

LEGISLATIVE HEARING ON  
H.R. 291; H.R. 645; H.R. 728; H.R. 746;  
H.R. 1169; H.R. 1635; H.R. 1669; H.R. 1767;  
H.R. 1786; H.R. 1798; AND H.R. 1799

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HEARING  
BEFORE THE  
SUBCOMMITTEE ON ECONOMIC  
OPPORTUNITY  
OF THE  
COMMITTEE ON VETERANS' AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES  
ONE HUNDRED EIGHTEENTH CONGRESS

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THURSDAY, MARCH 30, 2023

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U.S. HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY,  
COMMITTEE ON VETERANS' AFFAIRS,  
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 9:30 a.m., in room 390, Cannon House Office Building, Hon. Derrick Van Orden (chairman of the subcommittee) presiding.

Present: Representatives Derrick Van Orden, Ciscomani, Levin, McGarvey, and Ramirez.

Also present: Representative Cherfilus-McCormick.

**OPENING STATEMENT OF DERRICK VAN ORDEN, CHAIRMAN**

Mr. VAN ORDEN. The subcommittee will come to order. Good morning. I am pleased to see everybody here today, especially on such a busy day by everybody. I guess it is just us.

We are going to discuss 11 bills this morning, but before we get started, I want to remind everyone we are going to take a moment to reflect on why we are here speaking about these incredibly important topics. I would like to highlight a fellow veteran, Senior Chief Mike Day, former Navy Seal, Navy Cross recipient. He has been a friend of mine for a couple of decades, and he can only be described as an American hero. He was shot 27 times in Iraq. With his primary weapon disabled, he drew his pistol and then he killed all of the men that shot him 27 times. Then he walked himself to the medical evacuation helicopter.

Three days ago, Senior Chief Mike Day succumbed to his unseen war wounds, the devils that plagued so many of us that have served our Nation, and he took his own life. We are here today to prevent this from ever happening again.

With that said, let us get into this. Today we are going to highlight 11 bills. I am only going to speak about four of them in the interest of time.

The first one I would like to speak about is H.R. 1798. I introduced this, and it is the Protect Military Dependents Act. In a nutshell, this is what it does: If you are eligible for veterans' educational benefits and you fail to meet your obligation, after giving these benefits to your children or your spouse, they cannot be held

financially accountable. You can and you should. To me, that is a winner right there.

Then the Employee Vets Act. What this does is it allows members of the Department of Labor to interact with our servicemembers during the Transition Assistance Program, which is when you are getting out of the service, just to make sure that, hopefully, our veterans or the soon-to-be veterans are employed prior to getting out of the service, which will help prevent suicide.

I also want to talk about the Veteran Employment Through Technology Education Courses (VET-TEC) bill, which I think is awesome, and it is introduced by a friend of mine named Juan Ciscomani. He is just a fantastic guy from Arizona. It has been an incredibly successful program where it is actually working, and we want to take this from a temporary thing to a permanent thing.

Then in the spirit of bipartisanship, I would like to also highlight a bill. It is H.R. 645. It was introduced by Representative McCormick. She is a Democrat from Florida. This allows several different things to help combat veterans' homelessness. All of this is in the record.

I do have a couple of questions. First and foremost, with the bill, excuse me, the Healthy Foundations for Homeless Veterans Act, in 2022, Fiscal Year 2022, the VA only expended 34 percent of the funds allocated to them, \$20 million. Two things I want to know: Where did the money go that you did not spend? I also want to know why you are asking for the same amount of money. Oh, sorry. We will get to that in a second. Then I also want to make sure that—can I have that, please? Excuse me. Prior to yielding to the ranking member—excuse me, I am new at this. Okay, while we are waiting for the ranking member to appear, I am going to go ahead and introduce the witness panel.

Our first witnesses are from the Department of Veterans Affairs. Mr. Joseph Garcia, executive director of Education Services; Mr. Nick Pamperin, executive director of Veterans Readiness and Employment; and Mr. Keith Harris, senior executive homelessness agent. I ask everybody to—I ask the Department of Veterans Affairs witnesses on our first panel to please stand and raise your right hand.

[Witnesses sworn.]

Mr. VAN ORDEN. Thank you. Let the record reflect the witnesses have answered in the affirmative.

Mr. Garcia, you are now recognized for 5 minutes to deliver your opening statement.

