some suggestions on how we can improve the legislation. My district does boast a number of colleges and universities that offer STEM degrees, as well as a large veteran population. So, I look forward to introducing an updated version of this draft legislation with Chairman Levin in the coming days.

Ms. Devlin, in your testimony, you listed a number of provisions in the draft legislation that may expand the Rogers STEM Scholarship beyond its original intent and so, possibly, that draft was an overcorrection to fix the too-narrow credit hour requirement currently in law.

Would the VA support a narrowly tailored fix to the Rogers Scholarship that only removes the hard-to-obtain 128- credit-hour requirement and, instead, replace it with the much more common, 120-semester-credit-hour requirement?

Ms. DEVLIN. We would definitely support an amendment that wouldn't be quite as restrictive or as open as it changed. I think the 120 hours, we would want to go back and do some research on that to see if that is the right cutoff, but we would definitely want to work with you on that.

We also would want to take a look at the two-year funding and ensure that the funding is awarded by school year and not by fiscal year, because that is how the programs operate at colleges and universities.

Mr. BARR. Okay. Well, thanks for your perspective on that. I mean, if we made those corrections, have you considered an estimate of how many more veterans and STEM programs would be able to take advantage of the scholarship?

Ms. DEVLIN. We think it will open it up much, much more. We haven't had any start because it effectively goes into place in August, but it is definitely very restricted right now with 128 credit hours. We are not sure if veterans will be able to participate with that restriction in place.

Mr. BARR. Well, as I was alluding to before, there is a lot of demand for skilled workers, and especially in the STEM areas, where we see a deficiency in the labor market.

Ms. Haycock, Mr. Murray, and Mr. Kamin, a goal of the Subcommittee is to produce legislation that sets up our servicemembers for success in their transition to civilian life. The Post-9/11 G.I. Bill is critical in allowing our veterans to get the education they have earned.

In your work with veterans, what programs or fields of study are you seeing veterans' trend toward using their Post-9/11 G.I. Bill?

Mr. MURRAY. So, sir, there was a very informative study done by our friends at Student Veterans of America called the "Invest Study" that showed that the majority were seeking business degrees, the second was STEM. So, what we are seeing is veterans are transitioning or servicemembers are transitioning out and they are not using their skills in the military; they are looking to do something entirely different.

The military, by and large, does not teach business; it teaches much different skills. So, getting out and doing something wholly different is something we really support.

Mr. KAMIN. Yes, and I would echo Pat's mention of our friends at Student Veterans of America and their study invest, which also showed that veterans are graduating at a higher rate than their cohorts and cohort, non-traditional students. So, we are seeing them carry this legacy of success from the World War II generation onward that we are proving and really fundamentally changing the idea of a benefit to match what we have always pathologized as investment. That is genuinely the case here, where we are seeing the taxpayer money is being paid back by what they are giving to the country.

Ms. HAYCOCK. And I would like to also add that in survivor space, we are seeing a huge uptake in survivors pursuing degrees in the mental health space. The number one population for or number two population for loss we have seen this year is actually suicides. So, seeing the large numbers there, so many of the families who lost a loved one to suicide, then want to go in and work in suicide prevention and mental health and counseling; the things that they felt like their loved ones would have benefited from.

Mr. BARR. Thanks for your great work with TAPS. Thanks. I yield back.

Mr. LEVIN. Thank you, Mr. Barr.

Now, I would like to recognize Mr. Pappas for 5 minutes.

Mr. PAPPAS. Thank you, Mr. Chair.

And thank you to the Members of the panel here today. I think we are all interested in the range of bills that are before us and the opportunity to allow every veteran to reach his or her full potential. So, I thank you for sharing your thoughts.

I want to start with Ms. Devlin. I thank you for being here and for the VA's work in partnering with HUD on the HUD VASH program to combat veteran's homelessness. I understand that the VA is still preparing a formal response on Representative Peters' bill to expand eligibility for the HUD VASH program to veterans who receive other-than-honorable discharges.

It is an issue of interest to me, I think, as we look at the President's misguided transgender service ban, as we look at the legacy of the "don't ask don't tell" era, where thousands of veterans received other-than-honorable discharges just for being who they are. I think there is a real issue here.

So, I am wondering, given that, if you can speak on your own impressions of this bill and if there is anything with the proposed legislation that might be an issue for the VA.

Ms. DEVLIN. Unfortunately, I can't speak to that bill. That falls under the Veterans Health Administration and as you indicated, we haven't finalized our official views on that, so I can't speak on my personal behalf on that.

I will tell you, though, homelessness is important to us in VBA, as well, and I can speak to what we do in terms of having veterans—we have coordinators in regional offices whose goal is to conduct outreach for homeless veterans and to ensure that if a veteran is homeless, that they get priority treatment, with respect to getting any of their benefits awarded.

Mr. PAPPAS. Well, thanks for the response. You know, Mr. Murray indicated before that veterans with other-than-honorable dis-

charges are more likely to experience homelessness, to be a suicide statistic. I am wondering if you agree with those status, as well?

Ms. DEVLIN. It is clearly a disadvantage for a veteran leaving with an other-than-honorable. In some cases, they have expedited exits as well and don't get the benefits of TAP. So, we do recognize that this is a population that can sometimes be at risk and that is why we have made some changes that we have made in recent history, to enable them to have access to certain care and benefits.

Mr. PAPPAS. Okay. Well, I hope you take a look at the legislation.

Also some discussion about the Justice for Servicemembers Act, and Mr. Kamin weighed in on that one. I appreciate your comments. I don't know if the VFW has any position on this, in terms of banning forced arbitration?

Mr. MURRAY. We support that provision and we are interested in keeping the discussion going about adding SCRA protections, as well. We think the law was meant there to protect our servicemembers and we should be stopping every opportunity to circumvent that.

Mr. PAPPAS. Yeah, I mean, I have seen this in my own district. Heard about this quite a bit, specifically from the National Guard and Reserve. We have folks who are returning from mobilization to happy New Hampshire and are facing down this challenge, and so I hope everyone agrees that we need to ensure that servicemembers aren't disadvantaged for wearing the uniform and for serving their country, especially when they are coming back from a deployment.

I am wondering, Mr. Kamin, if you could address the issue that Mr. Murray just raised about the Servicemember Civil Relief Act and if you support including those disputes in prohibitions on forced arbitration, as well.

Mr. KAMIN. Yeah, absolutely. And it is worth noting, as we examine a lot of these protection members across government that SCRA and USERRA, that came from DoD saying, enough is enough. This is affecting our readiness. This is affecting our posture when servicemembers are being taken advantage of and exploited by certain payday lenders and et cetera.

SCRA is an interesting one in terms of how we can strength it. A landmark case that happened around 2010 was with JPMorgan and they went into litigation with—over a SCRA violation and ultimately that case was settled and JPMorgan actually, I think, grew from that significantly where now they are a tremendous supporter of military veterans. But because that went into—because that got settled the question of whether punitive damages are a part of SCRA was never answered.

And so, there is a risk that if another lawsuit happens and it goes up the circuit and they determine that the congressional intent does not include punitive damages, that means that the best a veteran or a servicemember can get is their money back, not their time, not their energy, not the devastation that was inflicted upon them by, you know, asset forfeitures, et cetera. So, we want to get ahead of the power curve on here when it comes to SCRA and make sure that gets taken care of and we can clarify congressional intent.

Mr. PAPPAS. Thanks for making that point. I hope we can straighten this out. I appreciate your support for that legislation. And I yield back, Mr. Chair.

Mr. LEVIN. Thank you, Mr. Pappas.

We do have some time for some additional questions, and I will start by recognizing myself for 5 minutes. I wanted to ask broadly of the group about HUD VASH, following up on some of the prior questions. There are a number of veteran homelessness programs that do allow OTH discharges to participate in those programs.

Do your organizations recommend that we bring eligibility for HUD VASH in line with other veteran homelessness programs, with regard to OTH discharges?

Mr. MURRAY. Yes, sir. Just to make sure that we are taking care of everyone we can, we think that the HUD VASH program is a very valuable tool for our veterans facing homelessness. Veterans with other-than-honorable discharges should be made eligible for those just to keep them from some of these negative outcomes that we see.

Mr. LEVIN. Anybody else care to comment? All quiet, okay.

Could—for VFW, could you walk us through the connection that you see between the lack of HUD VASH vouchers for other-than-honorable discharges and reducing veteran suicide.

Mr. MURRAY. Unfortunately, there are a lot of contributing factors with veteran suicide—financial instability, homelessness, not having the resources to be able to cope with mental health issues. And we feel that, you know, putting a roof over their head, getting them in a safe and secure area, that is why we think adding additional funds for the HUD VASH vouchers, so they don't have to be in low-income, possibly high-crime areas, that they feel safe and secure. That is just a step that we can help to mitigate the problem of suicide.

Mr. LEVIN. And lastly for the group as a whole, are there any other reporting requirements that you think we should be focused on or refine or include in relation to the HUD VASH program that could help guide our oversight of the program in the future?

Go right ahead. Not all at once.

Mr. MURRAY. So, one of the things that we think, you know, to expand the program for oversight and expansion is things like permanent funding. Helping this Subcommittee—helping to redefine homelessness so that—and help de-stigmatize it—so that the idea of couch-surfing is something that we hear a lot of, that those folks are eligible for it. They are truly homeless. To be preventive.

In terms of reporting, you know, finding out those folks who might have been homeless and not known it, like I said, the couch-surfing thing, sleeping on your friend's, you know, basement, that is actually homeless. So, getting that kind of reporting, how much veterans are affected by things like that.

Mr. KAMIN. Yeah, I would also just add that there is a coding term, garbage in, garbage out, where if you are not measuring the best—I mean, the most accurate numbers or the actual data, then we are getting a false positive. And we don't want to be in a case where we are allotting homelessness being gotten rid of because we are not taking into account, like Mr. Murray said, people who are

on their couch or people who don't meet a certain criteria or OTHs or anything else.

So, in terms of reporting, being able to fine-tune and stay ahead of the curve and getting real-time information on this is definitely something that we look forward to working with your office on.

Ms. DEVLIN. I would just add from the VA's standpoint, we actually ask veterans on our certain applications for benefits if they are homeless or about to be homeless so we can avert a crisis-potentially situation for them by helping them with their benefits, and we treat them both the same, in terms of expediting their services.

Mr. LEVIN. Thank you, Under Secretary. I appreciate that. It is obviously a big concern in our entire country, but particularly in Southern California and my district, Greater San Diego, we have about 1,300 homeless veterans and you hear a lot about the need for more VASH vouchers, the need for more caseworkers. So, I really do hope that we are able to work on a bipartisan basis to pass these two bills, and I really appreciate your comments.

I would like to now recognize Mr. Bergman again for 5 minutes.

Mr. BERGMAN. Thank you, Mr. Chairman.

And Ms. Devlin, kind of a follow on what I asked last time if you would please take for the record, my request for a breakdown of the percentage—not necessarily total numbers—but a percentage of TAP efforts, with regard to breaking it down to first- and second-term enlistments, so those who have, you know, served maybe 4 to 8 years and then transitioned out, and the numbers who are 20-plus years, who are technically retirees, at that point.

Because as we allocate our limited resources in focusing on the different groups who, you know, have different needs, I would really like to know what the VA sees, as far as that, okay?

Ms. BURGESS, in your written testimony, you discuss how legislation that emphasizes post-service growth through a focus on education and economic opportunity programs has the power to shift the veteran's narrative towards a positive veteran's image or veteran image. Can you discuss how we can do this and why the reorganization at the department—the VA, that Department would accomplish this.

Ms. BURGESS. Absolutely. Thank you so much for the question. So, the point is that all of the legislation—I did a long history of the legislation around veterans' services and benefits since the very beginning, even colonial times—and what we see is that veterans' legislation has always had a little bit of a negative aspect of fixing something—best intentions—but what that has created over time is this idea that veterans are a population uniquely in need of services and uniquely not able to give back.

And so, if that is what legislation in and of itself can do, then legislation can also be used positively, I believe. Through the VET OPP Act, say, is one, obviously, piece of legislation that I see right now that could completely shift this, bringing it into a 21st Century narrative and model that shows that veterans are assets and that we need to uplift them and that we need to invest in them because we have already invested in them and we need to make good on that investment. And to also relate to veterans, themselves, that the American people and Congress believe that they are assets.

Mr. BERGMAN. Okay. In fact, just hearing you talk reminded me of a time back in the early '90s when then a commandant in the Marine Corps, General Krulak, said what the Marine Corps did is we make Marines and we win battles. And his successor, General Jones, said we make Marines, win battles, and return good citizens to our society. And I think that is what we are talking about here; returning good citizens to be productive members of society.

Again, Ms. Burgess and Mr. Murray, in VA's written testimony on H.R. 2045, the VET OPP Act, they oppose the creation of a fourth administration and express concern that this would "increase oversight for programs" and would be "contrary to the moderation efforts that took place."

Can each of you please respond to that concern and why, instead, the creation of a fourth administration is positive, according to your organizations. Mr. Murray, first.

Mr. MURRAY. Yes, sir. Thank you, General.

We welcome more oversight. We feel this is a great way to help streamline and, you know, use these programs and benefits more efficiently. As Ms. Burgess said, you know, a lot of times we are thinking about fixing things. The areas under fourth admin that we want to see are the forward-looking benefits, the ones that can be progressive, can be transformative. They are not fixing things; they are making things better for the future.

That is why we want to see more oversight so these programs are properly implemented so that the good citizens coming back can continue to be productive members of society.

Ms. BURGESS. Can I just say hear, hear, yes. I would say, also, as I said before, that separating out the management of the programs honors the difference between them and the compensation programs and creates accountability, attention, and leadership over what could be the Nation's most important instrument in partnering with veterans in their civilian success.

Mr. BERGMAN. And I see that I have got about 30 seconds left. Thanks to all of you, because I know you are all—we are all trying to do the right thing here, because as we think about those young men and women who choose to serve in the United States military and the most—the highest percentage of those only serve one term. I mean, that is a reality. We are not talking everybody going in and staying for 20 years.

And as we continue to populate our uniform forces, whether it be active, guard, or reserve, we need to be able to focus on those programs that allow men and women who transition and then stay involved so when we need them and our country needs them to deploy, whether it be individually or as part of a unit, they are ready and they have felt that their service has always been valued from beginning to end.

So, thank you all, and I yield back.

Mr. LEVIN. Thank you, Mr. Bergman.

Now, I would like to recognize Ms. Luria, again, for 5 minutes.

Ms. LURIA. Well, thank you. And, again, thank you for participating in the hearing.

And I see these hearings having two roles: one is to make sure that we are giving you the tools, as the VA, that you need in order to do your job, as well as the oversight that we have discussed. So,

I wanted to ask an additional question. Are there any barriers in the current legislation, as it stands within your current organization, that prevent you from providing the services that you need to provide to veterans in those areas that are in the purview of this Committee?

Ms. DEVLIN. No, ma'am, there are no barriers. If I might, I just want to point out that it kind of sounds like we are trying to create two classes of veterans here; the veterans who have economic opportunity and the veterans who have disabilities. And I would make the case—again, I come from a framework of a rehabilitation counselor—disabilities don't define a person.

And what we have done by having all of these benefits together is allow a veteran to not define him or herself by their disability, but to combine any benefits they do get because of their disabilities with the benefits to enable them to overcome those disabilities through the robust education benefits that we have, through the Vocational Rehabilitation Employment Program, through the ability to buy a home. All of those benefits being bundled together, to me, is a natural fit versus trying to create two classes of veterans; one that goes to the door of the disability benefits arena, which is what we would, in fact, be creating, and one that goes to the door of the economic opportunity suite of benefits. It just doesn't seem to make sense to me.

Ms. LURIA. I appreciate that analogy, as well, because I think they feed on each other. The educational benefits are then a tool for people to move beyond something that may be a service-related disability, especially with rehabilitation-type programs. So, thank you for sharing that.

I yield back my time.

Mr. LEVIN. Thank you. I would like to now recognize our distinguished Ranking Member, Mr. Bilirakis for 5 minutes.

Mr. BILIRAKIS. Thank you, Mr. Chairman. I appreciate it. I think you have done a great job with this Committee so far in our first hearing. Well, it is true, and I mean, it is your first time chairing a Committee, correct, in Congress?

Mr. LEVIN. Yes, sir.

Mr. BILIRAKIS. Yeah, so, we have got a lot of work to do and I look forward to working with you and getting it done.

So, the first question is for Ms. Haycock. And it says, can you please go into detail about how the Fry Scholarship change will help ensure degree completion for these students. So, we are talking about the students or possibly their parents are active-duty or reserve and the parent had a disability and passed away, while not being on active-duty.

So, what difference will this make, this particular bill that I am sponsoring with the Chairman, with regard to those students? Will it help them complete their degrees? And if you want to give us an example—I know of a few—so that people can understand how important this bill is. Thank you.

Ms. HAYCOCK. Sure. So, currently these families do fall under the Chapter 35 program, which is just a stipend of about \$1,200.

The Fry Scholarship is a much more exhaustive benefit with the full in-state constitution, the BAH, the book stipend.

Currently, a lot of these children are not necessarily attending the schools of their choice just because, financially, they cannot afford to do so. Even though they are eligible for so many of the other same programs, the family gets the same DIC, the same life insurance policy, things like that. This piece is different.

And so, for these families, it is not even so much about the degree completion; though, if they can't afford to go to a school, in general, then they are not going to be able to complete a degree, but also giving them the ability to be able to go to the school they want.

So, some of the kids we have seen choose to go to a local community college just because they cannot afford to go to their local four-year school or the degree program of their choice. So, this will help get them into those schools, financially, as well as allow them to complete the process.

The BAH portion allows students to not necessarily work full time while in school, so that they have more financial freedom to focus on their studies and graduate at a higher rate.

Mr. BILIRAKIS. Okay. Thank you very much.

The next question is for Mr. Murray and Mr. Kamin, the VFW and The American Legion. Are you concerned that eliminating the ability for employers to use arbitration agreements that are in place, all other employees could incentivize employers to not hiring servicemembers in the first place, so—and we are concerned about our servicemembers being hired and getting good jobs? Are you concerned about this particular issue, with regard to arbitration?

Mr. MURRAY. We are concerned about, essentially, losing your rights and being forced into these things in order—as a condition of employment. We would, obviously, discourage employees from not wanting to hire a veteran with the thought that they might deploy in the future or something like that. That is—you know, that runs into discrimination issues, things like that.

We want to encourage them that these veterans are assets and if they do deploy and have to step away, you should not force them into an arbitration as part of the condition of employment. We would hope that employers don't, you know, follow that type of practice.

Mr. BILIRAKIS. Yes, sir?

Mr. KAMIN. And as a reservist right now, I am very sensitive to that issue and I would be lying if I didn't tell you that I know people in my unit who exclude their reserve service on their resumes, because they believe that companies will be less inclined to hire them if they know that they have these duties.

That being said, we believe that the intent of USERRA is clear in this regard and that if all a company should do is compel a forced arbitration, then why did we begin this process in the first place? We know the obligation that our country—that these veterans give to their country and we need to honor that, and we still believe that USERRA is the best way to do that and arbitration shouldn't be a part of it.

Mr. BILIRAKIS. Okay. Thank you. I appreciate it.

And I yield back, Mr. Chairman. I appreciate it.

Mr. LEVIN. Thank you, Mr. Ranking Member.

Mr. Barr is now recognized for 5 minutes.

Mr. BARR. Thanks once again, Mr. Chairman. And I concur with the Ranking Member, great job on your maiden voyage as Chairman of this Subcommittee, and I am honored to serve with you on this Subcommittee.

I want to talk a little bit about a bipartisan bill that I am proud to co-sponsor with Representative Scott Levin and Zeldin, H.R. 1988. This is the Protect Affordable Mortgages for Veterans Act of 2019.

And, obviously, as veterans are transitioning, our servicemembers transitioning into civilian life, the goal of home ownership is one of the ways that we can get those veterans in a good financial position to have a very successful future. This legislation would provide a technical correction for about 2,500 VA-guaranteed home loans that are currently ineligible for Ginnie Mae pooling, due to a seasoning requirement issue that I think you are aware of.

I think that we can all agree that there is a problem that Congress created, and I was part of the authoring the legislation, S.2155 and some of the provisions in that from the last Congress, but when we create a problem, inadvertently, we obviously need to fix it, and H.R. 1988 will do that. I was encouraged to see that all of you all who mentioned H.R. 1988 in your testimony, supported it.

This is open to any of you all. Can you speak to the benefit of VA-backed home loans and the liquidity that is provided by Ginnie Mae with these VA-backed home loans and what that means for our veteran families?

Mr. MURRAY. Sir, we feel that the VA Home Loan Program is one of the best benefits out there. It is hands-down, much better than, you know, civilian counterparts. It is something that we always want to see improved, protected.

With the seasoning requirement, we understand that there were some unintended consequences and, you know, it was—the intent was to try to protect and help veterans using that program, not inadvertently hurt them. So, you know, we are onboard with cleaning that up to make sure that those up to 2,500 veterans are taken care of the right way.