#### **STATEMENT OF JOSEPH GARCIA**

Mr. GARCIA. Good morning, Chairman Van Orden, Ranking Member Levin, and other members of the subcommittee. Thank you for the opportunity to discuss pending legislation that would affect VA's programs and services. With me today are Dr. Keith Harris, national director of clinical operations in the Homeless Program office at the Veterans Health Administration, and Nick Pamperin, executive director for Veteran Readiness and Employment Service at the Veterans Benefit Administration.

Mr. Chairman, with 11 bills on the agenda, I will highlight several in my oral statement. While VA fully supports several of the

proposed bills, there are areas of concern for some and were outlined in more detail in my written testimony. VA supports with amendments the draft VET-TEC Authorization Act of 2023. This bill would permanently authorize VA to carry out a program for covered individuals with the opportunity to enroll in high technology education.

First, the bill would only authorize 8,000 covered individuals to participate during a fiscal year. These individuals could carry over into the next Fiscal Year and thus limit the number who could participate in the program.

Second, this bill would mandate that VA charge 1 month of entitlement for covered individuals who have remaining entitlement under other GI Bill chapters for every month of entitlement used under this high technology program. This provision would be inequitable as it would allow some beneficiaries who have already used all of their VA educational benefits to receive more entitlement, while others would lose out on their remaining entitlement.

VA would support two other bills on the agenda if they were amended. Specifically, the draft bill that would allow VA to restore educational assistance entitlement because of the suspension or termination of a course or program by reason of a determination of fraud by the commissioner of the Federal Trade Commission or the Secretary of Education; and the draft bill regarding liability for overpayments in case of transferred entitlement under the post 9–11 GI Bill.

One of the bills that VA has concerns with is H.R. 291, the Vaccine Discharge Parity Act. This bill would include a general discharge under honorable conditions on the sole basis that the individual failed to obey lawful order to receive a COVID–19 vaccine as a qualifying discharge for entitlement under the Montgomery and post 9–11 GI Bills. VA opposes this bill as we are concerned that enactment would create inequity for servicemembers discharged for various reasons and not meeting the honorable discharge requirement. Only service members with the COVID–19 character of discharge reason would be eligible to receive educational assistance, while servicemembers with the same character of discharge but different reasons would not be eligible for educational assistance. VA opposes section 2C of the bill that would adjust home loan fees with the purpose of helping to offset the cost of this bill.

VA also opposes the draft Streamlining Aviation for Eligible Veterans Act or the SAFE Veterans Act. This bill would add a statement that a rehabilitation program may include flight training that does not lead to a degree. The purpose of the Veterans Readiness and Employment (VR&E) program is to provide all services and assistance necessary to enable veterans with service-connected disabilities to achieve independence in daily living and to obtain and maintain suitable employment. A rehabilitation program that includes flight training but does not lead to a degree would be inconsistent with VR&E needs training program requirements.

Finally, VA fully supports the draft bill that would require VA to provide certificates of eligibility and award letters using electronic means. VA also fully supports the bill that increases the amount for education assistance in the Republic of the Philippines.

Mr. Chairman, this concludes my statement. I will pass it over to Dr. Harris for his opening statement from Veterans Health Administration (VHA).

[THE PREPARED STATEMENT OF JOSEPH GARCIA APPEARS IN THE APPENDIX]

Mr. VAN ORDEN. Thank you, Mr. Garcia. The written statement from Mr. Garcia will be entered into the hearing record.

Dr. Harris, you are now recognized for 5 minutes to deliver your opening statement.

#### **STATEMENT OF KEITH HARRIS**

Mr. HARRIS. Thank you, sir. Good morning, Chairman Van Orden, Ranking Member Levin, members of the committee, committee staff. Thank you for the opportunity to speak specifically today to H.R. 645, the Healthy Foundations for Homeless Veterans Act. We are here to speak in strong support of this bill.

H.R. 645 permanently authorizes the vital temporary flexibilities granted in section 4201 of Isakson Roe that are set to expire with the end of the public health emergency on May 11. I am here in part to provide a little background as to where these flexibilities came from.

Despite the essential nature of these flexibilities, VA historically was not authorized to provide them. Early in the COVID pandemic, both the House and Senate Veterans' Affairs Committees approached us at VA and asked what we needed to support homeless veterans in this unprecedented time. Homeless individuals already face great risks in terms of morbidity and mortality, and these risks are exponentially greater in the face of COVID.

We consulted with homeless program personnel around the country and developed a list of flexibilities that would enable us to best respond to the needs of homeless veterans. We brought those back to the committees and engaged in a productive and collaborative process at that point that culminated with Section 4201 of Isakson Roe. For the first time in the history of VA homeless programs, under 4201 medical centers have been able to directly purchase and provide lifesaving food, water, clothing, supplies to homeless veterans.

We have also provided vital transportation assistance, as well as communications devices, all of which have allowed homeless and at-risk veterans to connect with healthcare providers, employers, landlords, and support networks. We estimate that over 100,000 veterans have benefited in one form or another from this life-changing authority, and we attribute recent progress in housing homeless veterans, in part, to this authority and its impact on services.

In preparation for this hearing, I asked Network Homeless coordinators around the country for examples of the impact of 4201 on veterans. I received at this point a hundred stories from field staff around the country, and literally more are still coming in; I just checked my phone before we started. I wanted to share one brief illustrative example that highlights the impact of authority to directly pay for shelter, phone, and transportation.

This veteran was residing in a storage shed in the middle of rural America. Because of 4201 authority, VA was able to equip the



veteran with a phone, pay for a hotel to get him immediately off the streets, and use Rideshare to get him to the hotel. I am certain this assistant saved his life as he refused to leave the storage shed if he had to go into a shelter and live with other people. The Midwest was experiencing the Arctic blast with temperatures reaching 17 below 0.

He then used his phone and Rideshare for housing searches, appointments, and job interviews. The veteran is now employed, housed, and thriving in the Department of Housing and Urban Development-Veterans Affairs Supportive Housing (HUD-VASH) program. Before 4201, this veteran would literally likely have died in that freezing storing shed.

Thousands of veterans have similarly benefited from this life-changing and even lifesaving authority. Looking ahead, thousands more will need the kinds of assistance that 4201 made possible. For these reasons, we applaud Congress for taking action on this bill, and we strongly support H.R. 645 to permanently authorize the flexibilities in 4201.

Thank you for the opportunity to be here, and I look forward to any questions.

Mr. VAN ORDEN. Thank you, Dr. Harris. The written statement of Dr. Harris will be entered into the record for the hearing.

In accordance with Committee Rule 5E, I ask unanimous consent that Representative Cherfilus, please excuse me if I mispronounce that, McCormick from Florida be permitted to participate in today's subcommittee hearing.

Okay. Without objection. Without objection, so ordered.

I now yield to the ranking member, Mr. Levin, for his opening statement.

#### **OPENING STATEMENT OF MIKE LEVIN, RANKING MEMBER**

Mr. LEVIN. Thank you, Chairman Van Orden. Thank you for holding this legislative hearing on 11 pieces of legislation today.

Before getting started, I just wanted to offer my prayers for the families of the nine soldiers who were killed this morning after two U.S. Army helicopters collided during a training mission near an Army base on the Kentucky-Tennessee border. Our prayers are with them and their families.

The work we do today will prepare our subcommittee to continue building upon our accomplishments over the last 4 years to improve veteran education, house more homeless veterans, and place more veterans into jobs. I want to personally thank the chairman for including my legislation, H.R. 1786, to employ more veterans at the Department of Interior. Many of you know I place a great importance on conserving our Federal lands and waters, and I can think of no better group of individuals to continue their service by protecting our natural treasures than our veterans. Not only will our bipartisan GROW Act employ veterans, but I believe it will also create a hiring model for all Federal agencies in the future. We need to hire more veterans.

In addition, I am pleased that Chairman Van Orden included H.R. 645, the Healthy Foundations for Homeless Veterans Act, from our colleague, Representative Cherfilus-McCormick.

Chairman, your pronunciation was perfect. Well done.

Congress acted swiftly during the COVID-19 pandemic to provide VA temporary authorities, and no one can argue with the results. Since this committee provided VA with the temporary authorities, which would be made permanent by H.R. 645, nearly \$9 million have been used to support over 39,000 homeless or at-risk veterans with foundational needs, like food, shelter, clothing, and transportation to medical appointments and job interviews. VA's work during the pandemic to help more homeless veterans was truly an accomplishment, but it was only possible because this committee acted. Now it is time to act again before authorities are lost.

This legislation will ensure that when VA and its community providers are caring for homeless veterans, they are able to purchase basic needs in support of those veterans' journeys into stable, permanent housing.