Mr. KAMIN. Yes, and I would concur. And we are actually approaching the 75th anniversary of the Servicemen's Readjustment Act of 1944. The first home loan was actually bought in a suburb in I think Northwest DC and I believe the VBA is actually looking at putting a plaque there to commemorate it. So, there is storied history of success. This is the—it is the VA homeowners that really created the middle class; more so, perhaps, even arguably, than the education component, because we saw these vast suburban tracks develop. And while the fixes are necessary, we have been very encouraged and that is a fast-program and it is great to see that you are focused on it.

Ms. DEVLIN. So, I have to say I concur with all that they have said. We agree the technical fix will create—it will fix it so that it is better for veterans, better for Ginnie Mae, better for lenders, so that there is no concerns about VA-backed loans. It is a great opportunity for veterans to buy home loans, in many cases, without

a—with a zero down payment and it is a really great way for them to make an investment in their future.

Mr. BARR. And, Ms. Devlin, I also appreciate the fact that you recognize that there is a valued purpose for the seasoning requirement, and you spelled out those arguments very well, I think, in your testimony. But, obviously, there is an unintended consequence to the legislation in the last Congress, and we don't want these 2,500 orphan loans to be kind of a victim of that unintended consequence.

What would happen, Ms. Devlin, to these particular veterans if those 2,500 orphan loans were not fixed by this technical correction?

Ms. DEVLIN. Well, I think the potential, right, exists that any of these lenders could suffer consequences which could then affect the veterans. I don't believe that the veterans, in particular, are in any danger, absent the lenders having any issues.

But I think the technical fix is important because it doesn't create the potential for future lending opportunities to be—the door to be closed on veterans because of the potential risk.

And the loan seasoning is an important protection, too, because we don't want veterans to just be, I will say targeted for immediate and quick refinancing when that may not be in their best interests.

Mr. BARR. In my remaining time, I am just going to quickly comment to Ms. Haycock regarding the legislation that would extend benefits to the Guard and Reserve components. I would appreciate your support of that.

I represent the Kentucky Army and the International Guard and the Boone Center in Frankfort and there is an inequity, as those anecdotes that you shared in your testimony, and so we appreciate your advocacy of that legislation.

I yield back.

Mr. LEVIN. Thank you, Mr. Barr.

Before I make a few closing remarks, any final statement from our distinguished Ranking Member?

Mr. BILIRAKIS. I am fine. I just wanted to let you know that—well, thank you for the witnesses, for their testimony—very informative. And these are very important bills and I understand that we will mark them up next month when we get back from our Easter recess; is that correct?

Okay. Very good. Thank you. Great job, Mr. Chairman. I appreciate it. I yield back.

Mr. LEVIN. Thank you, Mr. Ranking Member.

I think this hearing has highlighted some important facts and in particular, two things. First, we have a long way to go until we uphold the promise we have made to our veterans. Many remain homeless or are barely making ends meet, despite the great work being done by many of you.

And then many more veterans and their families are unable to access the benefits to which they are entitled. For me, these benefits are not just about economic opportunities; they are critical tools for reintegration and readjustment to civilian life.

Secondly, today's hearing has shown that this Committee leaves politics at the door. That is pretty refreshing. I wish we did more of that around here. Democrats and republicans, alike, are com-

mitted to improving the lives of American veterans and I like the fact that if you are just listening to today's hearing, rather than watching, you don't know which side the folks speaking are on. I wish that all of our Committees were more like that.

This Subcommittee is going to continue to work collaboratively, and I am looking forward to working with our distinguished Ranking Member, Mr. Bilirakis, and all of our Members this Congress.

I would also like to thank our witnesses for bringing their expertise both, in their written testimony and their remarks.

And I would like to thank our staff for preparing, me, exceptionally well today for my first hearing as the Subcommittee chair.

With that, I will say that all Members will have 5 legislative days to revise and extend their remarks and to include any extraneous material that they didn't have an opportunity to include in the spoken remarks today.

And, lastly, I just want to reiterate what an incredible honor it is to get to chair this Subcommittee. It is a responsibility that I take extremely seriously, and I am confident that when we look back at the 116th Congress, the work of this Subcommittee will stand out and will be something that we can all be very proud of.

So, with, without objection, this Subcommittee stands adjourned.

[Whereupon, at 11:40 a.m., the Subcommittee was adjourned.]

A P P E N D I X

Prepared Statement of Margarita Devlin

Good morning, Mr. Chairman, Ranking Member Bilirakis, and other Members of the Subcommittee. I am pleased to be here today to provide the views of the Department of Veterans Affairs (VA) on pending legislation, including bills pertaining to education and loan guaranty benefits and transition assistance.

VA is unable to provide views on H.R. 95, the Homeless Veteran Families Act; H.R. —, a bill to amend the United States Housing Act of 1937 and title 38 United States Code (U.S.C.), to expand eligibility for the Department of Housing and Urban Development-VA Supportive Housing (HUD VASH) program, to direct the Secretary of Veterans Affairs to submit annual reports to the Committees on Veterans' Affairs of the House of Representatives and Senate regarding homeless Veterans, and for other purposes; the discussion draft H.R. —, the Homes for Our Heroes Act of 2019; and H.R. 2109, the BRAVE Act, at this time, but will provide them at a later date.

H.R. 444 - Reduce Unemployment for Veterans of All Ages Act of 2019

H.R. 444, the Reduce Unemployment for Veterans of All Ages Act of 2019, would eliminate the eligibility termination date (ETD) for access to Vocational Rehabilitation and Employment (VR&E) benefits and services by repealing 38 U.S.C. § 3103.

VA does not support this bill; however, VA does support the objective of this bill, which is designed to reduce unemployment for Veterans of all ages. Currently

38 U.S.C. § 3103(a) generally requires that VR&E benefits and services must be utilized within 12 years of a Veteran being discharged or released from active service. The last day of this 12-year period is referred to as the ETD. Eliminating the ETD would streamline the eligibility and entitlement process and would enable Veterans to benefit from VR&E services at any time, if entitlement to the program is established.

However, VA would prefer to amend § 3103 as opposed to repealing the section. Section 112 of the Harry W. Colmery Veterans Educational Assistance Act of 2017, Public Law 115-48, eliminated the 15-year time limitation for Veterans to utilize their Post 9/11 GI Bill benefits. This provision took effect for Veterans whose last discharge or release from Active duty occurred on or after January 1, 2013. Amending 38 U.S.C. § 3103 to eliminate the 12-year ETD for Veterans whose last discharge from Active duty was on or after January 1, 2013, would create parity between VR&E and Post 9/11 GI Bill programs.

Benefit costs or savings that would be associated with this bill have not yet been determined.

H.R. 1718 - GI Education Benefits Fairness Act

H.R. 1718, the GI Education Benefits Fairness Act, would amend 38 U.S.C. § 3319(c) to expand the definition of a child applicable for transfer of entitlement under the Post 9/11 GI Bill to include a ward or foster child, by utilizing the definition of dependent in 10 U.S.C. § 1072(2)(1).

VA supports this bill subject to Congress finding appropriate funding offsets. It would ensure that all dependents of individuals eligible to transfer their Post-9/11 GI Bill entitlement are treated equally and are able to utilize VA educational assistance under the transferability program. However, the intent and impact of the applicability provision in section 2(b) is unclear. VA would welcome the opportunity to assist the Committee with technical edits that could remedy this issue.

Benefit costs or savings that would be associated with this bill have not yet been determined.

H.R. 1988, Protect Affordable Mortgages for Veterans Act of 2019

H.R. 1988, the Protect Affordable Mortgages for Veterans Act of 2019, would revise statutory loan seasoning requirements applicable to the origination and securitization of certain VA-guaranteed refinance loans. Loan seasoning requirements set a minimum length of time during which an initial loan cannot be refinanced. In VA's housing program, well-tailored loan seasoning requirements help reduce the likelihood of serial refinancing. Loan seasoning requirements can also help preserve Veterans' home equity, which often proves to be a valuable and sometimes crucial financial asset for Veterans.

In addition to protecting Veterans from predatory lending, loan seasoning requirements can help safeguard the financial interests of the United States. When a Veteran obtains a VA-guaranteed loan, VA generally guarantees anywhere from 25 to 50 percent of the loan amount. Thus, as questionable loans accumulate, taxpayers subsidize needlessly risky Government-backed portfolios. Consequences include early loan terminations, increased and guaranty claims for VA. The Government National Mortgage Association (GNMA) guarantees mortgage-backed securities (MNSMBSMNS) that include VA-guaranteed loans. Excessive loan churning puts downward pressure on the price of Ginnie Mae securities, which increases borrowing costs for veterans as well as borrowers with loans from other government programs that are comingled with Ginnie Mae securities.

On May 24, 2018, the President signed into law Public Law 115–174, the Economic Growth, Regulatory Relief, and Consumer Protection Act, a statute that, in part, imposed new requirements on certain VA-guaranteed refinance loans and Ginnie Mae MBS. One such requirement included a loan seasoning period, applicable at two distinct stages: (i) the date of loan origination and (ii) the date that a loan is pooled into Ginnie Mae MBS. Specifically, a new section 3709, title 38, U.S.C., provides that VA cannot guarantee certain refinance loans until the later of (i) the date that is 210 days after the first monthly payment is made on the loan being refinanced and (ii) the date on which the sixth monthly payment is made on the loan being refinanced. The National Housing Act was also amended to explicitly prohibit Ginnie Mae from including unseasoned VA-guaranteed refinance loans in their investment pools. The statute bars VA-guaranteed refinance loans from Ginnie Mae MBS unless the loans being refinanced have seasoned for at least 210 days, as measured from the date that the first monthly payment was made and unless the borrowers have made six full monthly payments on the loans being refinanced. The new seasoning requirements on VA-guaranteed refinance loans and Ginnie Mae MBS went into effect immediately upon enactment.

Shortly after Congress enacted Public Law 115–174, certain stakeholders realized that the immediate imposition of the Ginnie Mae MBS seasoning requirement inadvertently prevented some unseasoned refinance loans, which were compliant at the time of origination, but not by the time the loans were ripe for sale on the secondary market from being sold into Ginnie Mae MBS. This held true for such loans despite lenders' expectations at the time of loan closing that such loans could be sold into Ginnie Mae MBS. For some smaller lenders, the inability to sell such loans into Ginnie Mae MBS could force them out of business, potentially harming current borrowers and curtailing the availability of future VA-guaranteed loans for Veterans.

Section 2(a) of the bill would remove the statutory imposition of the Ginnie Mae MBS seasoning requirement, thereby restoring Ginnie Mae's authority to securitize what the lending industry is now referring to as "orphan" loans (the approximately 2,500 loans that were closed but not yet pooled when Public Law

115–174 was enacted). VA believes that the primary purpose of section 2(a) of the bill is to make a technical correction to address a discrete issue, one that would allow such loans to be sold into Ginnie Mae MBS. VA does not oppose section 2(a) of the bill. VA has a longstanding history of working with Ginnie Mae to ensure that Veterans enjoy ready access to housing credit and that Ginnie Mae MBS containing VA-guaranteed loans are sound investments. Ginnie Mae is a valuable partner to VA and to Veterans who might otherwise face higher credit costs without the liquidity that Ginnie Mae provides in the market. VA anticipates continued collaboration with Ginnie Mae to ensure these mutually beneficial outcomes.

Section 2(b) of the bill would amend section 3709(c)(2) to change the date upon which the 210-day seasoning count begins. Under current section 3709(c)(1), the 210-day count begins on the date on which the first monthly payment is made on the loan being refinanced. Section 2(b) of the bill would start the count on the date the first payment is due, not paid. VA does not object to this provision, as it would seem when coupled with the six-consecutive-monthly-payment requirement, to impose a more easily calculable 6-month seasoning requirement. VA does not anticipate any costs associated with this legislation.

**H.R. 2045, the Veterans' Education, Transition, and Opportunity
Prioritization Plan Act (VET OPP)**

H.R. 2045, the Veterans' Education, Transition, and Opportunity Prioritization Plan Act of 2019, or VET OPP Act, would establish in VA the Veterans Economic Opportunity and Transition Administration (VEOTA) to administer programs that provide assistance related to economic opportunity for Veterans and their dependents and survivors. VEOTA would be responsible for the following VA programs: vocational rehabilitation and employment; educational assistance; Veterans' housing loans and related programs; verification of small businesses owned and controlled by Veterans, including the administration of the database of Veteran-owned businesses; TAP; and any other programs determined appropriate by VA.

The effective date of this draft bill would be October 1, 2020. For FY 2019 and FY 2020, the number of full-time equivalent employees authorized for the Veterans Benefits Administration (VBA) and the new administration would not be allowed to exceed 23,692.

While VA appreciates the Committee's focus on improving services and resources offered by these programs, we do not support this bill. The current VBA structure appropriately reflects the Under Secretary for Benefits' overall responsibility for Veterans benefit programs to support economic opportunity and transition, by providing vocational rehabilitation, education assistance, and housing programs, as well as compensation, pension, survivors' benefits, and insurance.

In 2018, VBA created the Office of Transition and Economic Development (TED) to support seamless transition from military service to civilian life and accelerate economic empowerment and development for transitioning Servicemembers, Veterans, and their families. TED is leveraging enterprise-wide programs and services to prioritize military to civilian transition and has oversight and management responsibility for VA's transition services, including VA's portion of TAP.

Further, VA underwent modernization through the entire organization. VBA accomplished organizational restructuring that fundamentally changed the way it operates. This included delayering oversight offices and concentrating resources on front line Veteran facing and Veteran serving positions. The addition of another administration would increase oversight for programs that are currently in place, contrary to the modernization efforts that took place.

The Office of Small and Disadvantaged Business Utilization (OSDBU) currently reports directly to the Secretary or Deputy Secretary. OSDBU's mission is to advocate for the maximum practicable participation of small, small-disadvantaged, Veteran-owned, women-owned, and Historically Underutilized Business Zone businesses in contracts awarded by VA and in subcontracts awarded by VA's prime contractors. This bill would move OSDBU's Center for Verification and Evaluation (CVE) program to the new administration. CVE administers the verification program required for service-disabled Veteran-owned small businesses and Veteran-owned small businesses and maintains the Vendor Information Pages database. We are concerned that moving this major aspect of the program from OSDBU to a new administration may result in a redundancy of efforts.

Section 3(a) of the bill would add a new section 306A titled "Under Secretary for Veterans Economic Opportunity and Transition" to title 38, United States Code. New section 306A(a) would make the Under Secretary for Veterans Economic Opportunity and Transition a Presidential appointee position, requiring the advice and consent of the Senate. The Under Secretary would be appointed without regard to political affiliation and solely based on demonstrated ability in information technology and the administration of programs within VEOTA or similar programs.

New section 306A(b) would state that the Under Secretary for Veterans Economic Opportunity and Transition is directly responsible to the Secretary of Veterans Affairs for the operations of VEOTA.

New section 306A(c) would state that the Secretary of Veterans Affairs shall establish a commission to recommend individuals to the President for appointment to the new Under Secretary position when a vacancy arises. The commission would recommend to the Secretary at least three individuals for appointment to the position. The Secretary would forward the recommendations to the President and the Committees on Veterans' Affairs of the House of Representatives and Senate with any comments. The Assistant Secretary or Deputy Assistant Secretary of Veterans Affairs who performs personnel management and labor relations functions would serve as the executive secretary of the commission.

Section 3 would establish the same procedure used to fill the positions of Under Secretary for Benefits, Under Secretary for Health, and Under Secretary for Memorial Affairs. If this bill is enacted, VA agrees this should be the procedure for selecting the new Under Secretary for Veterans Economic Opportunity and Transition.

No mandatory costs would be associated with the bill. While there would be no benefit costs associated with the bill, the appropriation language for the Readjustment Benefits account and the Credit Reform account would have to change to reflect the title of the new administration.

Discussion Draft, H.R. —, Jumbo Loans and Waiver of Fees for Purple Heart Recipients

Section 1(a) of H.R. —, Jumbo Loans and Waiver of Fees for Purple Heart Recipients, would amend 38 U.S.C. § 3703(a)(1) to adjust the maximum guaranty amount available under the VA home loan program. It would also make conforming amendments to entitlement calculations to ensure the increase in guaranty amount would not decrease the amount of entitlement currently available to certain Veteran borrowers.

Under current law, the maximum guaranty amount for certain VA-guaranteed loans is calculated as a percentage of the Freddie Mac conforming loan limit. Lenders typically require VA's guaranty to cover at least 25 percent of the loan amount before they will make a zero-down payment loan. When VA's guaranty is less than 25 percent, lenders expect Veterans to make a down payment to cover the difference. In effect, the maximum amount a Veteran can borrow without a down payment is capped at the Freddie Mac conforming loan limit. This bill would eliminate the effective cap and make the maximum guaranty amount 25 percent of the loan amount, subject to previously-used entitlement.

A Veteran's entitlement is generally limited to \$36,000 for loans amounting to \$144,000 or less, or to 25 percent of the loan for certain loans that exceed \$144,000. A Veteran who is using the home loan benefit for the first time or who has used the benefit, but has had all previous entitlement restored (e.g., the Veteran has sold his/her property and repaid the VA-guaranteed loan in full), enjoys the full amount of entitlement. One who has an outstanding VA-guaranteed loan or who has not otherwise repaid previously-used entitlement must subtract from the full amount that which has not been restored. The amount of entitlement available to a Veteran is important because it is another factor, along with the maximum guaranty amount, in determining whether a Veteran must contribute a down payment when obtaining a VA-guaranteed loan.

The zero-down payment loan is a cornerstone of VA's home loan program and provides an incentive for Veterans to choose VA's home loan product. While VA generally supports efforts to preserve the zero-down payment feature, VA has two major concerns with this bill.

The bill lacks a provision that would set forth how to calculate entitlement for certain Veterans. Specifically, there is not any instruction for calculating entitlement for Veterans who would use their full entitlement to obtain a loan exceeding \$144,000. The bill does provide how to calculate entitlement for Veterans whose loans would not exceed \$144,000, both in circumstances where entitlement has been used and when it has not. It also provides how to calculate remaining entitlement for a "covered Veteran," which would include Veterans whose loans would exceed \$144,000 and for whom their entitlement is currently in use. It leaves a gap, however, with regard to Veterans who do not fit into either of these categories, meaning those Veterans who (i) are obtaining a loan of more than \$144,000 and (ii) have never used their benefits or have used them and had their full entitlement restored (e.g., a Veteran who has repaid a loan in full after selling his or her home). VA would welcome the opportunity to assist the Committee with technical edits that could remedy this issue.

VA also has concerns about costing section 1(a)(1) of the bill. Due to limited loan data on non-conforming loans, VA's estimate of benefit costs ranges anywhere from tens of millions of dollars to hundreds of millions of dollars, depending on how quickly Veteran demand for the new, higher loan amounts would outstrip the loan fees VA collects as a result. A conservative estimate projects new benefit costs of \$6.3 million, \$33.6 million, and \$77 million over one, five, and ten years, respectively, based on loans to 64,594 new borrowers, representing additional lending guaranty coverage of \$9.3 billion.

VA also estimates that the coverage expansion could boost average default claims by 54 basis points or 0.54 percent, compared with the baseline workload of the Fiscal Year (FY) 2020 President's Budget Submission. Given the uncertainty of the budgetary impacts, VA cannot support the change in this section of the legislation at this time.

Section 1(a)(2) of the bill would amend 38 U.S.C. § 3762(c) to remove the current loan amount limit applicable to Native American Direct Loans (NADL). Under current law, VA cannot make a NADL with a total loan amount that exceeds the max-

imum loan amount for VA-guaranteed loans as set forth by 38 U.S.C. § 3703(a). Under section 1(a)(1) of the bill, certain VA-guaranteed loans would no longer be capped at the Freddie Mac conforming loan limit. Section 1(a)(2) of the bill would allow Native American Veterans living on trust land to obtain NADLs that exceed the Freddie Mac conforming loan limit, provided they can afford the loan. This provision would help ensure that Native American Veterans have similar access to zero-down payment loans as Veterans participating in the VA-guaranteed loan program.

Section 1(a)(2) of the bill could slightly expand VA direct loan lending, mostly in Hawaii. The expansion could result in approximately \$6.8 million in loan volume over 10 years, as compared with the baseline workload of the FY 2020 President's Budget Submission. This legislation would not alter the baseline workload volume or subsidy rates in the future. The baseline direct loan program has negative subsidy rates from the Budget model. Applying these assumptions to the Budget model, section 1(a)(2) could result in first-year cost savings of \$55,000 and cost savings of \$237,000 and \$380,000 over 5 and 10 years, respectively. If Congress were to enact section 1(a)(1) of the bill, VA would not oppose removing the loan limit for NADLs, as this would align the NADL benefit with the VA-guaranteed loan program.

Section (b) of the bill would amend 38 U.S.C. § 3729 to exempt certain recipients of the Purple Heart from paying the statutory loan fee generally required to obtain a housing loan guaranteed, insured, or made under VA's home loan program. Under current law, the loan fee, which is based on a percentage of the loan amount, is waived for certain Veterans and active-duty Servicemembers who have service-connected disabilities. A loan fee is not required from a Veteran who, for example, is receiving compensation as the result of a pre-discharge disability examination or rating or based on a pre-discharge review of existing medical evidence that results in the issuance of a memorandum rating. Additionally, an active-duty Servicemember who is awarded the Purple Heart and is eligible for VA home loan benefits can receive a waiver of the loan fee if he or she would be in receipt of compensation but receiving Active duty pay. The current exemption from the loan fee is not available to a recipient of the Purple Heart unless his or her injuries result in the receipt of disability compensation.