Also on the agenda today is H.R. 1767 from Representative Ramirez, which, excitingly, is the first piece of legislation she has introduced as a Member of Congress. The Student Veteran Benefit Restoration Act would make thousands of veterans whole after schools they attended failed them. I am proud to be a co-lead on the legislation and I hope to see it enacted into law.

Bipartisan student veteran education reform has also been a hallmark of this committee. We have delivered time and time again, but our work is not done. Legislation builds upon our Isakson Roe Veterans Healthcare and Benefits Improvement Act of 2020 and the Veterans Auto and Education Improvement Act of 2022, and continues to push bad actors out of the veteran education space.

Finally, I am glad that we are going to be considering two Republican bills that I am co-leading. H.R. 1169, the VA E-Notification Enhancement Act, from my friend Representative Arrington of Texas, would ensure that veterans can receive notifications for education benefits electronically, making the process easier, quicker, and more efficient for veterans. H.R. 1635, the Filipino Education Fairness Act from Representative Kiggans, finally fixes an outdated limitation on GI Bill payments for education programs in the Philippines. We must deliver fairness for student veterans who wish to pursue their education in the Philippines and, for that matter, everywhere else.

With that, I am ready to get to work today, ready to hear views from VA and our Veterans Service Organization (VSO) partners. Are we going straight to questions or—I will yield back my time for now.

Mr. VAN ORDEN. That would be great. We are just going to—

Mr. LEVIN. Perfect.

Mr. VAN ORDEN.—move things and then we are going to questions.

Mr. LEVIN. Go for it.

Mr. VAN ORDEN. All right. Thank you, Ranking Member Levin. I appreciate—

Mr. LEVIN. Thank you, Chairman.

Mr. VAN ORDEN. We will now proceed directly to questions. I ask members and witnesses to please respect the 5-minute rule. I will recognize myself for 5 minutes.

We kind of covered this briefly. I am only going to talk about 4 of the 11 bills. In the spirit of bipartisanship, we will be highlighting one for my Democratic colleagues.

The first one is H.R. 1798 that I introduced, the Protecting Military Dependents Act. We spoke about this. If a servicemember is eligible for VA benefits and he gives those to his or her children or spouse for educational benefits, and then the servicemember does not meet the threshold for those benefits any longer due to misconduct, that the child or the spouse is not held accountable financially by the government. I think that is just the right thing to do.

The Employee Acts, again, it is going to amend Title 38 to make sure that members of the Department of Labor from each State can participate in the Transition Assistance Program with the goal of having our veterans employed prior to leaving the service.

VET-TEC, you kidding me? It is working. Let us do more of that. Introduced by Juan Ciscomani, my Republican colleague from Arizona.

Then I also want to highlight the H.R. 645, Healthy Foundations for Homeless Veterans Act. That is introduced by my friend, Representative Cherfilus-McCormick.

Mr. VAN ORDEN. Sheesh, that is a hard one.

All right. Dr. Harris, housing homeless veterans is incredibly important to the subcommittee and for my ranking member, Mr. Levin, and his top priority legislative—his top legislative priority, and I appreciate that greatly. We want to make sure that we can do whatever we can for these veterans to fulfill that, but we still also have to uphold our duty to protect the taxpayers from rampant spending.

H.R. 645 would make permanent Section 4201 of the Isakson and Roe Veterans Healthcare Benefit Program Act of 2020. However, the data supplied to our committee by you shows that you used only 34 percent of the funds authorized in Fiscal Year 2022.

My two questions are this. It is a \$20 million program. Sixty-six percent of this money, these moneys went unexpended. Where is the rest of the money?

Mr. HARRIS. Thank you, sir. I would say there is a bit to unpack in this. It is not a very simple yes or no.

Mr. VAN ORDEN. All right.

Mr. HARRIS. Fiscal year 2022 was the first full year we had this authority.

Mr. VAN ORDEN. Okay.

Mr. HARRIS. That \$20 million is not a fixed program budgeted amount. It is the amount we estimated was needed by the field that year. We wanted to aim high. The last thing we wanted was for medical centers to run out of money with homeless veterans still in need.

Mr. VAN ORDEN. Yep.

Mr. HARRIS. We have never had this before. We took a guess at \$20 million. Turned out a lot less than that was spent in 2022.

There is different reasons for that. We did not know what to estimate the need at. There were also loads of obstacles in terms of logistics and procurement and purchasing these things. Homeless programs have wanted for decades to have these authorities; they

have been told no for decades. Fiscal departments have been trained to say no to these things for decades. There is a lot of that to overcome.