If section (b) of the bill were enacted, the Secretary would waive the loan fee for a Purple Heart recipient, regardless of whether such recipient's injuries are compensable by VA, as long as such recipient is serving on Active duty, and the recipient's Purple Heart has been awarded at the time the loan is to be guaranteed or insured. VA does not oppose enactment of section (b) of the bill.

One question the bill presents is how to ensure that Purple Heart recipients are adequately served when, according to a recent Congressional Research Service report, the Purple Heart is sometimes awarded without any formal reporting or recordkeeping. The same report also states that the Department of Defense does not maintain a comprehensive record of Purple Heart recipients. If section (b) of the bill were enacted, a rulemaking would be necessary to establish various ways a recipient could show eligibility for a loan fee exemption. Therefore, unless the bill is amended to address evidentiary standards, VA would recommend a delayed effective date to allow time for a rulemaking.

Section (b) of the bill could increase by 2 percent annually the number of VA-guaranteed loans that do not require a loan fee, compared with the baseline workload of the FY 2020 President's Budget Submission. VA estimates that the 2-percent increase of section (b) could result in new benefits costs of \$482,000 in 2020, \$2.7 million over 5 years, and \$5.9 million over 10 years.

Discussion Draft, H.R. —, Justice for Servicemembers Act of 2019

H.R. —, the Justice for Servicemembers Act of 2019, would clarify the scope of procedural rights of Servicemembers with respect to their employment and reemployment rights under the Uniformed Services Employment and Reemployment Rights Act of 1994. Because this bill concerns procedures and protections that largely fall under the purview of the Department of Labor (DOL), VA defers to the views of DOL and other agencies on this proposed legislation.

H.R. —, Veteran Employment and Child Care Access Act of 2019

H.R. —, the Veteran Employment and Child Care Access Act of 2019, would create a new section, 38 U.S.C. § 3123, that would require VA to provide child care assistance to certain Veterans receiving certain training or vocational rehabilitation. Section 3123(a)(2) would limit the provision of child care assistance to once per child, and not to exceed 6 months but would also allow the Secretary to waive these limitations as appropriate. Section 3123(b) would impose limitations on eligibility,

including that the Veteran be the primary caretaker and family adjusted gross income requirements. Section 3123(c) would establish the four options for the provision of child care services, and section 3123(d) would require VA to coordinate with other agencies and entities when possible. Section 3123(f) would define three terms applicable to the section, i.e., “child,” “licensed child care center,” and “primary caretaker.”

VA does not support this bill, as currently written. VA supports efforts to provide access to or reimbursement of child care services to Veterans receiving training or vocational rehabilitation. However, the bill duplicates services already available to VR&E participants and also contains ambiguities.

38 U.S.C § 3104(a)(16) states VR&E may provide services “necessary to accomplish the purpose of a rehabilitation program on an individual basis.” As such, VR&E currently allows reimbursement of child care expenses for chapter 31 participants if the Vocational Rehabilitation Counselor (VRC) determines child care is necessary for the implementation or continuation of the Veteran’s rehabilitation program. Child care assistance is generally limited to one semester, or the equivalent, which is consistent with the language proposed in § 3123(a). The VRC and Veteran work together to identify appropriate long-term child care solutions. Part of this coordination is to explore child care options that are available under other Federal, state, or local entities, as outlined in § 3123(d). Ordinarily, the cost for child care assistance is limited to \$1,250 per year, or 5 percent of training costs for any 12-month period, based on 38 Code of Federal Regulations (CFR) § 21.156. Therefore, the services and practices outlined in § 3123(a) and (d) are already available to and in use for chapter 31 participants. Additionally, the waiver provision in § 3123(b) is also addressed in VR&E regulation and policy as any authorization more than this amount requires higher level approval from the VR&E Officer in the office of jurisdiction. Lastly, § 3123(b)(1) would state a Veteran is eligible to receive this service if he or she needs training on a full-time basis but cannot participate at that level due to the lack of child care services. Since VR&E currently can provide direct reimbursement for the cost of child care services on a limited basis, it would be difficult to state that the lack of child care services is the reason the Veteran is not attending training on a full-time basis.

VA defers to DOL regarding the impact of these provisions on their programs under 38 U.S.C. §§ 2021, 2021A, and chapter 41.

VA is unable to estimate the readjustment benefit costs associated with this proposal due to the inability to predict either the increased utilization of this benefit or the average cost of child care due to variance in the array of child care services offered, the number and age of children, and the location of facilities. In addition, this proposal does not specify whether funds shall be used for full-time child care or child care only while the Veterans is attending class.

**H.R. —, Navy SEAL Chief Petty Officer William “Bill” Mulder (Retired)
Transition Improvement Act**

H.R. —, the Navy SEAL Chief Petty Officer William “Bill” Mulder (Retired) Transition Improvement Act, would provide additional authorities that would help improve the effectiveness of the Transition Assistance Program (TAP). Section 3 of the bill would mandate access to the National Directory of New Hires for VA and DOL. This access would allow the Departments to better track employment outcomes of transitioned Servicemembers and understand the effectiveness of TAP. VA further supports the other TAP partner agencies getting access as well. Section 4 would reauthorize and expand DOL’s pilot program for off base transition training for Veterans who have already transitioned and their spouses. VA defers to DOL with respect to this section of the bill. Section 5 would authorize VA to make grants to eligible organizations to assist transitioned Servicemembers and their spouses in areas related to resume assistance, interview training, and job recruitment training. VA notes that grant programs related to employment are generally under the purview of the Secretary of Labor; therefore, placement of this grant program at DOL would be most appropriate. This would help to ensure that services are complementary and not duplicative of those available through DOL’s workforce system.

Finally, sections 6 and 7 would mandate studies of TAP. Section 6 would require a 1 year independent assessment of TAP effectiveness, and section 7 would require a 5 year longitudinal study. VA has already begun development of a post-transition longitudinal study which will survey Veterans over time to gain detailed information about their outcomes and their evaluations of how the TAP program helped them to prepare for the transition to civilian life.

VA does not anticipate any cost implications related to sections 3, 4, and 5. For section 6, VA anticipates a cost of \$2.2 million for FY 2020 based on estimated lev-

els of effort using the existing contract vehicle. For section 7, VA anticipates a cost of \$2.2 million over 5 years, based on the total cost of a contract awarded by VA in October 2018 to conduct VA's 5-year longitudinal study.

Discussion Draft, H.R. —, Flight Training

H.R. —, Flight Training, would make certain improvements to the use of educational assistance provided by VA for flight training programs.

Section 1(a) of the proposed legislation would amend 38 U.S.C. § 3034(d) to require that flight training be required for a course of education being pursued in order to be approved for use of educational assistance and to remove the requirement for an individual receiving Montgomery GI Bill-Active Duty (or Chapter 30) benefits to possess a valid private pilot certificate and meet the medical requirements for a commercial pilot certificate before qualifying to receive benefits for flight training. Therefore, individuals who do not possess a valid private pilot certificate or meet the medical requirement could qualify for flight training under chapter 30.

Section 1(b) of the proposed legislation would add a new subsection (k) to 38 U.S.C. § 3313, which would allow an individual receiving Post-9/11 GI Bill benefits to elect to receive accelerated payments for tuition and fees for flight training pursued at institutions of higher learning (IHL) when the flight training is a requirement for the degree being pursued. The amount of each accelerated payment would be equal to twice the amount for tuition and fees otherwise payable to an individual. The amount of monthly stipends (i.e., monthly housing allowance, kickers, etc.) would not be accelerated. Two months of entitlement would be charged for each accelerated payment.

Section 1(c) of the proposed bill would amend subsection (c)(1)(A) of 38 U.S.C. § 3313 to limit the benefits paid for pursuit of flight-related degree programs at public IHLs. First, it would limit the amount of tuition and fees payable for a program that requires flight training to the same amount per academic year that applies to programs at private or foreign IHLs. Second, it would prohibit the payment of tuition and fees associated with non-required (i.e., elective) flight training.

Section 1(d) of the bill would further amend 38 U.S.C. § 3313(c)(1)(A)(ii)(II), as added by subsection (c)(2)(E) of this bill, to add a new item (cc) that would limit the amount of tuition and fees payable for certain programs at IHLs, specifically those that involve a contract or agreement with an entity (other than another public IHL) to provide a program of education, or a portion of a program of education, to the same amount per academic year that applies to programs at private or foreign institutions.

VA supports the intent of section 1(a) concerning the requirement that flight training be required for a course of education. However, VA has concerns about removing the requirement for individuals to possess a valid private pilot certificate and meet the medical requirements, as this would allow certain individuals to pursue flight training as an avocation versus a vocation. VA notes that this provision would also apply to individuals pursuing flight training under both Chapter 30 and Chapter 33, since the same approval criteria govern both education programs.

VA does not support section 1(b). Under this provision, individuals would exhaust their entitlement prior to completing their program of education. This would specifically impact individuals who elect to receive accelerated payments for flight training while pursuing a standard 4-year Bachelor's degree program. Consequently, VA could pay more funding than required for certain enrollments. In addition, the proposed charge against entitlement is confusing since only payments associated with tuition and fee charges may be accelerated. These payments, however, are paid in a lump sum, not on a monthly basis.

This section would require VA to make changes to the current rules for determining payment amounts that are programmed into the Long Term Solution (LTS). LTS is not currently programmed to process accelerated payments. VA estimates that it would require 1 year from the date of enactment to make the necessary information technology system changes.

Lastly, VA supports sections 1(c) and 1(d), which would limit the amount of tuition and fee payments for enrollment in flight programs and certain programs at IHLs that are a part of a contract agreement with other entities (other than another public IHL). However, VA is concerned that this limitation would only apply to certain VA educational programs and recommends that these sections be extended to include programs offered under the authority of Chapter 31. VA is concerned about high tuition and fee payments for enrollment in degree programs, especially those involving flight training at public IHLs. Education benefit payments for flight programs increased tremendously with the implementation of Public Law 111-377.

There has been a significant increase in flight training centers, specifically those that offer helicopter training, that have contracted with public IHLs to offer flight-related degrees. Sometimes these programs charge higher prices than those that would be charged if the student had chosen to attend the vocational flight school for the same training.

The proposed legislation would remedy this situation. VA would like to note that information technology changes would also be necessary to implement section 1(c) and (d). VA estimates that it would require 1 year from enactment to develop, test, and implement this functionality. Manual processing would be needed in the interim. Benefit costs or savings that would be associated with this bill have not yet been determined.

Discussion Draft, H.R. —, Improvements to STEM Scholarship

H.R. —, the Improvements to Science, Technology, Engineering, and Math (STEM) Scholarship, would amend 38 U.S.C. § 3320(b)(4)(A)(i) to eliminate the requirement for an individual to be enrolled in a program of education leading to a post secondary degree that, in accordance with the guidelines of the applicable regional or national accrediting agency, requires more than the standard 128 semester (or 192 quarter) credit hours for completion in a standard undergraduate college degree to qualify for additional months of Post 9/11 GI Bill educational assistance benefits under the STEM Scholarship program.

VA supports, if amended the proposed legislation as a large number of states do not have STEM programs greater than 128 semester hours. However, as currently written, the proposed legislation would remove the credit hour requirement for eligible STEM scholarship programs and would open the program to individuals enrolled in a program of education leading to a graduate degree instead of being restricted to only individuals enrolled in an undergraduate degree. Additionally, the proposed legislation would indirectly remove the selection priority under section 3320(c)(1), which currently requires VA to select eligible individuals to receive additional benefits under this section by giving priority to individuals who require the most credit hours. VA also has concerns as it relates to the authorized appropriation of funding in section 1(b) because it would restrict VA with two-year funding for the STEM program. Currently, VA has indefinite carryover authority for funding within the STEM program, allowing any unobligated balance from one fiscal year to be obligated in addition to the statutory funding cap in a subsequent fiscal year, rather than each academic year.

No costs or savings to the Readjustment Benefits account are associated with this proposed legislation. However, VA would prefer indefinite carryover authority, making funding available for the STEM program until expended, rather than 2-year funding. This would greatly simplify administration and financial management for the program.

Under the current statute, VA estimates the cost of the STEM program would be equal to the full annual funding limitations currently stated in 38 U.S.C § 3320 (\$25 million in FY 2019, \$75 million for FY 2020 through FY 2022, and \$100 million for FY 2023 and each subsequent fiscal year). While the proposed legislation may expand eligibility to individuals whose program would not have otherwise qualified, it would not increase the amount VA plans to obligate for this program each year.

H.R. —, Fry Scholarship Eligibility Expansion

H.R. —, Fry Scholarship Eligibility Expansion, would amend 38 U.S.C. § 3311(b)(9) to expand eligibility for the Marine Gunnery Sergeant John David Fry Scholarship to a child or spouse of a member of a reserve component of the Armed Forces who dies from a service connected disability not later than 4 years after the date of the last discharge or release from Active duty. The proposed legislation would apply to a quarter, semester, or term beginning on or after August 1, 2020.

VA supports the intent of the proposed legislation, subject to Congress finding appropriate funding offsets, but notes several concerns. First, the proposed legislation does not require the reserve member to have served on or after September 11, 2001, which would create an inconsistency with the Post 9/11 GI Bill. Second, the proposed legislation could create disparate treatment of similarly situated Veterans because it does not limit the service-connected disability to only those incurred while on reserve status. While the proposed bill would grant Fry Scholarship eligibility to children and spouses of members of the reserve components of the Armed Forces who die from service-connected disabilities, it does not extend this same eligibility to dependents of non-reservist Veterans who die from service-connected disabilities.

Therefore, two Servicemembers can sustain the same injury while on Active duty and both separate from service at the same time. One Veteran continues to serve

in a reserve component while the other Veteran does not. If, within the next 4 years, both Veterans die due to their service-connected disabilities, the reserve Veteran's dependent would receive Fry benefits while the non-reservist Veteran's dependent would not simply because one Veteran chose to remain in the reserves. The practical impact of the law would be an incentive for a Veteran with a service-connected disability to remain in the reserves rather than the law merely putting an injured member of the reserves on par with an injured Active duty member. The proposed legislation would thus create substantial inequity between dependents of reservist Veterans and dependents of non-reservist Veterans when both Veterans die due to conditions related to Active duty service unrelated to reserve duty.

Benefit costs or savings that would be associated with this bill have not yet been determined.

H.R. —, In-State Tuition

H.R. —, In-State Tuition, would amend 38 U.S.C. § 3679(c)(2)(A) to change the definition of "covered individual" by which VA must disapprove a course of education offered by a public IHL if the institution does not charge the in state tuition and fees for covered individuals who are training under Chapter 30 or 33. The amendment would remove the current requirement that the covered individual have been discharged from service less than 3 years before the date of enrollment in the subject course. The proposed legislation would also require VA to make publicly available online a database explaining the residency requirements for each public IHL in order for an individual to be charged the in-state tuition and fee rate and allow VA to disapprove a course of education provided by a public IHL if the institution does not provide VA certain information.

VA supports the intent of the proposed legislation, subject to Congress finding appropriate funding offsets, but notes several concerns. First, the bill would only allow VA to disapprove a program of education at a public IHL for qualifying covered individuals under Chapters 30 and 33. As such, the bill would not allow for the disapproval of a program for beneficiaries receiving educational assistance under other VA educational assistance programs, such as those under Chapters 32 and 35.

Second, the bill outlines VA's authority to disapprove a course of education provided by a public IHL if the institution does not initially provide their "residency requirement" and update VA of any changes or updates to their policy within 90 days. However, as written, it does not provide VA the authority to waive the new disapproval requirement as the Secretary considers appropriate. Additionally, proposed subsection (c)(4)(B) refers to a public IHL having "residency requirements," but "residency requirements" are inconsistent with the provisions of current subsection (c)(4) which limits additional requirements to "demonstrat[ing] an intent to establish residency in the State. . . or to satisfy other requirements not relating to the establishment of residency." The essential principle underlying the safeguards in section 3679(c) is the fact that in many states a student is prohibited by law from satisfying the residency requirements to be charged in-state tuition; however, the current wording of proposed subsection (c)(4)(B) implies that a school may require a student to become a resident of the state in order to qualify for in-state rates under 38 U.S.C. § 3679.

Benefit costs or savings that would be associated with this bill have not yet been determined.

Conclusion

This concludes my statement, Mr. Chairman. We would be happy now to entertain any questions you or the other Members of the Subcommittee may have.

ASHLYNNE HAYCOCK

The Tragedy Assistance Program for Survivors (TAPS) is the national nonprofit organization providing compassionate care for the families of America's fallen military heroes. TAPS provides peer-based emotional support, grief and trauma resources, grief seminars and retreats for adults; Good Grief Camps for children; and casework assistance, connections to community-based care, online and in-person support groups, and a 24/7 resource and information helpline for all who have been affected by a death in the Armed Forces. Services are provided free of charge.

TAPS was founded in 1994 by Bonnie Carroll following the death of her husband in a military plane crash in Alaska in 1992. Since then, TAPS has offered comfort and care to more than 85,000 bereaved surviving family members. For more information, please visit TAPS.org.

TAPS receives no government grants or funding.

Chairman Levin, Ranking Member Bilirakis, and distinguished members of the House Veterans Affairs Committee, the Tragedy Assistance Program for Survivors (TAPS) thanks you for the opportunity to make you aware of issues and concerns of importance to the families we serve, the families of the fallen.

While the mission of TAPS is to offer comfort and support for surviving families, we are also committed to improving support provided by the Federal government through the Department of Defense (DoD), the Department of Veterans Affairs (VA), Department of Education (DoED), Department of Labor, state governments, government contractors, and local communities for the families of the fallen - those who fall in combat, those who fall from invisible wounds and those who die from accidents, illness or disease.

TAPS was honored to enter into a new and expanded Memorandum of Agreement with the Department of Veterans Affairs in 2017. This agreement formalizes what has been a long-standing, informal working relationship between TAPS and the VA. The services provided by TAPS and VA are complementary, and in this public-private partnership each will continue to provide extraordinary services through closer collaboration.

Under this agreement, TAPS continues to work with surviving families to identify resources available to them both within the VA and through private sources. TAPS will also collaborate with the VA in the areas of education, burial, benefits and entitlements, grief counseling and other areas of interest.

Discussion Draft - Guard & Reserve

TAPS is excited to see our #2 priority before this committee: Providing parity for surviving children and spouses of those whose loved ones died while serving in the Guard and Reserves. Their service and sacrifices are no different than those serving on Active duty. While most survivor benefits are now equal, education benefits are not. It's time to make sure Guard and Reserve surviving families have the same access to the Fry Scholarship as their Active duty counterparts.

Some of the stories TAPS has heard from our surviving families regarding this issue are absolutely heartbreaking.

First Sergeant John DuPont served his country honorably for nearly 30 years. He served in the United States Marine Corps and then the Army National Guard. During his National Guard service, he was deployed to Afghanistan. Upon his return, he continued with the National Guard but lost his battle with Post Traumatic Stress (PTS) when he died by suicide in 2011. First Sergeant DuPont took his own life just hours after returning home from a drill weekend where he was preparing for an upcoming deployment. Had he died a few hours earlier before coming home, his children would have been eligible for the Fry Scholarship. They were deemed ineligible because he made it home from his Guard weekend, and once home was not considered on Active duty status.

SPC Anthony Tipps was a member of the Texas National Guard. Specialist Tipps was activated in 2009 and had to leave his career for his deployment to Iraq. When he returned home one year later, he learned that his former employer had not held his job. He was unable to find employment. Specialist Tipps died by suicide less than 3 months after returning from Iraq. Because he was not considered on "Active duty status" at the time of his death, his daughter Brittany was deemed ineligible for the Fry Scholarship, even though his death was service-connected.

Colonel David McCracken served honorably in the Army and Army Reserves for over 20 years. During his military career he was deployed multiple times. On his last tour he was activated as a reservist and deployed to the Middle East. Upon return from his deployment, he was diagnosed with brain cancer which was found to be service-connected due to burn pit exposure in Iraq. Because he was not on active-duty orders or training at the time of his death, his children are not eligible for the Fry Scholarship.

These are just three of the stories TAPS has heard from surviving families regarding eligibility for the Fry Scholarship. In the case of First Sergeant DuPont, literally hours differentiate what benefits his children receive. The families have no say in the duty status of the service member, therefore they should not be treated differently. TAPS firmly believes that we must honor the service and sacrifice of all surviving families.

Six months ago, TAPS spoke with Former Congressman Chet Edwards who wrote and introduced the original Fry Scholarship in 2009. When we informed him of this issue he was stunned. His original intent was to include all surviving families. He had no idea that some Guard and Reserve families were being excluded, and has offered his support in fixing this inequity.

TAPS estimates 1,000–1,500 surviving children and spouses would benefit from this expansion. A vast majority are surviving families whose loved ones died from service-connected illnesses or by suicide. These families are in receipt of Dependency and Indemnity Compensation (DIC) at the same rate as Active duty losses, receive TRICARE and almost all of the same benefits as Active duty losses.

Providing parity in education is long overdue and we look forward to seeing this bill passed and implemented. This is part of a long-term TAPS goal to bring all survivors into the Fry Scholarship and phase out the Vietnam Era Dependents Education Assistance (Chapter 35).

Discussion Draft - In-State Tuition

TAPS is excited to see an expansion of In-State Tuition as a priority for the committee. While all Fry Scholarship recipients currently receive in-state tuition, thanks to the Choice Act, TAPS recommends the inclusion of Chapter 35 recipients.

Chapter 35 recipients are often forgotten from legislation. The \$200 increase provided by the Forever GI Bill, is still not comparable with the Montgomery GI Bill. If we are going to provide in-state tuition across the board, we should include survivors whose benefits are not enough to cover tuition at a state school. Since the financial burden for in-state tuition falls on individual states, this should be an easy fix for the committee.

Discussion Draft - Transition Assistance

Military-to-Civilian transition is a psychological and cultural evolution that requires a new definition of wellness as service members shift from a collectivist community into an individualistic one. VA research indicates that veterans who are engaged in care are far less likely to die by suicide. Such support increases the likelihood of a positive transition into civilian life and is a significant protective factor which reduces potential risks for serious issues facing this population, such as suicide. Conversely, 14 of the 20 veterans who die by suicide each day are not engaged in VA care.

Given the high stakes of helping our nation's service members make a successful transition, TAPS is grateful to see such effort put into overhauling the Transition Assistance Program. Our team of suicide prevention and postvention subject matter experts is available to support strategic planning efforts as the TAP program is re-envisioned. While many key aspects were updated by the 2019 NDAA, there is still much work to do. TAPS supported the Navy Seal Chief Petty Officer Bill Mulder Transition Improvement Act last year, and we look forward to seeing it pass this year.

Discussion Draft - Definition of dependents

TAPS supports the draft text to make sure the definition of “dependents” is the same for the Department of Defense (DoD) and the Department of Veterans Affairs (VA). At TAPS, we know that not all family is blood related and applaud the committee for including this definition.

Discussion Draft - 4th Administration, VETOPP Act

TAPS continues to support the creation of a 4th Administration under the Department of Veterans Affairs. We understand and respect that VA has concerns about this issue. TAPS agrees with our partner organizations, Student Veterans of America and the Veterans of Foreign Wars, that it is imperative that Economic Opportunity have its own under secretary.

Responsibilities of this new division at VA would include the administration of housing loan guaranty and related programs, vocational rehabilitation and employment (VR&E), education assistance programs, and transition programs.

At present, these programs are buried within the bureaucracy of VA and lack a true champion at the level of leadership these programs warrant. Over the past century, VA has evolved to focus on compensating veterans for loss. Yet realities and advances of the 21st century and beyond demands the additional goal of empowering veterans to excel post-service. Importantly, this will also advance our nation's goals of enhancing economic competitiveness by focusing on veteran contributions to be future economy, it is imperative we afford VA the opportunity to enrich the lives of veterans through the primacy of VA's economic opportunity programs.

The implementation of the Forever GI Bill last year highlighted many concerns. With the passage of the VETOPP Act, the VA may be better prepared for other improvements to EO programs and allow these important programs to be a priority for the VA.

TAPS thanks the committee and the original sponsors of all this important legislation. We greatly appreciate your thoughtful consideration of the needs of our nation's veterans and surviving families.

It is the responsibility of the nation to provide for the support of the loved ones of those who have paid the highest price for freedom. Thank you for allowing us to speak on their behalf.

PATRICK MURRAY

Chairman Levin, Ranking Member Bilirakis, and members of the Subcommittee, on behalf of the men and women of the Veterans of Foreign Wars of the United States (VFW) and its Auxiliary, thank you for the opportunity to present our views on legislation being considered today.

H.R. 95, Homeless Veteran Families Act

Veterans with dependent children face diverse burdens with access to homelessness benefits. The VFW supports this legislation, which would ensure Grant and Per Diem providers are better able to provide much needed housing to homeless veterans with dependent children. The brave men and women who have worn our nation's uniform should never have to worry about whether their children will have a roof over their heads or food on the table. Providing additional per diem for the children of homeless veterans in the Grant and Per Diem Program would expand housing options for veterans and enable the Department of Veterans Affairs (VA) and the Department of Housing and Urban Development (HUD) to reduce the rate of veterans who face homelessness.

H.R. 444, Reduce Unemployment for Veterans of All Ages Act of 2019

The VFW supports this proposal to remove the twelve-year limit on utilizing the Vocational Rehabilitation & Employment (VR&E) program. Arbitrary cut-off dates for VA benefits and programs do not help veterans who need to use these programs later on in life. Just like the lessons learned from the removal of the delimiting date with the Forever GI Bill, doing the same with VR&E removes a potential barrier for veterans to acquire meaningful employment.

Discussion Draft, to amend title 38, United States Code, to make certain improvements to the educational assistance programs of the Department of Veterans Affairs with respect to flight training programs and certain other programs of education, and for other purposes.

The VFW supports this legislation, which would place a cap on the amount of tuition and fees that may be paid under the Post-9/11 GI Bill for programs of education in which a public institution of higher education enters into an agreement with a private entity to provide such education. However, the VFW would like to suggest a recommendation to improve this legislation.

Currently, third party training programs that contract with public schools are able to charge unlimited tuition and fees because the Post-9/11 GI Bill covers the full cost of in-state tuition and fees, regardless of amount, for public non-profit institutions of higher learning. In the past two years, it has come to light that some contracted flight training programs have charged exorbitant fees, which far exceeded the cost of an average in-state education, to profit from exploitation of this loophole. The VFW believes this loophole must be closed by placing a reasonable cap on these flight training programs.

Still, we believe that veterans should have a path to receive the training necessary to enter highly technical, high-demand fields like aviation, which offer good paying jobs to those who are qualified. We also recognize that it may not be realistic for certain flight schools to provide that training under the private school cap per academic year. To mitigate this concern, this legislation would authorize VA to provide accelerated payments of twice the monthly entitlement amount for tuition and fees.

Doing so would enable predatory institutions to continue to gouge VA and force veterans to forego eligibility months simply because the cap for such programs is not sufficient. For this reason, we urge this subcommittee to authorize VA to determine reasonable caps for flight training and similarly contracted training in other high-demand fields, but ensure such programs offer transparency in their fee schedules and cannot simply charge the government an arbitrary rate.

To ensure VA does not set unreasonable caps on contracted programs, the VFW recommends requiring VA to seek congressional approval before proposed caps are

implemented. The VFW also continues to support strict enforcement of standing VA policies, which ensures that third-party contractors and their partner schools are charging appropriate fees, while continuing to offer high-quality training to veterans.

H.R. 1718, GI Education Benefits Fairness Act

A discrepancy between VA and the Department of Defense (DOD) definition of children precludes service members from transferring their VA education benefits to their foster or ward children. DOD and VA having separate eligibility requirements for the same benefit is an unfair and confusing practice that must end.

While we support this bill, which would align the definitions of children for the purpose of transferring VA educational benefits, the VFW urges the subcommittee to consider changing VA's overall definition of children to include foster and ward children. Making such a change would be more comprehensive and could impact other beneficiaries who might unintentionally be affected by these differing definitions.

Discussion Draft, Justice for Servicemembers Act

The VFW supports this bill, which would end the practice of making service members waive protections in order to attain employment. The Uniformed Services Employment Rights Act of 1994 was created to protect service members' employment status, and we fully endorse any actions to prevent employers from circumventing those protections.

Discussion Draft, to amend the United States Housing Act of 1937 and title 38, United States Code, to expand eligibility for the HUD-VASH program, to direct the Secretary of Veterans Affairs to submit annual reports to the Committees on Veterans' Affairs of the Senate and House of Representatives regarding homeless veterans, and for other purposes.

Veterans with Other Than Honorable (OTH) discharges are at higher risk of dying by suicide and experience higher rates for homelessness than those who receive an honorable discharge. The VFW supports this bill, which would rightfully ensure OTH veterans have access to the HUD-VA Supportive Housing (VASH) program.

Discussion Draft, Homes for Our Heroes Act of 2019

Veterans fortunate enough to obtain HUD-VASH vouchers often face difficulty finding homes in safe neighborhoods. VFW service officers in various cities have reported that homeless veterans sometimes prefer sleeping under a bridge rather than living in the unsafe neighborhoods for which their vouchers are eligible. The VFW supports this bill which would review the HUD-VASH program to ensure vouchers put veterans in safe and secure housing.

Discussion Draft, Veteran Employment and Child Care Access Act

Homeless veterans with dependent children often forego their earned benefits because they have no means to afford child care. Currently, VA has four pilot programs which offer on-site child care. These programs have been successful in increasing access to services for veterans. The VFW supports this bill, which would provide child care so homeless veterans have the opportunity to complete the training they need to obtain meaningful employment.

Discussion Draft, BRAVE Act (Boosting Rates of American Veteran Employment Act)

The VFW supports this proposal to incentivize and reward companies for employing veterans. We also support the proposed debarment of companies contracting with VA that willfully and intentionally misrepresent the percentage of veteran employees. Employing veterans and working to serve veterans through VA should be a privilege and not something to be taken advantage of.

Discussion Draft, to clarify seasoning requirements for certain refinanced mortgage loans, and for other purposes.

The VFW understands there were unintended consequences affecting upwards of 2,500 users of VA's home loan program who were seeking to refinance their mortgages. We feel this correction should be made in order to not unintentionally hurt those Ginnie Mae was trying to protect.

Discussion Draft, Navy SEAL Chief Petty Officer William "Bill" Mulder (Ret.) Transition Improvement Act

The VFW proudly supports this proposal which would ease the burden of transition for service members. The period of moving from Active duty to civilian life can be challenging for transitioning service members (TSMs). Leaving a structured life in the military and moving to an entirely different atmosphere brings with it many difficulties. Finding a new job, moving away from base, going to school, or leaving friends and comrades are just some of the issues service members face during the military to civilian transition.

Through the Transition Assistance Program (TAP), the Department of Defense in cooperation with the Department of Labor, the Department of Veterans Affairs and the Small Business Administration, ensures service members have a seamless path to civilian life. TAP has improved drastically over the past few years, but there are still many ways to further improve this vital program.

The John S. McCain National Defense Authorization Act for Fiscal Year 2019 revised the structure of the TAP program to make sure TSMs could attend the career track program they want, instead of providing it as an additional option. The start date for beginning TAP class was also revised so TSMs could take the class earlier and, if possible, more than once before separation.

Connecting TSMs to resources in the communities where they are relocating is an important step that should happen during TAP classes. Providing connections to organizations that offer employment training, education information, and financial or legal assistance is beneficial in a seamless transition, and must be part of the TAP class so TSMs can begin to make these connections before they separate.

Another key area that needs to be addressed is the ability for veterans to access TAP-style information and resources after they leave military service. Reopening a pilot program to offer TAP in the community for veterans is an excellent way to provide such access. Once veterans reintegrate into their communities, it is important for them to be able to access specific transition resources that apply strictly to their local communities. Veterans who participated in TAP in the community pilot program were able to access information and resources they may have missed during their initial TAP classes.

VET OPP Act

Currently, the Economic Opportunity (EO) programs are enmeshed with the myriad of entities that make up the Veterans Benefits Administration (VBA). Compensation, being the largest program, dominates the attention of the VBA which makes it difficult for the EO programs to get adequate funding, specialized resources, and other prioritization. For example, while the VBA has been focused on the modernization and streamlining of the claims and appeals process, other important programs such as VR&E have seen a stagnation of resources and oversight.

Veterans service organizations (VSOs) agree that an under secretary for EO programs would provide VA the ability to better manage EO programs. This subcommittee, which focuses exclusively on EO programs, further emphasizes the advantage of having a central point of contact for accountability and oversight. VA, Department of Defense, and the Department of Labor collaborate to manage the Transition Assistance Program for out-processing service members, but efforts have been hampered by the lack of an under secretary for EO to act as a counterpart and coordinate efforts at VA. Since VA does not have the primary role in TAP, we believe having an under secretary would help ensure that VA's views on TAP initiatives and resources are enhanced.

This nation should have as much focus on the economic opportunities of her veterans as it does on their health care and benefits. In reality, not all veterans seek VA health care when they are discharged; they do not need assistance from the National Cemetery Administration; nor are they all seeking disability compensation. However, the vast majority are looking for gainful employment and/or education. Congress should recognize the value of these programs by separating them into their own administration focused solely on their utilization and improvement.

The VFW supports this proposal to separate from the VBA all programs currently in the EO jurisdiction and create a fourth administration under VA with its own under secretary whose sole responsibility is EO programs. This new under secretary for EO would refocus resources, provide a champion for these programs, and create that central point of contact for VSOs and Congress.

Discussion Draft, to amend title 38, United States Code, to adjust certain limits on the guaranteed amount of a home loan under the home loan program of the Department of Veterans Affairs, and for other purposes.

The VFW supports this bill, which would eliminate the current cap on the amount VA is authorized to guarantee under the VA Home Loan Guaranty Program. Since the 1940s, this excellent benefit has enabled veterans to finance a low-cost mortgage

to purchase a home and become part of America's middle class. The price of real estate has significantly increased in recent years, but the amount VA is able to guarantee has not. Veterans in high cost-of-living areas are now forced to contribute costly upfront down payments to guarantee their home loans with VA. This barrier prohibits veterans from achieving their dreams of becoming homeowners.

This bill would rightfully exempt service members who have been awarded the Purple Heart from paying requisite VA home loan funding fees. Veterans who have service-connected disabilities are exempt from paying such funding fees. Service members who have illnesses or injuries related to their service must also be offered the opportunity to become homeowners without being required to pay a funding fee.

Discussion Draft, to make certain improvements to the Edith Nourse Rogers STEM Scholarship program of the Department of Veterans Affairs.

The VFW supports removing the specific credit hours language for the Edith Nourse Rogers STEM Scholarship. The VFW supported the extension of entitlements for STEM students. If this specific requirement is a barrier for students to receive the extension, then it should be removed. Education for veterans is a top priority for the VFW, and we especially want to see veterans succeed in high-demand fields like STEM.

Discussion Draft, to expand eligibility for the Marine Gunnery Sergeant John David Fry Scholarship to children and spouses of certain members of the reserve components of the Armed Forces who die from service-connected disabilities, and for other purposes.

The VFW supports expanded eligibility of this scholarship to children and spouses of members of the reserve component of the Armed Forces. Any dependent or spouse of a service member who dies from service-connected injuries or illness, regardless of activation status, should be treated equally.

Discussion Draft, to improve the ability of veterans to receive in-state tuition using educational assistance administered by the Secretary of Veterans Affairs.

The VFW supports this proposal to improve the ability of veterans to receive in-state tuition. The VFW has called for in-state tuition rates for years, and this change is long overdue. Offering in-state tuition for all GI Bill users helps remove another barrier for student veterans to pursue their educational goals.

Mr. Chairman, this concludes my testimony. Again, the VFW thanks you and the Ranking Member for the opportunity to testify on these important issues before this subcommittee. I am prepared to take any questions you or the subcommittee members may have.

JOHN KAMIN

ON "H.R. 95, H.R. 444, H.R. 1448, H.R. 1718, AND DRAFT LEGISLATION"

EXECUTIVE SUMMARY

H.R. 95, Homeless Veteran Families Act - pg. 2	Support.
H.R. 444, Reduce Unemployment for Veterans Act - pg. 3	Support.
H.R. 1488, To adjust certain limits on the guaranteed amount of a home loan under the home loan program of the Department of Veterans Affairs - pg. 4	Support with amendments.
H.R. 1718, GI Education Benefits Act - pg. 4	Support.
Discussion Draft, To make certain improvements with respect to flight training programs - pg. 5	Support.
Discussion Draft, To amend the United States Housing Act of 1937 and title 38, United States Code, to expand eligibility for the HUD-VASH program - pg. 6	Support.
Discussion Draft, Homes for Our Heroes Act of 2019 - pg. 7	Support.
Discussion Draft, Veteran Employment and Child Care Access Act - pg. 7	Support.

EXECUTIVE SUMMARY—Continued

Discussion Draft, Protect Affordable Mortgages for Veterans Act of 2019 - pg. 8	Support.
Discussion Draft, Boosting Rates of American Veteran Employment (BRAVE) Act - pg. 9	Oppose.
Discussion Draft, Justice for Servicemembers Act - pg. 9	Support.
Discussion Draft, Navy SEAL Chief Petty Officer William “Bill” Mulder (Ret.) Transition Improvement Act - pg. 10	Support.
Discussion Draft, To amend title 38, United States Code, to adjust certain limits on the guaranteed amount of a home loan under the home loan program of the Department of Veterans Affairs, and for other purposes - pg. 12	Support.
Discussion Draft, to make certain improvements to the Edith Nourse Rogers STEM Scholarship program of the Department of Veterans Affairs - pg. 13	Support.
Discussion Draft, Fry Scholarship Improvement Act of 2019 - pg. 13	Support with amendments.
Discussion Draft, to improve the ability of veterans to receive in-state tuition using educational assistance administered by the Secretary of Veterans Affairs - pg. 14	Support.

Chairman Levin, Ranking Member Bilirakis, and distinguished members of the committee, on behalf of National Commander Brett P. Reistad and our nearly 2 million members, we thank you for the opportunity to testify before this committee.

The American Legion is a resolution-based organization directed and driven by active Legionnaires who dedicate their money, time, and resources to the continued service of veterans and their families. Our positions are guided by 100 years of advocacy and resolutions that originate at the grassroots level of the organization - local American Legion posts and veterans in every congressional district across the United States. The headquarters staff of The American Legion works daily on behalf of veterans, military personnel, and our communities through our roughly 20 national programs and thousands of outreach programs led by our posts across the country.

H.R. 95: THE HOMELESS VETERANS FAMILIES ACT

To amend title 38, United States Code, to ensure that children of homeless veterans are included in the calculation of the amounts of certain per diem grants

The Homeless Veteran Families Act provides the Secretary of the Department of Veterans Affairs (VA) the authority to reimburse Homeless Providers Grant and Per Diem (GPD) Program providers at a 50% rate for the costs of housing minor dependent(s) of homeless veterans while the veteran is receiving services from the grant recipient. Currently, 38 C.F.R. §61.33 only authorizes per diem payments to individual grant recipients.¹ Consequently, service providers are not reimbursed for housing services provided to the veteran’s dependents. The American Legion supports the intent of this legislation to address the unintended consequence of creating a disincentive for GPD providers to serve homeless veterans with children.

The GPD program allows VA to award grants to community-based agencies to create transitional housing programs and offer per diem payments. The purpose of the program is to promote the development and provision of supportive housing and supportive services with the goal of helping homeless veterans achieve residential stability, increase their skills levels, income, and obtain greater self-management.

Through Resolution No. 24: Supporting Funding and Changes to the Department of Veterans Affairs Grant and Per Diem Program, The American Legion supports legislation that expands the criteria of per diem payments for homeless veterans with specialized needs and veterans with dependents.²

The American Legion supports H.R. 95.

¹ 38 C.F.R. §61.33

² American Legion Res. No. 24 (2018): Supporting Funding and Changes to the Department of Veterans Affairs Grant and Per Diem Program

**H.R. 444: REDUCE UNEMPLOYMENT FOR VETERANS OF ALL AGES ACT
OF 2019**

To amend title 38, United States Code, to eliminate the period of eligibility for the Vocational Rehabilitation and Employment program of the Department of Veterans Affairs

The deployment of active-duty servicemembers, national guardsmen, and reservists, in support of Operation Iraqi Freedom and Operation Enduring Freedom, led to an increase of service-connected disabilities after servicemember separation. VA's Vocational Rehabilitation and Employment (VR&E) Program provides comprehensive services and assistance to veterans with service-connected disabilities and employment handicaps. The goal of the program is to enable the service-disabled veteran to achieve maximum independence in daily living, become employable, and obtain and maintain suitable employment.

The standard period of eligibility for VR&E benefits is limited to 12-years from the date of separation from military service or the date of notification by VA of a service-connected disability rating. Unfortunately, not all disabled veterans are aware of their possible eligibility when separating from their service and some may not need VR&E until later in their career. This legislation eliminates the 12-year limitation to participate in the program and extends opportunities and resources to deserving veterans.

The American Legion recognized this in 2016 when it passed a resolution asking Congress to lift the delimiting date for participation in the program.

Through Resolution No. 336: Support Legislation that Would Change the 12-Year Delimiting Date for Eligibility to Chapter 31 Benefits, The American Legion supports eliminating the 12-year expiration date for chapter 31 benefits.³

The American Legion supports H.R. 444.

H.R. 1448

To amend title 38, United States Code, to waive fees for Purple Heart recipients serving on Active duty for loans guaranteed under the home loan program of Department of Veterans Affairs

The Purple Heart is a symbol of the sacrifice made by a servicemember to their country. Active duty Purple Heart recipients who meet the 90-day continuous service requirement are eligible for the VA Home Loan Guaranty Program. Current law waives the VA funding fee for veterans with a VA rating for a service-connected disability. However, Active duty Purple Heart recipients who have not initiated or received their VA disability claim are required to pay the funding fee.