All that said, we in Fiscal Year 2023, we are on pace now to spend what annualized would be about \$8 million a year. That is actually the amount we allocated for Fiscal Year 2023. We dialed the amount we sent out significantly lower, down to 8 million. While we are not on pace to hit that now, the month of March, we spent \$731,000, which annualizes 8.8 million. We think we have now dialed in the amount that field staff need and how much we should put out.

As for where the money from Fiscal Year 2022 went, VHA Finance handles American Rescue Plan (ARP) funds, which is how this was funded. They sweep that excess back on a pretty regular basis, actually. Happy to take that question for the record as to what exactly was done with it at that point.

Mr. VAN ORDEN. Thank you. The quick follow up, though, is you are asking for \$20 million.

Mr. HARRIS. Yes.

Mr. VAN ORDEN. You just said you needed eight.

Mr. HARRIS. That is the rest to unpack. There is several pieces of this.

Mr. VAN ORDEN. Okay. Let us take that for the record, please. Mr. Garcia, during the last briefing committee staff received, they were told that currently you only have one full-time employee working for VET-TEC. Is that correct?

Mr. GARCIA. Sir, in Education Service we recently hired somebody. She was a mom with two children. She took the VET-TEC training online, which is great because she is a mom that had child care concerns. She actually was hired, but then lost a job because her husband is a long haul truck driver, so she had to lose that job because of child care concerns. Our staff was working with her and actually placed her. She is now helping us by designing a SharePoint site and using her project management skills from VET-TEC to improve our system and processes. So that, to your point, is another example of the VET-TEC success. We recently hired her through the VET-TEC program.

Mr. VAN ORDEN. Okay, great. Well, thank you, Mr. Garcia. I would like to have my staff connect with you again to make sure that we can flush this out completely. In respecting my fellow member's time, I will now yield and recognize Ranking Member Levin for 5 minutes to question the witnesses.

Mr. LEVIN. I thank my friend the chairman, and I will actually start by picking up where he left off. I will ask Dr. Harris, why are you asking for 20 million when you only need eight?

Mr. HARRIS. Thank you, sir. I hate unfinished answers. The reason is that that number includes both the goods and services side of 4201, but also the Rideshare program, which is also authorized under the transportation portion of 4201 and H.R. 645. The accounting you have received to date is strictly for the rides and goods and services, but Rideshare is also included in our cost projections going forward. That explains the delta, 12 million for Rideshare, 8 million for goods and services.

Mr. LEVIN. All right. I appreciate that clarification. Let me just say I certainly support my friend and colleague, Congresswoman Cherfilus-McCormick, H.R. 645 Healthy Foundations for Homeless Veterans Act. Proud to cosponsor the bill. Think it fills a critical gap in resources for homeless veterans.

Let me shift to something we heard last week at our committee's budget hearing. I had asked Secretary McDonough about the expiration of the elevated grant and per diem rate for veterans residing in transitional housing. He indicated that the expiration is going to create major problems for VA to end veteran homelessness and could significantly set us back from reaching that shared goal. We know how vital nonprofits are to VA's efforts to house every homeless veteran; got great relationships with our local nonprofits in San Diego. Very concerned about the stress that the expiration of these authorities will put on our community partners.

I will go back to you, Dr. Harris. As the authority expires for the grant and per diem rate, how will our reliance on community nonprofits and philanthropy shift? Can we reasonably expect nonprofits to be able to fill the gaps in services and resources that Congress could provide by making these authorities permanent and fully funding VA's homeless programs?

Mr. HARRIS. It is a really important question, and with your permission, I am going to expand the answer to this expiring authority, also.

Mr. LEVIN. You got time to unpack.

Mr. HARRIS. You are right that the elevated rate and grant per diem is expiring. That will put a strain on grantees and nonprofits. The expiration of 4201's authority will put a much greater strain on those and it ends up being the same answer, but that is what I want to speak to. As much as I would like to say otherwise, the answer is no, they cannot fill all the gaps that are left when we can not do it ourselves.

I want to be clear about what I mean by that. We have so many permanent housing resources. We have 100,000-plus HUD-VASH vouchers. We have millions in Supportive Services for Veterans Families (SSVF). We have loads of temporary and transitional resources. We can house homeless veterans in the resources we have. We could house thousands more than we have now. The problem is getting them into those beds and keeping them there, and that is where these flexibilities have helped us the most.