This legislation makes technical changes to the VA Home Loan Guaranty Program. The American Legion supports legislation that closes the loophole that requires payment of the funding fee for Purple Heart recipients and their surviving spouses. The proposed legislation further extends the VA home loan funding fee waiver to Active duty Purple Heart recipients that have not received a VA disability rating.

The American Legion believes Active duty Purple Heart recipients should not be penalized and required to pay the funding fee because they continue to serve on Active duty. Furthermore, this draft legislation also includes language that changes the characterization of surviving spouses as stand-alone and independent recipients of the funding fee waiver, thus removing additional explanations and ambiguity related to their funding fee waiver eligibility.

While The American Legion applauds waiving this fee for Purple Heart recipients, it holds that the VA Home Loan funding fee should be removed for all veterans.

Through Resolution No. 314: Support Elimination of the VA Home Loan Funding Fee, The American Legion strongly urges this committee to remove the VA Home Loan funding fee requirement.⁴

The American Legion supports this Draft Bill but requests the removal of funding fee requirements for all veterans.

³American Legion Res. No. 336 (2016): Support Legislation that Would Change the 12-Year Delimiting Date for Eligibility to Chapter 31 Benefits

⁴Resolution No. 314 (2016): Support Elimination of the VA Home Loan Funding Fee

H. R. 1718: GI EDUCATION BENEFITS FAIRNESS ACT

To amend title 38, United States Code, to provide for clarification regarding the children to whom entitlement to educational assistance may be transferred under the Post-9/11 Educational Assistance Program

One of the many innovations of the Post-9/11 GI Bill is the ability for servicemembers to transfer their earned education benefits to their spouses or children. However, incongruent statutory language resulted in ward and foster children being denied the same privileges of transferability as adopted child or biological children.

This policy on transferability is not explicitly stated in any VA literature or guidance and only recently articulated in 2018 in The Department of Defense's (DOD) Transfer of Education Benefits (TEB) Beneficiary Guide. The guidelines state, "wards and foster children are not considered dependents by the Department of Veterans Affairs."⁵

DOD clarified the statutory discrepancy as under U.S.C. Title 10 authority, wards, and foster children meet the definition of an eligible child for education benefits, however under 38 U.S.C. § 101(4)(A), wards and foster children are excluded from the VA's definition of the term "child" for the purpose of benefits delivery.

The American Legion urges Congress to correct the misalignment, and H.R. 1718 would accomplish this by clarifying the definition of "children" to be consistent with DOD's statutory language.

Through Resolution 308: Amending the Eligibility for the Transfer for the Post-9/11 GI Bill Educational Benefits, The American Legion supports legislation that would authorize servicemembers to use transferability entitlements towards their children, regardless if they are wards, foster, or biological.⁶

The American Legion supports H.R. 1718.

DISCUSSION DRAFT

To make certain improvements to the educational assistance programs of the Department of Veterans Affairs concerning flight training programs and certain other programs of education, and for other purposes

The American Legion supports legislation to improve cost control measures for flight programs offered by colleges and universities. In 2015, The Los Angeles Times exposed how some institutions of higher learning had instituted extreme costs for flight fees. Presently, no caps exist for public schools.⁷ After exposure by the LA Times, VA and State Approving Agencies (SAAs) increased oversight resulting in lowered overall expenditures for flight training to \$48.4 million in 2016, from a height of \$79.8 million in 2014.

Among the external factors responsible for this reduction was a 100% compliance survey conducted by SAAs in 2015. The survey resulted in 12 suspensions and withdrawals; largely due to violations of the 85-15 rule requiring that no more than 85 percent of flight-training students at public schools can attend using GI Bill funds. However, the mandate to micromanage flight programs is unsustainable, even as institutions learn to adjust to requirements while hedging veteran credit enrollment. For these reasons, The American Legion believes a solution is still necessary to ensure Post-9/11 GI Bill dollars remain an honorable investment by the public.

The obligation to protect from abuse must be measured against the responsibility our nation has to veterans who aspire to careers in aviation using the GI Bill. Legislation capping the maximum GI Bill amount per year for flight schools would have the inevitable consequence of discouraging pursuit of this vocation, with greater debt incurred by veterans and servicemembers who remain committed to the vocation.

This draft legislation accounts for both of these considerations. The language sets specific caps, and provides the option for veterans to elect to spend remaining months of entitlement to accelerate payments at a rate of up to twice the amount for tuition and fees.

⁵Transfer of Education Benefits (TEB) Beneficiary Guide, milConnect TEB Version 1.09, Pg. 27, Department of Defense Manpower Data Center, November 9, 2018 <https://milconnect.dmdc.osd.mil/milconnect/help/pdf/teb—beneficiary—guide.pdf> (accessed March 28, 2019)

⁶American Legion Res. No. 308 (2016): Amending the Eligibility for the Transfer for the Post-9/11 GI Bill Educational Benefits

⁷U.S. taxpayers stuck with the tab as helicopter flight schools exploit GI Bill loophole - March 15, 2015 <http://www.latimes.com/nation/la-me-adv-gibill-20150315-story.html#page=1>

As a practical example: if a veteran enrolls in a flight program costing \$45,700 in tuition and fees, this draft legislation would cap GI payment at \$23,672 (the maximum 2018–2019 tuition reimbursement for private schools). The veteran then has to pay half, but can then elect to have the GI Bill cover the remaining tuition by accelerating GI Bill payments for 12 additional months, covering the full cost of tuition.

This solution appears to alleviate concerns of discouraging veterans from pursuit of a career in aviation, while putting the choice in the hands of the veteran for how to appropriately allocate their GI Bill. The American Legion commends the Committee for this measured approach, and is encouraged by the cost savings made in aviation programs.

Through Resolution No. 23: Close the GI Bill Flight School Loophole, The American Legion supports legislation that aligns the cost of Post-9/11 GI Bill Chapter 33 tuition and fees allowable for flight training at a public institution of higher learning, provided that all cost-savings projected by these measures be reallocated to Department of Veterans Affairs education programs.⁸

The American Legion supports this Draft Bill.

DISCUSSION DRAFT

To amend the United States Housing Act of 1937 and title 38, United States Code, to expand eligibility for the HUD–VASH program

Currently, HUD–VASH provisions in 42 U.S.C. §1437 do not define the term ‘veteran.’ As a result, the Department of Housing and Urban Development’s interpretation of the statute limits the Department’s ability to provide the services expected of the HUD–VASH program. This draft legislation defines the term ‘veteran’ as it relates to the staffing of VA Case Managers responsible for housing program services set forward in 38 U.S.C. §2003. Moreover, this draft legislation increases oversight and promotes accountability for homeless veteran programs.

Further, it removes 42 U.S.C. §1437 and 38 U.S.C. §2003 ‘zone of ambiguities’ thereby aligning the intent of the HUD–VASH Program with the expected outcomes, and establishes the minimum frequency and mandated reporting requirements of homeless veteran program updates to the Committee on Veterans’ Affairs of the Senate and the House of Representatives.⁹

Through Resolution No. 332: Support Funding for the Department of Housing and Urban Development (HUD) and Veterans Affairs (VA) Supportive Housing (HUD–VASH) Homeless Program¹⁰, The American Legion supports legislation that expands the criteria for HUD–VASH eligibility.

The American Legion supports this Draft Bill.

DISCUSSION DRAFT: HOMES FOR OUR HEROES ACT OF 2019

To provide for greater transparency in the HUD–VASH supported housing program for homeless veterans, and for other purposes

Current law allows VA and HUD to authorize and determine the formula and criteria used to allocate HUD–VASH vouchers in a given geographical area. “Other factors” is the term used to characterize the variables used to make voucher allocations. This legislation increases legislative oversight and federal agency accountability for the HUD–VASH program by requiring reports and hearings covering the program’s discretionary policies and priorities.

Through Resolution No. 332: Support Funding for the Department of Housing and Urban Development (HUD) and Veterans Affairs (VA) Supportive Housing (HUD–VASH) Homeless Program¹¹, The American Legion supports legislation that improves HUD–VASH transparency.

The American Legion supports the Homes For Our Heroes Act of 2019.

⁸American Legion Res. No. 23 (2018): Close the GI Bill Flight School Loophole

⁹Matthew C. Stephenson, “Statutory interpretations by agencies,” Research handbook on public choice and public law, ed. Daniel A Farber and Anne O’Connell, 288. <http://www.law.harvard.edu/faculty/mstephenson/2011PDFs/Statutory%20Interpretation%20by%20agencies.pdf>

¹⁰Resolution No. 332 (2016) Support Funding for the Department of Housing and Urban Development (HUD) and Veterans Affairs (VA) Supportive Housing (HUD–VASH) Homeless Program

¹¹American Legion Res. No. 332 (2016) Support Funding for the Department of Housing and Urban Development (HUD) and Veterans Affairs (VA) Supportive Housing (HUD–VASH) Homeless Program

**DISCUSSION DRAFT: VETERAN EMPLOYMENT AND CHILD CARE
ACCESS ACT**

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to provide child care assistance to veterans receiving certain training or vocational rehabilitation, and for other purposes

In 2010, Congress established a childcare pilot program as part of the Caregivers and Veterans Omnibus Health Services Act of 2010, signed into law in 2011. The program established childcare for veterans while receiving health care services at a VA facility.

The American Legion continues to advocate for making the child care pilot program permanent through the Veterans' Access to Child Care Act in the Senate. It is with the same conviction that we believe access to childcare services must be granted to veterans participating in workforce programs.

Many veterans possess the skillsets and experience to meet a wide array of critical workforce requirements. The Vocational Rehabilitation and Employment (VR&E) program provides a training pathway to meet these requirements. However, a lack of childcare often inhibits pursuit of education and training by eligible veterans. Too often veterans settle for low paying jobs to make ends meet because childcare is expensive and subsidies are limited. Further, this lack of childcare disproportionately disenfranchises women veterans as the primary caretakers of dependent children.

The Veterans Employment and Child Care Access Act will provide access to child care services to a veteran who is the primary caretaker of a child; and participates in VA or DOL workforce or job training program, to include VR&E. Eligible veterans will be provided a stipend for payment of child care at a licensed provider or receive direct childcare at an on-site facility at VA.

Through Resolution No. 43: Department of Veterans Affairs Child Care Program¹², The American Legion supports legislation to provide child care services to veterans with children for the veteran to receive access to the quality care they have earned.

The American Legion supports the Veteran Employment and Child Care Access Act.

**DISCUSSION DRAFT: PROTECT AFFORDABLE MORTGAGES FOR
VETERANS ACT OF 2019**

To clarify seasoning requirements for certain refinanced mortgage loans, and for other purposes

Predatory and exploitative non-bank lenders are targeting Veterans and service-members with questionable home loans and home refinance options. This tactic is known as loan churning. The American Legion urges Congress to support legislation that will stop misleading and illegal mortgage refinance advertisements directed at service-members and veterans. This legislation attempts to reduce loan churning by specifying a loan age requirement—loan seasoning—before a veteran can refinance, thus disincentivizing questionable lenders.

American Legion Resolution No. 329: Support Home Loan Guaranty Program¹³ supports legislation that ends predatory loan churning targeting veterans with VA home loans.

The American Legion supports the Protect Affordable Mortgages for Veterans Act of 2019.

**DISCUSSION DRAFT: BOOSTING RATES OF AMERICAN VETERAN
EMPLOYMENT (BRAVE) ACT**

To authorize the Department of Veterans Affairs (VA), in awarding a contract for the procurement of goods or services, to give preference to offerors based on the percentage of the offeror's full-time employees who are veterans

The American Legion supports veteran entrepreneurship programs because small businesses form the backbone of the US economy. According to SBA, small businesses were responsible for about 1.9 million new jobs in 2018.¹⁴ One reason for

¹²American Legion Res. No. 43 (2016): Department of Veterans Affairs Child Care Program

¹³American Legion Res. No. 329 (2016): Support Home Loan Guaranty Program

¹⁴"Small Businesses Drive Job Growth in the U.S. / The U.S. Small Business Administration." Small Business Administration, www.sba.gov/advocacy/small-businesses-drive-job-growth-us.

outsourcing some federal functions to the private sector is to create jobs. While The American Legion supports programs that encourage federal contractors to hire veterans, we refrain from supporting the proposed language, at this time.

The inclusion of the proposed §8129 potentially gives higher preference to large businesses over small veteran owned businesses when a solicitation is released on an unrestricted basis. By sheer size and capacity, large corporations with national footprint will always be able to employ more veterans than small businesses. The American Legion does not want veteran small businesses to be permanently disadvantaged when competing against large corporations in the federal market space. Until the impact to small businesses is clarified and this issue is resolved, The American Legion withholds our support.

The American Legion does not support the BRAVE Act as currently written.

DISCUSSION DRAFT - JUSTICE FOR SERVICEMEMBERS ACT OF 2019

To amend title 38, United States Code, to clarify the scope of procedural rights of members of the uniformed services with respect to their employment and reemployment rights, and for other purposes

As currently drafted, the Uniformed Services Employment and Reemployment Rights Act of 1994 fails to adequately support military personnel returning to civilian employment. Countless employers violate rules laid out in U.S.C. Title 38. This draft legislation strengthens the protections in current law to ensure servicemembers' employment and reemployment rights are effectively enforced under the Uniformed Services Employment and Reemployment Rights Act of 1994.

A notable lawsuit filed by Michael T. Garrett, a Lieutenant Colonel in the Marine Corps Reserve, stated his employer violated the Uniformed Services Employment and Reemployment Act (USERRA), 42 U.S.C. §4301, by wrongfully terminating his employment. Lt. Col. Garrett chose to file because his employer did not respond to his initial complaint. On the contrary, the employer filed a motion to compel arbitration.

Servicemembers struggle daily to balance their dual military and civilian lives, only to return and find their employers did not uphold the same balance. The Justice for Servicemembers Act of 2019 is a critical improvement to a ensure remedy for heroes such as Lt. Col. Garrett.

Through Resolution No. 85: Support Employment and Reemployment Rights of National Guard and Reservists Returning from Deployment, The American Legion supports amending and strengthening USERRA to ensure the National Guard and reservists receive the employment and reemployment rights afforded to them through their dedicated service to the country and as required under law. The American Legion supports explicitly stating USERRA supersedes the Federal Arbitration Act of 1924, so servicemembers cannot be blocked from utilizing the court system by arbitration agreements.¹⁵

The American Legion supports the Justice for Servicemembers Act.

DISCUSSION DRAFT: THE NAVY SEAL CHIEF PETTY OFFICER WILLIAM 'BILL' MULDER (RET.) TRANSITION IMPROVEMENT ACT OF 2019

To amend the Social Security Act, to amend the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012, and to direct the Secretaries of Veterans Affairs, Defense, Labor, and Homeland Security, and the Administrator of the Small Business Administration, 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

This legislation would make improvements to the Transition Assistance Program (TAP) and the overall transition process for servicemembers to include an increased focus on career opportunities and entrepreneurship. This bill would represent the largest reorganization of TAP since 2011.

The restructure would require servicemembers to choose specific career-oriented tracks that best suit their post-service plans and would require servicemembers take part in one-on-one counseling a year before separation to evaluate which transition pathway suits them best. It would authorize a five-year pilot program that grants funds to community providers offering wraparound transition services to veterans

¹⁵ American Legion Res. No. 85 (2017): Support Employment and Reemployment Rights of National Guard and Reservists Returning from Deployment

and transitioning servicemembers. Finally, the legislation would require a third-party entity to conduct an independent assessment of the TAP curriculum and require a separate longitudinal study on the efficacy of TAP and long-term outcomes for veterans.

TAP is a joint program administered by the U.S. Departments of Defense (DoD), Department of Labor (DOL), and Veterans Affairs (VA) charged with providing veterans a successful transition from military to civilian life.

The goal of TAP is to ease the adjustment of separating servicemembers during the difficult transition from Active duty into civilian life by offering job search assistance, medical/health services, the advising of available benefits, and other related counseling. The American Legion believes TAP represents an important step towards providing transitioning servicemembers, and their families, with the information they need to transition into civilian life successfully.

Servicemembers are now mandated to attend TAP with an option for their spouses. However, TAP provides a tremendous amount of information, which at times can be extremely intricate, overwhelming, or even excessive to a participant. DOL's portion is three-days long and is responsible for most of that information. The American Legion recommends the course be mandated for servicemembers at different intervals of their careers prior to separation or transitioning into the civilian sector, along with pre-counseling for servicemembers intending to leave the military.

The American Legion supports the independent assessment of the effectiveness of TAP. The purpose of this assessment is to ensure transitioning servicemembers are receiving the adequate skills and training needed to complete a seamless transition from the military to the civilian sector.

There is a vast difference between a transitioning servicemember who served one enlistment in contrast to a transitioning servicemember who is retiring after 20 years of service. Differences include, but is not limited to, servicemembers who separate for medical reasons and/or other unexpected reasons.

Additionally Congress should require DoD and DOL to submit a report of servicemembers who have attended TAP, branched into three cohorts: 1) attended TAP counseling as implemented on the date of this Act; 2) attended TAP after the Secretaries of Defense and Labor implements recommended changes; and 3) those who have not attended TAP counseling. It is imperative this longitudinal study be conducted after each cohort in order to assess the efficacy and effectiveness of each change made to TAP.

Furthermore, The American Legion is pleased to see language from H.R. 4835 included in this bill. In 2012, The American Legion helped push for expansion of TAP to those who had already separated from service. In response, Congress passed the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012. Provisions in the act authorized an Off-Base Transition Training (OBTT) pilot program extending the TAP programs to veterans and their spouses in a community-based setting. The law required the pilot program be established by DOL in a minimum of three states, with selection favoring states with "high rates of unemployment among veterans." DOL ultimately conducted 21, three-day workshops in Georgia, Washington, and West Virginia. Overall course ratings by participants were high. The OBTT pilot program expired in January of 2015.

The inclusion of language from H.R. 4835 provides for a new five-year pilot program and establishes 50 centers across the country to expand access to job resources and ensure DOL provides classes with job-training information. The expansion of this program will give our veterans and their spouses the support they deserve.

Through Resolution No. 70: Improve Transition Assistance Program, The American Legion supports legislation urging Congress to thoroughly review TAP for maximum effectiveness in helping servicemembers transition to civilian life and find gainful employment, while encouraging cooperation and the inclusion of nationally accredited service organizations in their program.¹⁶

The American Legion supports the Navy SEAL Chief Petty Officer William 'Bill' Mulder (Ret.) Transition Improvement Act of 2019.

DISCUSSION DRAFT

To amend title 38, United States Code, to adjust certain limits on the guaranteed amount of a home loan under the home loan program of the Department of Veterans Affairs, and for other purposes

Current loan regulations contain language lowering the guaranteed amount of jumbo loans. Veterans purchasing homes in designated high-cost areas receive less

¹⁶ American Legion Res. No. 70 (2016): Improve Transition Assistance Program

loan guarantee, resulting in stringent underwriting criteria. In addition, Native American veteran home loans require a memorandum of understanding with the tribal organization before receiving a direct VA backed home loan. Purple Heart recipients are required to pay the VA funding fee if they have not received a VA disability rating.

Section 1 submits language that increases the amount of VA home loan guaranteed by removing provisions permitting the government to lower its liability to the maximum guaranteed amount if that amount is less than 25 percent of the loan. The bill eliminates restrictions to Native American veterans utilizing their VA home loan benefits. This bill includes language that eliminates the VA home loan funding fee for Purple Heart recipients.

The new bill increases the government's guarantee amount to 25 percent of the conforming loan amount, instead of, the guaranteed amount limit. For example, a veteran purchasing a 1 million dollar home would have 25% (\$181,631.25) of the maximum guaranteed amount of \$726,525 backed by the government. This new bill introduces language that removes the "lesser of the maximum guarantee amount" and increases the guaranteed portion to 25% of the loan. In this example, the guaranteed amount of a 1 million dollar home loan would be \$250,000.

The Veteran thus gets more of his/her loan guaranteed making them a more attractive customer to lenders. Lenders get more money guaranteed from the government minimizing risk. This bill reduces the guidelines of the VA guarantee. Data suggests more expensive VA home loans have a smaller default rate.¹⁷

The bill also removes provisions in 38 U.S.C. §3762 that requiring VA establish a memorandum of understanding with tribal organizations before making a direct loan to a veteran. This legislation also adds language to waive fees for Purple Heart Recipients.

Through Resolution No. 329: Support Home Loan Guaranty Program, The American Legion supports legislation ending predatory loan churning targeting veterans with VA home loans, and American Legion Resolution No. 314: Support Elimination of the VA Home Loan Funding Fee¹⁸, supports the removal of the VA Home Loan funding fee requirement.

The American Legion supports this Draft Bill.

DISCUSSION DRAFT

To make certain improvements to the Edith Nourse Rogers STEM Scholarship program of the Department of Veterans Affairs

The American Legion wants all veterans to succeed and would like to see more veterans enter Science, Technology, Engineering and Math (STEM) fields. To support this, we successfully supported the creation of the Edith Nourse Rogers STEM Scholarship program, extending the GI Bill for up to nine additional months of eligibility for eligible veterans.

Unfortunately, feedback from schools indicates provisions of this scholarship preclude the majority of education programs from participation due to the requirement that eligible programs of study be at least 128 semester credit hours. While 128 credit hours are a common requirement to earn many Bachelor of Science Degrees, it is exceptionally rare that the entirety of these credits are within one course of study. This bill eliminates this arbitrary goal post by striking the requirement for credit hours for completion in a standard undergraduate college degree.

Through Resolution No. 318: Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education, The American Legion supports any legislative proposal that improves the Post-9/11 GI Bill.¹⁹

The American Legion supports this Draft Bill.

DISCUSSION DRAFT - FRY SCHOLARSHIP IMPROVEMENT ACT OF 2019

To expand eligibility for the Marine Gunnery Sergeant John David Fry Scholarship to children and spouses of certain members of the reserve components of the Armed Forces who die from service-connected disabilities, and for other purposes

¹⁷Ben Lane, "Adding this one test could cut FHA default rates in half," Housing Wire, July 2017, <https://www.housingwire.com/articles/30672-adding-this-one-test-could-cut-fha-default-rates-in-half>

¹⁸American Legion Res. No. 314 (2016): Support Elimination of the VA Home Loan Funding Fee

¹⁹American Legion Res. No. 318 (2016): Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education

Under current law, if an Active duty servicemember attends a training exercise, becomes ill, returns home, and then passes away, the branch of service considers this loss “in the line of duty” and service-connected by VA. Fry affords the family much-needed death gratuity benefits including the Fry Scholarship and Survivor Benefit Plan (SBP).

If a reserve servicemember attends the same training exercise and suffers the same fate, the branch of service does not consider the loss “in the line of duty”, and the surviving family is ineligible for a line-of-duty investigation. This arbitrary difference eliminates the eligibility for the Fry Scholarship, and while in some cases the death may be deemed service connected for the purpose of SBP they are set up to fail.

The Fry Scholarship Improvement Act of 2019 would establish long-deserved parity between Active duty and reserve death gratuity benefits, by amending the eligibility for Fry Scholarship to include the child or spouse of a member of the select reserve who died not later than four years after the date of the last discharge, or release of that member from Active duty or Active duty training.

While The American Legion applauds this effort, it is concerned that the statutes may be interpreted to exclude Reserve servicemembers who die after attending inactive duty training (IDT) under Title 10 U.S.C. 10147 authority.

Resolution No. 318: Ensuring the Quality of Servicemember and Veteran Student’s Education at Institutions of Higher Education, The American Legion supports any legislative proposal that improves the Post-9/11 GI Bill.²⁰

The American Legion supports the Fry Scholarship Improvement Act of 2019 but requests additional amendments to cover survivors of persons who dies within 4 years of discharge or release from inactive-duty training.

DISCUSSION DRAFT

To improve the ability of veterans to receive in-state tuition using educational assistance administered by the Secretary of Veterans Affairs.

The American Legion believes that the commitment servicemembers make to protect our country affords them the right in-state college tuition rates at public universities for VA education benefits.

In 2014, the VA mandated that all student veterans be eligible for in-state tuition at public colleges and universities regardless of their residency status, eliminating the need for veterans seeking a post-secondary credential to accrue student loan debt while attending a public institution. While this was welcomed, it came with several caveats:

- Only applied to veterans who enroll in school within 3 years of discharge or their dependents
- Fry Scholarship recipients must enroll within 3 years of their parent’s date of death
- GI Bill recipients who were originally within the 3 year time period when they started school before July 2, 2015, but are now past their 3 year eligibility are not covered

In 2016 Public Law 114–315, also known as the “Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act” expanded these provisions further to:

- Dependents using transferred Post-9/11 GI Bill benefits who lives in the state where the school is located and the transferor is an active-duty member of the military
- Survivors using benefits under the Fry Scholarship who lives in the state where the school is located (regardless of their formal state of residence).

Now, we believe that it is time to amend statutes to recognize a core truth: that veterans, military dependents and survivors are a value-add to campuses regardless of their date of separation. Just as the Harry W. Colmery Veterans Educational Assistance Act ushered in a Forever GI Bill, forever in-state tuition should follow. This Draft Bill assures this by striking the three-year separation cap from Title 38.

²⁰American Legion Res. No. 318 (2016): Ensuring the Quality of Servicemember and Veteran Student’s Education at Institutions of Higher Education

American Legion Resolution No. 318 supports legislation that improves the GI Bill so servicemembers veterans, and their families can maximize its usage.²¹

The American Legion supports this Draft Bill.

CONCLUSION

The American Legion thanks this subcommittee for the opportunity to elucidate the position of the over 2.2 million veteran members of this organization. For additional information regarding this testimony, please contact Mr. Jonathan Espinoza, Policy Associate of the Legislative Division at The American Legion, at (202-263-5756 or JEspinoza@legion.org.

Rebecca Burgess

From a Social Deficit to a Social Asset Model

How Congress and the VA Can Empower Veterans and Reverse the “Broken Veteran” Narrative

Chairman Levin, Ranking Member Bilirakus, and distinguished members of this subcommittee: Thank you for the opportunity to appear here today, as you consider how to leverage the tremendous power of Congress and the United States toward uplifting our veterans in their transition from war to work and successful civilian lives. It is an honor.

Caring for military veterans’ well-being has been the genuine concern of the American public, lawmakers, and veterans’ advocates following every armed conflict in which the US has engaged. Recognizing how the nation ought to deliver that care has simultaneously been its most consistent challenge.

America’s veterans face three significant challenges in their post-service transition: procuring employment, accessing the education or training associated with particular civilian occupations, and overcoming the “broken veteran” narrative.

Veterans’ transition stress is often mistaken and mischaracterized as a grave mental health disorder, feeding the “broken veteran” narrative. Legislation geared only toward veteran suicide unconsciously perpetuates this image. Reformulating veteran legislation in the positive language of economic opportunity, however, emphasizes post-service growth. Congress can instigate this through creating a Veterans Economic Opportunity Administration, which would benefit veterans, the Department of Veteran Affairs (VA), Congress, military recruitment efforts, and all of society.

A Public Trust, Challenged

I would like to share two quotes with you, separated by nearly a century, one from a US president and one from a Veterans Board of Appeals lawyer. They express two distinctive but accurate sentiments about America’s enduring attitude toward veterans and the system of laws that shape how America actually cares for veterans through the VA and other related agencies.

In 1918, in a Christmas letter to soldiers at Walter Reed hospital, President Woodrow Wilson echoed a long line of American sentiment, stretching back to Abraham Lincoln’s words in his Second Inaugural (which later became the VA’s motto) to “care for him who shall have born the battle, and for his widow and his orphan.” Wilson intoned: “The nation has no more solemn obligation than healing the hurts of our wounded.”¹ Americans are conscientious-some may say even sentimental-about the nation’s duty and obligation to care for veterans.

Almost as a corrective to that soaring rhetoric, in 2011, scholar James Ridgeway observed in the *Veterans Law Review*: “It should not be assumed that historical artifacts of veterans’ law-no matter how entrenched-exist to benefit veterans. Rather every piece must be examined in a historical context.”²

²¹American Legion Res. No. 318 (2016): Ensuring the Quality of Servicemember and Veteran Student’s Education at Institutions of Higher Education

¹“President Wilson’s Message on Healing the Hurts of Our Wounded,” *Come-Back*, December 24, 1918, as recounted in Jessica L. Adler, *Burdens of War: Creating the United States Veterans Health System* (Baltimore: Johns Hopkins University Press, 2017), 77.

²James D. Ridgway, “The Splendid Isolation Revisited: Lessons from the History of Veterans’ Benefits Before Judicial Review,” *Veterans Law Review* 3 (2011): 145.

There are no two better quotes to illustrate how the American public in general, and its elected politicians in particular, genuinely feel about veterans-but also how and why that care seems so often to fall short of the noble ideal in practice.

At the American Enterprise Institute here in DC, I work with the Program on American Citizenship, which is focused on the fundamental principles and challenges of a free society. We believe, in the words of Walter Berns, one of our late, great scholars of the Constitution (and a veteran), that, among other things:

Citizenship is an awareness of sharing an identity with others . . . a sense of belonging to a community for which one bears some responsibility. In a word, citizenship implies public-spiritedness, which is akin to patriotism, and has to be cultivated.³

Understanding how public sentiment and public policies can go hand in hand but so often be at loggerheads is something we investigate deeply. We look at both the formal and informal institutions of government, as well as how individuals are educated about them and how they understand them, to grasp the dynamics of our cultural and public policy challenges and to present solutions with “teeth in them” that truly improve the lives of flesh-and-blood human beings.

We research civic education and the status of that in our schools, but we also research civil society; the professions and civil society-such as the medical, law, military, and musical professions-and how they strengthen democracy; what they contribute to the virtues of a free society whose disparate parts must still communicate with each other; the civil-military divide; and, thus importantly, veterans and society. This multidisciplinary approach gives us a wealth of insight into the challenges of maintaining a professional all-volunteer force in a diverse society, which increasingly has no connection to even the idea of military service (because of the lack of K-12 civic education and a geographically sparse ROTC presence), let alone know a current or former member of the Armed Services.

A Damaging Veteran Narrative in Need of Reversal

What we see is well-known-but only in part-to this audience: After 40 years of the all-volunteer force, and despite nearly two decades of war post-9/11, the American public respects the military and those who serve in the aggregate, but they do not know anything about them. They call veterans “heroes” but believe they are “broken.”⁴ Even the best-intentioned employers and educators labor under the false impression that veterans are not experienced and educated candidates, that veterans do not pursue a college degree or vocational training, or that veterans do not have successful careers after the military.⁵

Additionally, the American public erroneously believes that the overwhelming majority of veterans suffer from post-traumatic stress disorder (PTSD) or other severe mental health conditions because of their military experience and that veterans therefore may never be able to take their place as healthy, happy, contributing members of society. A majority of the public-71 percent-acknowledge that civilians do not understand the problems faced by those in the military or by their families; 84 percent of post-9/11 veterans agree. The cultural narrative about veterans, compounded by Hollywood and the media, is so strong that even veterans describe their transition stresses as mental health disorders, for lack of any other narrative about the difficulties inherent in returning to the civilian sphere.⁶

And yet, we have extensive, empirical documentation that “PTSD typically occurs in only a relatively small population of returning veterans” and that the range of PTSD prevalence in Operating Iraqi Freedom and Operation Enduring Freedom veterans is actually between 4.7 and 19.9 percent.⁷

The general instinct that contemporary war veterans are a population that requires services to function in civil society, rather than a population that has any valuable services to offer back, is particularly damaging to veterans themselves, as I have written about in the attached report, “Economic Opportunity, Transition Assistance, and the 21st-Century Veteran: The Case for a Fourth VA Administration.”

³ Walter Berns, *Making Patriots* (Chicago: University of Chicago Press, 2001), II.

⁴ Rebecca Burgess, “Beyond the ‘Broken Veteran’: A History of America’s Relationship with its Ex-Soldiers,” *War on the Rocks*, March 7, 2018, <https://warontherocks.com/2018/03/beyond-the-broken-veteran-a-history-of-americas-relationship-with-its-ex-soldiers/>.

⁵ See, for example, Natalie Gross, “Study: Companies Still Don’t Understand Veterans,” *Military Times RebootCamp*, July 26, 2018, <https://rebootcamp.militarytimes.com/news/employment/2018/07/26/study-companies-still-dont-understand-veterans/>.

⁶ Meaghan C. Mobbs and George A. Bonanno, “Beyond War and PTSD: The Crucial Role of Transition Stress in the Lives of Military Veterans,” *Clinical Psychology Review* 59 (2018): 137–44.

⁷ Mobbs and Bonanno, “Beyond War and PTSD.”

Psychologically, this is bound up in questions of identity, described by researchers as social identity theory and involving concepts of identity fusion, contingent self-worth, and “stereotype threat,” but complicated by the modern phenomenon of a delayed “emerging adulthood.”⁸ Socially and culturally, this public instinct damages veterans in how it shapes public policy and the organs of government that deliver policy to veterans—the VA—by reemphasizing (however well-intentioned) the supposed brokenness of all veterans.

While not all who have served in uniform qualify for health or other benefits from the VA, the millions who do qualify drive the public narrative about veterans because the VA is the nation’s most prominent recognition of military service. Additionally, the highly visible and historic Veterans Service Organizations (VSOs) place the VA at the center of the veteran-federal government relationship. The VA–VSO-veteran dynamic translates to the public assuming that the VA serves any veteran and that each veteran is equally in need of those services. Over time, this has adversely constructed a veteran-as-deficit model, visible in how the federal government treats veterans through the instrument of the VA and how legislators craft veterans legislation in light of advocacy demands and agency dynamics.

A note about these dynamics: The VA has expanded haphazardly due to political pressures for more than a century, to deliver financial benefits or pensions to veterans, calculated from the premise that the injured veteran will never enter the economy again. Despite broad innovations that have shifted the economy from its 1917 Industrial Age model to its current information age model, the VA continues to think in Industrial Age terms about especially injured and disabled veterans.

As society enlarges its definition of disability in pace with medical discoveries and politically advantageous welfare programs, the VA has grown to be the second-largest federal agency, while the Veterans Benefits Administration (VBA) now makes its largest financial outlays. Between 2008 and 2016, VBA compensation outlays increased by 114 percent—according to the VA itself, because post-9/11 veterans have a tendency to apply for their benefits and care before they transition out of the military, in addition to their being awarded higher percentages of disability compensation than previous cohorts of war veterans.⁹

This increase of high disability awardees could be entirely warranted. But the current disability schedule is also problematic, as it appears to be acting as a disincentive to veterans to enter the workforce and engage with society. The level of veterans’ sense of isolation from society, not to mention rates of suicide, are unacceptable outcomes for this policy model.

These outcomes point to the fact that, for all its \$200 billion dollar budget, the VA does not track its programs’ outcomes. At the very least, it haphazardly documents outputs. It has hamstrung its own ability to serve veterans by not measuring its programs. As the slate of recent congressional hearings over VA programs and failed or “delayed” implementations illustrates, this undermines public confidence in the VA. When the VA has bungled and delayed payments for one program alone, the GI Bill, five times in only 10 years—2009, 2013, 2014, 2017, and 2018—it directly hurts veterans and contributes to young men and women deciding against joining the military and against being under the VA’s care in the future.

This is a terribly worrisome cycle. Fortunately, it has also created the historic opportunity present before us, to harness the power of congressional legislation to reshape the veteran narrative. By rethinking the tremendous ability the VA has to be an active partner with Congress, and understanding veterans as investments that can be leveraged toward greater individual growth with positive societal impact, the proposed Veterans’ Education, Transition, and Opportunity Prioritization Plan Act of 2019 (VET OPP Act) can champion the veteran-as-asset model. It recognizes that having a fourth high-level, prominent institutional VA mechanism—a Veterans’ Economic Opportunity and Transition Administration, headed by its own under secretary—can light the pathway to success for post-service veterans, similarly to how Department of Defense mechanisms involving training, a sense of purpose, and a shared community shape young civilians into successful soldiers.

Identity, Education, and Employment: Pathway to Veteran Success

⁸See Mobbs and Bonanno, “Beyond War and PTSD.” See also Claude M. Steele, “A Threat in the Air: How Stereotypes Shape Intellectual Identity and Performance,” *American Psychologist* 52 (1997): 613–29; Dan Pronk, “Abandoning the Tribe: The Psychology Behind Why Veterans Struggle to Transition to Civilian Life,” *NewsRep*, January 10, 2019, <https://thenewsrep.com/112569/abandoning-the-tribe/>; and Dan Pronk, “Filling the Void: Maslow and Transitioning out of the Military,” *NewsRep*, January 11, 2019, <https://thenewsrep.com/112572/filling-the-void-maslow-and-transitioning-out-of-the-military/>.

⁹US Department of Veterans Affairs, Department of Veterans Affairs: FY 2018–2024 Strategic Plan, February 12, 2018, <https://www.va.gov/oei/docs/va2018–2024strategicplan.pdf>.

Currently, approximately half (50.3 percent) of active-duty enlisted personnel are 25 years old or younger. Of the entire military force, somewhat fewer (43.8 percent) are in that age bracket.¹⁰ Developmentally speaking, this is the “emerging adulthood” period—a period of rapid development involving key struggles surrounding personal identity. The military offers concrete answers to common existential questions, reinforcing them through experience, during this normative period.

The positive self-regard cultivated during military service becomes a focal point of the psychological changes that often distinguish the period of transition out of the military. Research from Columbia University reveals that veterans experience grief-like symptoms at the loss of their previous military identity, which in turn augments all the stressors of a life transition, when facing the initial instability of civilian life and lacking the order and purpose that characterized their service.¹¹

The media and the public overwhelmingly call this experience of veteran transition stress PTSD and erroneously believe that the majority of all post-9/11 veterans have a mental health disorder. Unfortunately, since funded research at the VA’s military treatment facilities prioritizes PTSD research, and since the preponderance of well-intentioned veteran legislation post-9/11 emphasizes mental health disorders, the public, potential employers, and veterans themselves are trapped in the inaccurate and harmful “broken veteran” narrative cycle.

As previously mentioned, currently, over half of employers believe that veterans do not have successful careers after leaving the military. Half do not think that veterans pursue a college or vocational school degree, but 62 percent believe veterans need to acquire more hard and soft skills before they are ready for nonmilitary roles.¹²

Veterans themselves tend to agree that they need “soft,” or communication, skills. Both veterans and employers nearly unanimously agree on the benefit of internship or apprenticeship programs for veterans as they seek to reenter the civilian workforce. And post-9/11 veterans especially see education as crucial to their continued success.

The VA has a suite of educational assistance, vocational rehabilitation and employment, and education and career counseling programs, as well as broadly defined shared transition assistance programs (with the Departments of Labor, Defense, and Homeland Security), which make accessible all the tools veterans need to progress from war to work. But these are at the bottom of the program pyramid within the VBA.

The VA’s nearly century-old structural design impedes its own ability to help veterans achieve that success. Its outdated manufacturing-economy outlook, which informs the VBA’s 1917-based disability model, sees a service-connected condition only through the terms of a permanent earnings loss and works as a perverse incentive against veterans entering the workforce. With all the VBA’s energies directed toward its backlog of hundreds of thousands of disability claims, its institutional resources are concentrated on the disability system to the unsurprising neglect of its education and economic programs. This is one systemic reason why we consistently see the VA’s failure to implement the GI Bill, no matter who the VA secretary is at the time or who sits in the White House.

One other small but illustrative example: If you visit the VA’s Office of Employment and Economic Impact website, within the VBA, it tells you that “it is no longer available” and to maybe check out the Department of Labor.

Coincidentally, a majority of veterans report that navigating the VA’s administrations and benefits is their top challenge in transition to civilian life.¹³ The very VA economic opportunity programs veterans stand most to profit by are operating with the proverbial millstone around their necks.

Conclusion

In the 21st-century information age, education is key to employment, and employment is the door to a successful transition to civilian life. Education and employment combined give veterans the crucial tools to reforge civilian identities stronger even than their military ones. The psychic rewards of work, productivity, and a ca-

¹⁰ US Department of Defense, Office of the Deputy Assistant Secretary of Defense for Military Community and Family Policy, 2015 Demographics: Profile of the Military Community, 2015, <http://download.militaryonesource.mil/12038/MOS/Reports/2015-Demographics-Report.pdf>.

¹¹ Mobbs and Bonanno, “Beyond War and PTSD.”

¹² Edelman Insights, “2017 Veterans’ Well-Being Survey: Focus on Employment, Education, and Health,” October 27, 2017, <https://www.slideshare.net/EdelmanInsights/2017-veterans-wellbeing-survey>.

¹³ Corri Zoli, Rosalinda Maury, and Daniel Fay, Missing Perspectives: Servicemembers’ Transition from Service to Civilian Life, Institute for Veterans and Military Families, Syracuse University, November 2015.

reer cannot be underestimated, which is corroborated by the true veteran narrative: Veterans, it turns out, are immensely successful. Empirical data shore that up by showing how veterans with increased levels of education are wealthier, healthier, and more civically engaged than even their civilian peers over the life course. Additional research establishes the links between these outcomes and reduced rates of dependence, disability, and criminality.¹⁴

This is the veteran narrative that should predominate. The goal of the nation's veteran economic opportunity programs should be to enable soldiers to be fully functional members of society, animated by a strong civilian identity. As early as the Revolutionary War, Gen. George Washington had felt intuitively that veterans needed to maintain a sense of self after military service, recommending in his Farewell Orders to the Armies of the United States that veterans funnel their energies as soon as possible into active pursuits and "prove themselves not less virtuous and useful as Citizens, than they [were] persevering and victorious as soldiers."¹⁵

The VET OPP Act can trigger this shift, as Congress elevates and frees already existing VA economic opportunity and transition assistance programs through shifting them structurally into a fourth VA administration. The VA's education and employment programs are truly different in kind from the other operations the VBA manages. Separating out the management of the VA's economic opportunity programs not only honors that difference but also creates greater accountability, attention, and leadership over what should be publicly acknowledged as the VA's most important instrument in partnering with veterans in their civilian success.

Veterans are the unacknowledged permanent ambassadors of national service. How we publicly portray veterans directly relates to how society conceptualizes military service, including what happens to an individual during that service. In an all-volunteer force, reputation is key to the attractiveness of joining a profession that can end in death or permanent disability. Those who choose to wear the nation's uniform, as well as those who choose not to, are influenced by how well Congress and the VA care for veterans' post-service reputations and for their physical bodies.

Our nation ought to provide transitioning service members with the means and opportunity to succeed in their civilian lives and to invest their talent and ability in the American economy.

Empowering VA itself to invest in veterans, through creating a fourth administration for economic opportunity and transition assistance, directly benefit every veteran, present and future.

Thank you again for the honor of this opportunity. I look forward to answering any questions from the committee.

Statements For The Record

American Federation Of Government Employees, AFL-CIO (AFGE)

Chairman Levin, Ranking Member Bilirakis, and Members of the Subcommittee: The American Federation of Government Employees, AFL-CIO (AFGE) and its National Veterans Affairs Council (NVAC) appreciate the opportunity to submit a statement for the record for the April 9, 2019 hearing on pending legislation. AFGE represents more than 700,000 employees in the federal and D.C. governments, including over 250,000 front line employees at the Department of Veterans Affairs (VA) who provide vital care and services for our veterans.

This includes serving as the representatives of staff who work throughout the Veterans Benefits Administration (VBA) serving veterans every day.

AFGE has serious concerns regarding H.R. 2045, the "Veterans' Education, Transition, and Opportunity Prioritization Plan Act of 2019" (VET OPP Act) and cannot support it in its current form. AFGE understands the intention of the legislation, but the bill as presently constructed raises significant questions about the potential impact and unintended consequences of shifting VBA employees into the proposed "Veterans Economic Opportunity and Transition Administration," (VEOTA). AFGE would like to take this opportunity to raise some of these issues and hopes to work with the Committee to produce a legislative solution that helps America's veterans and VA workers, many of whom are veterans themselves. A critical part of the VA's mission is assisting service members in making a successful transition out of the military. Through critical programs including vocational rehab, the Forever GI Bill,

¹⁴Zoli, Maury, and Fay, Missing Perspectives.

¹⁵George Washington, "George Washington to Continental Army, Farewell Orders," November 2, 1783, Library of Congress, <https://www.loc.gov/resource/mgw3b.016/?sp=338&st=text>.

Home Loan Benefits and other programs, the VA plays an essential role in helping veterans in their post military career. AFGE agrees with Chairman Levin's statement upon the introduction of H.R. 2045, that "We have a responsibility to provide America's servicemembers with the best possible resources and opportunities as they transition back to civilian life, and we must do more to meet that responsibility."

Labor Relations

AFGE has serious concerns on how this bill will impact the VA workforce. The bill is silent on how employees who currently work for VBA would be transferred to VEOTA and how their collective bargaining rights would be affected. In AFGE's view, several questions must be answered. Would existing collective bargaining agreements continue to apply to all the employees currently in the bargaining unit transferring from VBA to VEOTA? Would VA use this transition as a way to reclassify workers to a lower grade and make other changes affecting their compensation? Similarly, would the VA use this transition as an opportunity to impose harsher performance standards that would be even more difficult for employees to meet? AFGE strongly encourages that text be added to the bill to protect VA workers, and make sure that any potential transition interferes with their work as little as possible. To this point, there is relevant and useful precedent for protecting employees during a VA reorganization: AFGE was successful in winning protections for employees affected by a workforce reorganization that occurred as part of Navy and VA facilities in North Chicago, IL (See: Pub.L. 111-84, Sec. 1703).

Cap on the Number of Full Time Employees

AFGE opposes any arbitrary cap that would limit the number of employees in a federal agency without taking into consideration agency resources and how such caps would affect mission fulfillment. H.R. 2045 calls for a Full Time Employee (FTE) Cap cited in the legislation as an addition to Title 38, Chapter 80, Section 8003 (Page 4, Line 21). The bill as currently drafted caps the number of FTE's at 23,692 through the end of Fiscal Year 2020. AFGE strongly opposes any legislation that will potentially limit the ability for the VA to hire the staff it requires to fulfill its mission. Moreover, this provision is further objectionable as the legislation is proposing to add significant numbers of management positions to support the new Undersecretary. The bill makes no mention of increasing the number of non-management employees to perform the substantial work of this new administration. This exacerbates the problem of the cap and could result in short staffing for VEOTA. Lastly, while the cap in the bill may be temporary, setting the precedent of artificially limiting the number of employees that may work in a governmental department is shortsighted, and AFGE is firmly opposed to such arbitrary limitations.

VA Infrastructure

Finally, AFGE is concerned with the lack of specific language in the bill involving infrastructure changes that will be made to set up the new administration. Important questions remain unanswered. Will the VA keep all current VBA employees transferring to VEOTA in the same location, or will this transition be used as an opportunity for consolidation and force employees to relocate or lose their jobs? How will Information Technology (IT) systems, which already give many VBA employees significant problems, be affected by this realignment?

Despite all of these unknowns, AFGE can say with certainty from past experience that every major change that has occurred within the VA has been more successful when front-line employees and their representatives have seats at the table alongside the VA and other stakeholders.

AFGE appreciates the House Committee on Veterans' Affairs and its Subcommittee on Economic Opportunity giving careful consideration to the potential impact of this legislation and the issues raised here today. We look forward to working with the committee to address these problems.

Thank you for the opportunity to provide input on this important issue.

Disabled American Veterans (DAV)

Mr. Chairman and Members of the Subcommittee:

Thank you for inviting DAV (Disabled American Veterans) to submit testimony for the record of this legislative hearing of the Economic Opportunity Subcommittee of the House Veterans' Affairs Committee. As you know, DAV is a non-profit veterans service organization comprised of more than one million wartime service-dis-

abled veterans that is dedicated to a single purpose: empowering veterans to lead high-quality lives with respect and dignity. DAV is pleased to offer our views on the bills under consideration by the Subcommittee.

H.R. 95, Homeless Veteran Families Act

This bill would modify the calculation of per diem payments the Department of Veterans Affairs (VA) makes to homeless grant providers to include partial payment for each of a homeless veteran's minor dependents. This would ensure that a homeless veteran does not have to choose between treatment and keeping her or his family intact. DAV supports this legislation in accordance with DAV Resolution No. 173, which calls for a provision of child care services and assistance to veterans attending VA health care appointments or other rehabilitative programs.

Each year, the CHALENG (Community Homelessness Assessment, Local Education and Networking Groups) report surveys homeless veterans, advocates and service providers to identify homeless veterans' greatest needs. Once again in 2018, both male and female veterans rated child care as one of their top 10 unmet needs. VA's Homeless Grant and Per Diem (GPD) Program has long been an important source of transitional housing for homeless veterans. VA states that, in 2017, 14,500 veterans exited GPD to permanent housing. H.R. 95 would allow responsible veterans who are parents to obtain the many benefits and services available to them under the program while maintaining their duties as parents.

H.R. 444, Reduce Unemployment for Veterans of All Ages Act of 2019

As stated in title 38, United States Code, § 3100, the purpose of the VA's Vocational Rehabilitation and Employment program is to provide all services and assistance necessary to enable veterans with service-connected disabilities to achieve maximum independence in daily living and, to the maximum extent feasible, to become employable and to obtain and maintain suitable employment. However, title 38, United States Code, § 3103, restricts eligibility into the program to only those veterans who apply within 12 years of separation from military service, regardless if they are even eligible within that period.

H.R. 444 would remove the 12-year period of eligibility. Many veterans experience new disabilities or an increase of severity of their service-connected disabilities throughout their life. By removing the limited eligibility period, H.R. 444 would provide veterans the flexibility to receive VA Vocational Rehabilitation and Employment services when they are actually needed and not based on an arbitrarily imposed date.

In agreement with DAV Resolution No. 310, we support this legislation to eliminate the 12-year period of eligibility provision. DAV's mission includes the principle that this nation's first duty to veterans is the rehabilitation and welfare of its war-time disabled. This principle envisions vocational rehabilitation and/or education to assist disabled veterans to prepare for and obtain gainful employment and enhanced opportunities for employment and job placement so that the full array of talents and abilities of disabled veterans are used productively. H.R. 444 is in alignment with our mission and we fully support its passage.

H.R. 1718, to amend title 38, United States Code, to provide for clarification regarding the children to whom entitlement to educational assistance may be transferred under the Post-9/11 Educational Assistance Program

Per title 10, United States Code, § 1072(2)(I), military service members and military retirees can claim a dependent child that is an unmarried person who is placed in the legal custody of the member or former member as a result of an order of a court of competent jurisdiction in the United States (or possession of the United States) for a period of at least 12 consecutive months; and (ii) either:

- has not attained the age of 21;
- has not attained the age of 23 and is enrolled in a full time course of study at an institution of higher learning approved by the administering Secretary; or
- is incapable of self support because of a mental or physical incapacity that occurred while the person was considered a dependent of the member or former member under this subparagraph pursuant to subclause (I) or (II);
- is dependent on the member or former member for over one-half of the person's support;
- resides with the member or former member unless separated by the necessity of military service or to receive institutional care as a result of disability or in-

capacitation or under such other circumstances as the administering Secretary may by regulation prescribe; and

- is not a dependent of a member or a former member under any other subparagraph.

H.R. 1718 would apply this definition of a child to title 38, United States Code, § 3319(c), “Authority to transfer unused education benefits to family members” under the Forever GI Bill. Including this definition in the Forever GI Bill would be consistent with existing military statutory provisions and provide equity.

DAV fully supports H.R. 1718 as it is in agreement with DAV Resolution No. 185, which supports legislation to amend the definition of a child to include those placed into legal custody or guardianship of the veteran, even if on a temporary basis.

Discussion Draft, Justice for Servicemembers Act

The Justice for Servicemembers Act would clarify the scope of procedural rights of members of the uniformed services with respect to their employment and reemployment rights. Under USERRA, veterans and service members are protected from discrimination based on their military service and given the right to return to their civilian jobs once their service ends. In recent years, however, federal courts have allowed employers to require service members and veterans to sign mandatory arbitration agreements that prohibit them from going to court to resolve an employment dispute. Under mandatory arbitration agreements, companies can choose the arbiter and venue for a hearing while denying an employee any right to appeal. The Justice for Servicemembers Act will render null and void any forced arbitration agreement between an employer and a current or former member of the Armed Forces, consistent with the congressional intent behind USERRA.

DAV supports this bill in accordance with DAV Resolution No. 072, which supports appropriate enforcement against systemic veterans’ preference discrimination in federal, state, and local employment and greater enforcement provisions.

Discussion Draft, to amend the United States Housing Act of 1937 and title 38, United States Code, to expand eligibility for the HUD-VASH program, to direct the Secretary of Veterans Affairs of the Senate and House of Representatives regarding homeless veterans

This draft bill would amend the United States Housing Act of 1937 to broaden the definition of homeless veteran to be consistent with the definition under Section 2002(b) of title 38, United States Code. Veterans eligible for homeless programs, unlike those eligible for other veterans’ programs, include those with other than honorable discharges. VA has also agreed to provide emergency mental health care, for a limited time, to veterans with other than honorable discharges.

DAV supports this draft legislation under DAV Resolution No. 109, which calls for a more liberal review of other than honorable discharges, particularly in cases of veterans who experienced post-traumatic stress disorder, traumatic brain injury, military sexual trauma, and other trauma for the purpose of eligibility for VA benefits and services. DAV understands that there are many veterans with administrative discharges who struggle with mental health issues that may have contributed to their less than honorable discharge and support this legislation that would give them access to VA case management support while in HUD-VASH housing.

Discussion Draft, Homes for Our Heroes Act of 2019

This draft bill would establish new reporting requirements for HUD and VA. DAV recognizes the intent of this legislation is to provide effective oversight of HUD-VASH programs. Although we have no specific resolution on this issue, we do not object to the bill’s favorable consideration.

Discussion Draft, Veteran Employment and Child Care Access Act

This draft bill would allow eligible veterans to receive short-term child care assistance while receiving training or vocational rehabilitation. Child care has been identified as one of the top 10 unmet needs by veterans experiencing homelessness. Likewise, child care responsibilities have been identified as a barrier to accessing needed care and other services for many women veterans. DAV supports this legislation in accordance with DAV Resolution No. 173, which calls for a provision of child care services and assistance to veterans attending VA health care appointments or other rehabilitative programs.

**Discussion Draft, Navy SEAL Chief Petty Officer William “Bill” Mulder
(Ret.) Transition Improvement Act**

This bill would make improvements to the Transition Assistance Program (TAP) and the overall transition process for service members to include a greater focus on career opportunities and entrepreneurship. Specifically, the bill would restructure TAP to require service members to choose specific career-oriented tracks that best suit their post-service plans and would require that service members take part in one-on-one counseling a year prior to separation to evaluate which transition pathway suits them best.

It would also authorize a five-year pilot program that would provide matching grant funds to community providers that offer wraparound transition services to veterans and transitioning service members. Finally, the bill would require a third-party entity to conduct an independent assessment of the TAP curriculum and require a separate longitudinal study on the efficacy of TAP and long-term outcomes for veterans.

DAV supports this legislation in accordance with DAV Resolution No. 304, which urges Congress to monitor the Transition GPS program, its workshops, training methodology and delivery of services in order to confirm the program is meeting its objective; and to follow up with participants to determine if they secured gainful employment following such training.

Discussion Draft, VET OPP Act

The Veterans’ Education Transition, and Opportunity Prioritization Plan Act of 2019, or the VET OPP Act, would separate from the Veterans Benefits Administration (VBA) programs under the purview of the Office of Economic Opportunity and elevate them by creating a new fourth administration within VA, with a new Under Secretary for Economic Opportunity and Transition. The new Veterans Economic Opportunity and Transition Administration (VEOTA) would include critical programs such as Vocational Rehabilitation, the Forever GI Bill, and the Transition Assistance Program for transitioning service members.

At present, VA is comprised of three administrations: VBA, the Veterans Health Administration (VHA), and the National Cemetery Administration (NCA). VBA includes not only compensation and pension programs for veterans, but also education, vocational rehabilitation and employment, housing, and veteran-owned business programs, and the broadly-defined transition assistance program, which is shared with the Departments of Defense (DOD), Labor (DOL) and Homeland Security (DHS). All of these programs are currently overseen by the Office of Economic Opportunity (OEO), which is to be led by a deputy under secretary. However, the position of Deputy Under Secretary for Economic Opportunity has been left vacant for years and it does not appear that the vacancy will be filled any time soon.

Currently, the OEO programs inside VBA must compete with the Compensation, Pension and Insurance programs, of which Compensation is by far the largest program and tends to dominate the attention of VBA leadership and personnel. Because of the scale and scope of the claims and appeals processing reforms in recent years, it has been difficult for VA’s economic opportunity (EO) programs to compete for adequate funding, specialized resources, and other prioritization. For example, while VBA has boosted resources to support the modernization and streamlining of the claims and appeals process for the past several years, other important programs such as VR&E have actually seen a stagnation of resources and oversight. Between 2014 and 2018, VR&E participation increased by approximately 17 percent while its funding was raised less than two percent.

Because of the longstanding vacancy of the Deputy Under Secretary for Economic Opportunity position, there has been a lack of leadership, particularly in relation to key stakeholders, such as veterans service organizations, and other federal partners. In fact, the House Veterans’ Affairs Committee specifically created a subcommittee focused exclusively on EO programs, further emphasizing the importance of creating a central point of contact to enhance accountability and oversight. Furthermore, VA collaborates with DOD, DHS, and DOL to manage the Transition Assistance Program (TAP) for out-processing service members, but often these efforts have been hampered by the lack of a high-level VA counterpart to these agencies. Although VA does not have the lead role in TAP, we believe creating the position of Under Secretary of Veterans Economic Opportunity and Transition would enhance VA’s influence on TAP initiatives.

We understand that VA remains opposed to this legislation, the same position taken at the May 2018 hearing before this subcommittee, at which VA testified it was, “in the process of modernizing the entire organization” and that “service delivery of Veterans benefit programs related to economic opportunity has continued to

improve year after year under the leadership of the Under Secretary of Benefits.” However, given the recent management and oversight issues involving implementation of the Forever GI Bill and Vocational Rehabilitation IT management, we believe the creation of the VEOTA could strengthen VA’s oversight of EO programs.

VA should have as much focus on the economic opportunities for veterans as it has for their health care and benefits. When service members are newly discharged, not all will seek VA health care or disability compensation, nor will they be seeking services NCA. However, the vast majority of new veterans will be looking for gainful employment, educational or entrepreneurial opportunities. Congress should recognize the value of these programs by separating and elevating them into their own administration within VA, whose main goal would be the economic empowerment of transitioning service members and veterans.

However, we agree with Chairman Takano and others that this type of transformation needs to be done prudently and carefully, and there are a few concerns that still need to be addressed. We question the arbitrary cap on staffing for the new VEOTA in the legislation. In recent years, DAV has often joined other advocates calling for an increase in the staffing levels of the VA’s Vocational Rehabilitation and Employment (VR&E) Service to help achieve the 1:125 counselor-to-client ratio mandated by Congress. While the bill’s full-time employee (FTE) cap of 23,692 may be sufficient, we believe staffing and funding requests should be based on need, not arbitrary caps.

In addition, there are still questions about how VA should reorganize the new VEOTA in order to maximize resource sharing between VEOTA and VBA employees at VA Regional Offices, minimize duplication of services and management, and ensure clear lines of authority and oversight. We would recommend that VA be required to put forward a comprehensive plan, with measurable milestones, prior to the change-over in order to ensure a smooth transition.

Notwithstanding the above concerns, and in accordance with DAV’s Resolution No. 300, DAV supports the VET OPP Act to create a fourth Administration and we look forward to working with this subcommittee towards that goal.

Discussion Draft, to amend title 38, United States Code, to adjust certain limits on the guaranteed amount of a home loan under the home loan program of the Department of Veterans Affairs

This legislation would modify the loan limit of a loan that the VA can guarantee for a veteran, also known as the “maximum guarantee amount,” by providing VA with the authority to guaranty non-conforming, or “jumbo” loans. The legislation would also waive loan fees for Purple Heart recipients. Although DAV has no resolution from our membership on this proposal, and takes no position on this bill, we do want to remind the Subcommittee that last year a similar provision was considered by the House as part of H.R. 299. The bill unfortunately contained a provision to require loan fees for most service-disabled veterans seeking a loan guaranty for a jumbo loan. We have and will continue to oppose any such fees on benefits for men and women with service-connected disabilities. Because this draft bill does not contain such a fee provision, we have no opposition to this legislation.

Discussion Draft, to amend title 38, United States Code, to make certain improvements to the Edith Nourse Rogers STEM Scholarship Program of the Department of Veterans Affairs

This draft bill would eliminate credit hour requirements and authorize funding for the STEM scholarship program available to post-9/11 veterans for fiscal years 2020–2023. DAV has no resolution on this matter, but appreciates the additional flexibility this legislation would give veterans pursuing degrees in science, math and technology, and thus has no objection to its favorable consideration.

Discussion Draft, to amend title 38, United States Code, to expand eligibility for the Marine Gunnery Sergeant John David Fry Scholarship to children and spouses of certain members of the reserve components of the Armed Forces who die from service-connected disabilities

The Marine Gunnery Sergeant John David Fry Scholarship (Fry Scholarship) provides Post-9/11 GI Bill benefits to the children and surviving spouses of service members who died in the line of duty while on Active duty after September 10, 2001.

The Discussion Draft proposes to allow eligibility to an individual who is a child or spouse of a member of a reserve component of the Armed Forces who dies from

a service-connected condition not later than four years after the date of the last discharge or release of that member from Active duty.

DAV does not have a specific resolution on this issue. However, we would not oppose the measure. To avoid a possible inequity, we would recommend the children and surviving spouses of Active duty members who die from a service-connected disability with four years of discharge or release, be eligible as well.

Mr. Chairman, this concludes DAV's testimony. Thank you for inviting DAV to submit testimony for the record of today's hearing. I would be pleased to address any questions related to the bills being discussed in my testimony.

Department of Labor (DOL)

Introduction

Chairman Levin, Ranking Member Bilirakis, and distinguished Members of the Subcommittee, thank you for the opportunity to provide a statement for the record of this hearing. I commend the Committee for its tireless efforts to ensure that America fulfills its obligations to its veterans, their families, and their caregivers. The Department of Labor (DOL or Department) is the Federal government's focal point for training, employment services, and information related to the economic health of all workers. The Department has the expertise and a nationwide network to provide skills training and employment support for anyone who needs them, and veterans receive priority of service. This integrated network and other DOL programs continue to generate positive employment outcomes for the men and women who have served our country.

While this hearing addresses numerous bills under consideration by the Subcommittee, I will limit my statement to the following draft bills: the "Justice for Servicemembers Act of 2019;" the "Boosting Rates of American Veteran Employment Act," or the "BRAVE Act;" the "Navy SEAL Chief Petty Officer William "Bill" Mulder (Ret.) Transition Improvement Act of 2019;" the draft bill that would "amend the United States Housing Act of 1937 and title 38, United States Code, to expand eligibility for the HUD-VASH program, to direct the Secretary of Veterans Affairs to submit annual reports to the Committees on Veterans' Affairs of the Senate and House of Representatives regarding homeless veterans, and for other purposes;" and the "Veteran Employment and Child Care Access Act of 2019."

Draft Bill-the "Justice for Servicemembers Act of 2019"

This draft bill would amend the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) to specify that procedural protections or provisions under the Act concerning employment and reemployment rights of members of the uniformed services are to be considered a right or benefit subject to protection under the Act. The draft bill also would render unenforceable any agreement to arbitrate a USERRA claim unless all parties consent to the arbitration after a complaint on the specific USERRA claim has been filed in court or with the Merit Systems Protection Board and all parties also knowingly and voluntarily consent to have that particular claim subjected to arbitration.

The bill would clarify Congressional intent regarding protections for service members' procedural USERRA rights by treating such rights in the same manner as other protections specified in Section 4303(2) of USERRA—a treatment that recent court decisions have questioned. In Section 4302(b) of USERRA, Congress prohibited any contract (and other instruments) from reducing, limiting, or eliminating "any right or benefit provided by [USERRA]," including any "prerequisites to the exercise of any such right or benefit."

The Secretary of Labor, acting through the Assistant Secretary for Veterans' Employment and Training, is responsible for administering, interpreting, and enforcing USERRA. The Veterans' Employment and Training Service (VETS) promulgates regulations, provides guidance, and investigates complaints from individuals who believe their USERRA rights were violated.

Draft Bill-The Boosting Rates of American Veteran Employment Act," or the "BRAVE Act"

The BRAVE Act would add a new provision to title 38, U.S. Code, to authorize the Secretary of Veterans Affairs (VA) to provide a procurement preference for goods or services offered by vendors who employ veterans on a full-time basis.

The Department defers to VA regarding the merits of this draft bill. In the development of the legislation, the Committee could consider adding, as a positive selection factor regarding the employment of veterans, an employer's receipt of DOL's HIRE Vets Medallion. In the HIRE Vets Medallion Program (HVMP), Congress and DOL have set clear standards of eligibility for large, medium, and small employers to demonstrate and be recognized for their efforts to hire and retain veterans. DOL is currently accepting HVMP applications and expects to award the Medallion to qualified employers on a date to coincide with Veterans' Day. By adding receipt of the Medallion as a positive selection factor for the preference, VA would grant preference to a list of employers who have already been recognized for their proven commitment to hiring and retaining veterans.

**Draft Bill-Navy SEAL Chief Petty Officer William "Bill" Mulder (Ret.)
Transition Improvement Act of 2018**

At the outset, DOL notes that the recently-enacted John S. McCain National Defense Authorization Act for Fiscal Year 2019 (FY 2019 NDAA) made changes to the Transition Assistance Program (TAP). In December 2018, the Department of Defense (DoD) provided Congress with its action plan to implement the NDAA's requirements in full coordination with its interagency TAP partners, and we are continuing work to execute the plan.

Under the FY 2019 NDAA, DOL is responsible for three TAP workshops. DOL is transitioning from its mandatory three-day Employment Workshop to: (1) a mandatory one-day workshop for all transitioning service members focusing on career exploration, (2) an elective two-day Employment Workshop to provide instruction on the fundamentals of transitioning to civilian employment, and (3) an adaptation of DOL's currently-optional two-day apprenticeship/technical career workshop.

Additionally, the President's FY 2020 Budget Request for the Department would further enhance the quality of employment services for transitioning service members, with a focus on improved outcomes. With the requested funds, VETS would provide additional employment related services to transitioning service members beyond classroom instruction to include career counseling, linkages to career resources, and other career readiness assistance. The request also includes funds for the development and implementation of a course curriculum specific to military spouses relocating with their service member to another duty station or transitioning out of the service.

The Department is currently administering a new apprenticeship pilot program funded in FY 2019 to help identify the best methods to prepare transitioning service members for, and assist in their placement in, apprenticeship programs. Moving forward, DOL will improve connections to industries that want to hire veterans, as well as connections to state and community workforce partners that help new veterans transition into careers and communities.

These recent changes to TAP are designed to help transitioning service members make the best career choices among those available to them, taking into account individual skills and high demand career fields. Better matching veterans to career opportunities prior to transition could reduce the high job turnover rate among recently-transitioned veterans.

The draft bill under consideration is intended to further improve the assistance provided to transitioning service members and veterans. We highlight several provisions in the bill and address a few areas of concern.

Section 3 of the draft bill would amend the Social Security Act to authorize DOL and VA to access the National Directory of New Hires (NDNH) for the purpose of tracking veterans' employment. This access to the NDNH would aid both agencies by providing a more complete understanding of post-transition employment outcomes. A detailed analysis of these outcomes would greatly assist DOL in evaluating the efficacy of our transition assistance efforts.

Section 4 would reauthorize the off-base TAP pilot program originally authorized by the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012, Public Law 112-260, which required the Department to conduct a two-year pilot program to provide the Employment Workshop to veterans and their spouses at locations other than military installations. Section 4 also would expand the number of locations at which the Employment Workshop would be offered.

This pilot is duplicative of other Federally-funded employment services for veterans and transitioning service members. A network of state, local, and non-profit providers is already available to veterans and transitioning service members in their communities as part of, or in connection with, the States' workforce development systems where veterans get priority of service, and they are often eligible for indi-

vidualized career services. Further, it would be challenging to implement a pilot until the core TAP requirements of the FY2019 NDAA have been implemented.

Section 5 would authorize grants to eligible community-based organizations to provide certain employment services to veterans and their spouses, and VA would be charged with administering the grant program. Local community-based organizations are best suited to help veterans navigate to the appropriate local government or non-government service provider that can best influence veteran wellness outcomes.

DOL administers grant programs similar to that created under Section 5 and could integrate it with existing programs if the authority was given to DOL rather than VA. The Department recently provided technical assistance on S. 666, the “HUBS for Veterans Act of 2019,” which is similar to Section 5 of this bill. Under S. 666, DOL would administer similar local community grants. Based on the nature of the grants proposed in Section 5 and the synergy with existing DOL programs, including those that serve the veteran population, DOL is well positioned to administer this grant program. The Subcommittee could also consider codifying Section 5 under title 38, U.S. Code, alongside other programs for service members and veterans.

Draft Bill-To amend the United States Housing Act of 1937 and title 38, United States Code, to expand eligibility for the HUD-VASH program, to direct the Secretary of Veterans Affairs to submit annual reports to the Committees on Veterans’ Affairs of the Senate and House of Representatives regarding homeless veterans, and for other purposes

As written, this draft bill seeks to expand eligibility for the HUD-VASH program, and would direct the Secretary of VA to submit an annual report to the Committees on Veterans’ Affairs of the Senate and the House of Representatives regarding homeless veterans.

The Department defers to VA on the merits of this draft bill.

Draft Bill-the “Veteran Employment and Child Care Access Act of 2019

This draft bill would create a new section, 38 U.S.C. § 3123, that would require VA to provide child care assistance to certain veterans receiving certain training or vocational rehabilitation. Specific to DOL, this draft bill would direct the VA Secretary to provide child care assistance to an eligible veteran for any period that the veteran receives training or vocational rehabilitation under VA’s Vocational Rehabilitation and Employment (VR&E) program; chapter 41 of title 38, U.S. Code; the Homeless Veterans Reintegration Program (HVRP); or the Homeless Female Veterans and Veterans with Families (HFVWF) Program.

For veterans served through the Jobs for Veterans State Grants (JVSG), supportive services, such as child care, are available to participants through co-enrollment with other DOL programs, such as co-enrollment with Workforce Innovation and Opportunity Act (WIOA) programs. This allows participants to successfully engage with career and training activities, such as Registered Apprenticeships or classroom training. Additionally, HVRP grantees serving veterans with families may use funds to provide child care and other supportive services.

Conclusion

The Department looks forward to working with the Subcommittee to ensure that our transitioning service members, veterans, and their spouses have the resources and training they need to be successful in the civilian workforce. The improving employment situation for veterans is a resounding testament to the nationwide recognition from stakeholders-both public and private, at the national level and within local communities-of the value that veterans bring to the civilian workforce. Chairman Levin, Ranking Member Bilirakis, and members of the Subcommittee, this concludes my statement. Thank you for the opportunity to provide this statement for the record.

Tragedy Assistance Program for Survivors (TAPS)

The Tragedy Assistance Program for Survivors (TAPS) is the national nonprofit organization providing compassionate care for the families of America’s fallen military heroes. TAPS provides peer-based emotional support, grief and trauma resources, grief seminars and retreats for adults; Good Grief Camps for children; and

casework assistance, connections to community-based care, online and in-person support groups, and a 24/7 resource and information helpline for all who have been affected by a death in the Armed Forces. Services are provided free of charge.

TAPS was founded in 1994 by Bonnie Carroll following the death of her husband in a military plane crash in Alaska in 1992. Since then, TAPS has offered comfort and care to more than 85,000 bereaved surviving family members. For more information, please visit TAPS.org.

TAPS receives no government grants or funding.

Chairman Levin, Ranking Member Bilirakis, and distinguished members of the House Veterans Affairs Committee, the Tragedy Assistance Program for Survivors (TAPS) thanks you for the opportunity to make you aware of issues and concerns of importance to the families we serve, the families of the fallen.

While the mission of TAPS is to offer comfort and support for surviving families, we are also committed to improving support provided by the Federal government through the Department of Defense (DoD), the Department of Veterans Affairs (VA), Department of Education (DoED), Department of Labor, state governments, government contractors, and local communities for the families of the fallen - those who fall in combat, those who fall from invisible wounds and those who die from accidents, illness or disease.

TAPS was honored to enter into a new and expanded Memorandum of Agreement with the Department of Veterans Affairs in 2017. This agreement formalizes what has been a long-standing, informal working relationship between TAPS and the VA. The services provided by TAPS and VA are complementary, and in this public-private partnership each will continue to provide extraordinary services through closer collaboration.

Under this agreement, TAPS continues to work with surviving families to identify resources available to them both within the VA and through private sources. TAPS will also collaborate with the VA in the areas of education, burial, benefits and entitlements, grief counseling and other areas of interest.

Discussion Draft - Guard & Reserve

TAPS is excited to see our #2 priority before this committee: Providing parity for surviving children and spouses of those whose loved ones died while serving in the Guard and Reserves. Their service and sacrifices are no different than those serving on Active duty. While most survivor benefits are now equal, education benefits are not. It's time to make sure Guard and Reserve surviving families have the same access to the Fry Scholarship as their Active duty counterparts.

Some of the stories TAPS has heard from our surviving families regarding this issue are absolutely heartbreaking.

First Sergeant John DuPont served his country honorably for nearly 30 years. He served in the United States Marine Corps and then the Army National Guard. During his National Guard service, he was deployed to Afghanistan. Upon his return, he continued with the National Guard but lost his battle with Post Traumatic Stress (PTS) when he died by suicide in 2011. First Sergeant DuPont took his own life just hours after returning home from a drill weekend where he was preparing for an upcoming deployment. Had he died a few hours earlier before coming home, his children would have been eligible for the Fry Scholarship. They were deemed ineligible because he made it home from his Guard weekend, and once home was not considered on Active duty status.

SPC Anthony Tipps was a member of the Texas National Guard. Specialist Tipps was activated in 2009 and had to leave his career for his deployment to Iraq. When he returned home one year later, he learned that his former employer had not held his job. He was unable to find employment. Specialist Tipps died by suicide less than 3 months after returning from Iraq. Because he was not considered on "Active duty status" at the time of his death, his daughter Brittany was deemed ineligible for the Fry Scholarship, even though his death was service-connected.

Colonel David McCracken served honorably in the Army and Army Reserves for over 20 years. During his military career he was deployed multiple times. On his last tour he was activated as a reservist and deployed to the Middle East. Upon return from his deployment, he was diagnosed with brain cancer which was found to be service-connected due to burn pit exposure in Iraq. Because he was not on active-duty orders or training at the time of his death, his children are not eligible for the Fry Scholarship.

These are just three of the stories TAPS has heard from surviving families regarding eligibility for the Fry Scholarship. In the case of First Sergeant DuPont, literally hours differentiate what benefits his children receive. The families have no say in the duty status of the service member, therefore they should not be treated dif-

ferently. TAPS firmly believes that we must honor the service and sacrifice of all surviving families.

Six months ago, TAPS spoke with Former Congressman Chet Edwards who wrote and introduced the original Fry Scholarship in 2009. When we informed him of this issue he was stunned. His original intent was to include all surviving families. He had no idea that some Guard and Reserve families were being excluded, and has offered his support in fixing this inequity.

TAPS estimates 1,000–1,500 surviving children and spouses would benefit from this expansion. A vast majority are surviving families whose loved ones died from service-connected illnesses or by suicide. These families are in receipt of Dependency and Indemnity Compensation (DIC) at the same rate as Active duty losses, receive TRICARE and almost all of the same benefits as Active duty losses.

Providing parity in education is long overdue and we look forward to seeing this bill passed and implemented. This is part of a long-term TAPS goal to bring all survivors into the Fry Scholarship and phase out the Vietnam Era Dependents Education Assistance (Chapter 35).

Discussion Draft - In-State Tuition

TAPS is excited to see an expansion of In-State Tuition as a priority for the committee. While all Fry Scholarship recipients currently receive in-state tuition, thanks to the Choice Act, TAPS recommends the inclusion of Chapter 35 recipients.

Chapter 35 recipients are often forgotten from legislation. The \$200 increase provided by the Forever GI Bill, is still not comparable with the Montgomery GI Bill. If we are going to provide in-state tuition across the board, we should include survivors whose benefits are not enough to cover tuition at a state school. Since the financial burden for in-state tuition falls on individual states, this should be an easy fix for the committee.

Discussion Draft - Transition Assistance

Military-to-Civilian transition is a psychological and cultural evolution that requires a new definition of wellness as service members shift from a collectivist community into an individualistic one. VA research indicates that veterans who are engaged in care are far less likely to die by suicide. Such support increases the likelihood of a positive transition into civilian life and is a significant protective factor which reduces potential risks for serious issues facing this population, such as suicide. Conversely, 14 of the 20 veterans who die by suicide each day are not engaged in VA care.

Given the high stakes of helping our nation's service members make a successful transition, TAPS is grateful to see such effort put into overhauling the Transition Assistance Program. Our team of suicide prevention and postvention subject matter experts is available to support strategic planning efforts as the TAP program is re-envisioned. While many key aspects were updated by the 2019 NDAA, there is still much work to do. TAPS supported the Navy Seal Chief Petty Officer Bill Mulder Transition Improvement Act last year, and we look forward to seeing it pass this year.

Discussion Draft - Definition of dependents

TAPS supports the draft text to make sure the definition of "dependents" is the same for the Department of Defense (DoD) and the Department of Veterans Affairs (VA). At TAPS, we know that not all family is blood related and applaud the committee for including this definition.

Discussion Draft - 4th Administration, VETOPP Act

TAPS continues to support the creation of a 4th Administration under the Department of Veterans Affairs. We understand and respect that VA has concerns about this issue. TAPS agrees with our partner organizations, Student Veterans of America and the Veterans of Foreign Wars, that it is imperative that Economic Opportunity have its own under secretary.

Responsibilities of this new division at VA would include the administration of housing loan guaranty and related programs, vocational rehabilitation and employment (VR&E), education assistance programs, and transition programs.

At present, these programs are buried within the bureaucracy of VA and lack a true champion at the level of leadership these programs warrant. Over the past century, VA has evolved to focus on compensating veterans for loss. Yet realities and advances of the 21st century and beyond demands the additional goal of empowering veterans to excel post-service. Importantly, this will also advance our nation's goals of enhancing economic competitiveness by focusing on veteran contributions to

be future economy, it is imperative we afford VA the opportunity to enrich the lives of veterans through the primacy of VA's economic opportunity programs.

The implementation of the Forever GI Bill last year highlighted many concerns. With the passage of the VETOPP Act, the VA may be better prepared for other improvements to EO programs and allow these important programs to be a priority for the VA.

TAPS thanks the committee and the original sponsors of all this important legislation. We greatly appreciate your thoughtful consideration of the needs of our nation's veterans and surviving families.

It is the responsibility of the nation to provide for the support of the loved ones of those who have paid the highest price for freedom. Thank you for allowing us to speak on their behalf.

Veterans Education Success (VES)

Chairman Levin, Ranking Member Bilirakis, and Members of the Subcommittee:

Veterans Education Success (VES) appreciates the opportunity to share its perspective on the hearing for Draft Legislation before the Subcommittee.

VES is a non-profit organization focused on protecting the integrity and promise of the GI Bill and other federal educational programs for veterans and servicemembers.

DRAFT - Flight Training Schools

The purpose of the Post 9/11 GI Bill is to aid service members and veterans in the transition from military service into the civilian workforce. Since its inception, thousands of military-connected students have had the opportunity to take advantage of this generous benefit in hopes of increasing their economic mobility and the socioeconomic standing of their families. Unfortunately, some schools have also taken advantage of veterans' benefits in a way that is less than admirable. This has been the case for certain flight schools, which is why Veterans Education Success supports the intent of this bill.

With the overall amount of GI Bill money going to flight school training dropping from \$79.8 million in 2014 to \$48.4 million in 2016, it is evident that VA has made commendable progress in tightening the oversight and execution of reimbursement of costs to flight training schools for enrolled veterans. While this work by VA is commendable, we believe this type of oversight uses valuable resources that would be better focused in other areas. Similar to the annual tuition and fees cap for private institutions of higher learning (IHL), the cap recommended in this bill offers an amenable solution, especially if schools opt to participate in the Yellow Ribbon Program.

According to data provided by VA, the average tuition for veterans attending 86 of the 102 schools that received GI Bill money for flight training in 2016 was below the \$22,800 proposed cap (the 2017/18 national maximum for private schools). For 7 of the 16 remaining schools, the cost was slightly above the cap. With this proposed bill, should these schools choose to match half of the tuition gap by participating in the Yellow Ribbon program, VA would match the other half and veterans would be able to successfully complete their training without needing to take on additional student loan debt.

Despite the large number of institutions who provide flight training at costs around \$22,800 per student per year, in FY16 the VA reported a number of schools charging \$130,000, on average. While representatives from these schools argue this type of training is costly due to high-end equipment, the cost for similar training at 61% of the schools who accepted GI Bill benefits was significantly lower. This is concerning at best. To continue to pay these schools at such high costs is not an appropriate use of tax payer money.

While Veterans Education Success supports the intent of the bill and a cap similar to that already in existence for private IHLs, we are concerned about the proposal to offer accelerated payments for those choosing to attend these schools. Accelerated payments burn through a student's benefits, leaving them without the opportunity to finish a college degree. Given the availability of the Yellow Ribbon Program, VES does not believe that accelerated payments are a necessary solution to covering the extraneous costs of certain flight training programs.

Additionally, if VA were to be allowed to pay for a private pilot's license, we recommend the proposed legislation be amended to continue to require the medical clearance mandated by law to allow someone to become a pilot. Otherwise, it will

be a waste of tax payer dollars and the students' benefits if they pursue this training and then are unable to use it.

H.R. 1718 - GI Education Benefits Fairness Act

This bill creates alignment with the language in Section 1072(2)(I) for dependents of service members for the purposes of transferring education benefits. VES supports this bill as it provides parity for what is already happening within the Department of Defense for dependents.

DRAFT - Veteran Employment and Child Care Access Act of 2019

One contributing factor to non-completion in higher education is lack of childcare. Military-affiliated students are often nontraditional students who have. Lack of childcare should not impede their ability to pursue post-secondary education leading to viable employment.

We understand from the Committee that this bill will ensure the existing childcare is much more comprehensive. We also understand from VA that VA believes the bill is not necessary because it duplicates the existing program. While we are not sufficiently familiar with the details of the existing program to assess the merits of VA's position, we do know that student veterans need childcare and everything possible should be done to ensure they have access to it.

DRAFT - VET OPP Act

The office of Economic Opportunity is a proactive approach to supporting veterans and their families as they transition from military service into the civilian workforce. It is important they have a more prevalent voice that can speak and advocate on their behalf, especially during the point of transition. The recent challenges VA faced in the implementation of the Harry W. Colmery Act reinforces the need for a fourth administration whose sole focus is the office for Economic Opportunity. That is why VES supports this bill.

DRAFT - Amendment of the Edith Nourse Rogers STEM Scholarship

Often students pursuing a degree within a STEM field must add an extra year to their education due to the timing of courses offered and the prerequisites necessary to complete these programs. This has discouraged some students from pursuing a degree in STEM, despite the high demands for trained professionals in the American workforce. The original intent of the law was to provide an extra year of GI Bill benefits to address this issue. Unfortunately, the current credit requirement misses the intent of the law and makes it impossible for the majority of programs to meet eligibility. This bill addresses this and returns to the original intent by removing the credit hour requirement for a degree program. VES supports this change and believes military-affiliated students are strong candidates for helping fill this significant gap within the workforce.

Discussion Draft - In State Tuition

Part of a student's ability to make an informed decision related to his or her choice of higher education requires full transparency of the cost of attendance and whether or not he or she will qualify for in-state tuition. This legislation would help with that transparency.

Discussion Draft - Expansion of the Fry Scholarship

Children and spouses of the members of the reserve components who die of a service-connected disability should have access to the Fry Scholarship. This bill makes it available to them.

We appreciate the amount of time, effort, and attention the Committee has given to ensure military-connected students receive optimal training and education for a successful career in the civilian workforce. Thank you for considering the views of VES on this important topic.