I just want to give you a quick sense of how that works. Before these authorities, a veteran shows up at the ER, chronically homeless, seriously mentally ill. We say, Mr. Smith, we are not going to be able to admit you tonight. You are going to have to go to a shelter. Here is a list. Go find a shelter. You do not have a car. You are going to need to find public transportation. Here is a map of public transportation. It is cold outside. I wish we could give you a coat, but we can not. Here is a list of charities who can do that. You need help with case management, we will set up an appointment next week and come on back and we will help you. That is the way it was for decades. It is a miracle we housed as many homeless veterans as we did.

With these flexibilities, the answer is we are going to put you in a hotel tonight. You do not have to get there yourself. We are going

to use Rideshare to get you straight from here to that hotel. We are going to get you food tonight. We are going to get you clothed. Then we are going to give you a phone so that you can be in touch with your case manager right from that room and start working on housing.

The stories I heard this week all say the same thing: We need that. Without that, veterans fall through the cracks, and that is the critical thing. These flexibilities have filled those cracks.

Mr. LEVIN. Really important comments. Thank you so much.

With the time I have left, I will turn to Mr. Garcia. VA is still in the midst of modernizing all its education IT systems. I actually think you have come a long way. I remember going with staff and with Members to Muskogee, Oklahoma, where we saw about a 40- or 50-year-old IT system out there. Thank you for the work that you are doing.

I have H.R. 1169 VA E-Notification Enhancement Act, with Jodey Arrington, continues those efforts by requiring electronic certificates of eligibility. Your testimony states the VA is already in process of meeting some of those goals. When do you expect all the provisions of that bill to be met?

Mr. GARCIA. Sir, we believe that through the digital GI Bill modernization, we are already underway. In August 2022, original claims now have that ability to receive the electronic notification or opt out if they choose to. It is part of the digital GI Bill effort, which is a long-term effort, as you know. We are looking at the end of 2025 to have all of that electronic notification done as part of the digital GIB modernization effort.

Mr. LEVIN. I appreciate that. I am out of time, Mr. Chairman. I yield back.

Mr. VAN ORDEN. Thank you, Ranking Member Levin.

I now recognize Mrs. Ramirez from Illinois for 5 minutes.

Mrs. RAMIREZ. Thank you, Chairman Van Orden and Ranking Member Mike Levin.

I want to first thank you for including my bill, House Resolution 1767, the Student Veteran Benefit Restoration Act in today's legislative hearing. As I have been hearing the conversation, my colleagues know that the work of housing, education, and health care is extremely important to me. I certainly believe that when it comes to our veterans, there is an intersection between stable housing, access to health care, and being able to get the education necessary to get the career that they deserve with living wages and retiring with dignity.

I have presented a bill here today to the legislative hearing. The GI Bill has had a profound impact on veterans returning to civilian life as well as on the education community at large. The educational benefits provided by the GI Bill have been instrumental in helping veterans improve their economic security and promote their success in postsecondary education. Those benefits have helped ensure that veterans are fully supported and integrated.

As I have heard you talk today, particularly about the budget and housing, I would like to hear a little bit more as we look at the challenges that we see, particularly around housing. What do you think in the next year the housing need could look like for our veterans, especially as we know that moving from shelter to perma-

ment housing also requires for them to have stable jobs. This would certainly mean that they, in some cases, to have that permanent housing, they would be paying, you know, for a one bedroom, depending on where they live, \$1,500 to other places for a two bedroom, \$2,500. Talk to me a little bit more about the necessity for some of these supports that you talk about as we look at some of the housing insecurity over the next year.

Mr. HARRIS. Yes, thank you. I promise I am going to try to talk shorter this time. I am using up everyone's time, I apologize.

It is an incredibly important need that you note. I want to say again, we have permanent housing resources. The challenge is, as you noted, getting people into those and the various supports that that requires. The stories I read this week, the 100-plus examples of the way these Flexibilities helped, showed how important those are.

It takes a lot to get into housing. That is a long road to go from the streets to housing, and there are many steps along that way. They require—you can do virtually none of it without a phone. You can not do much of it without transportation. You can not go to the Housing Authority. You can not go to the Department of Motor Vehicle (DMV) or Social Security office. You can not go see apartments, attend open houses, meet with landlords, to get a job. You need a driver's license. You need the tools that these Flexibilities provide to get those. All those steps have to happen before we get into housing.

You noted the market. The lack of affordable housing is one of the single biggest forces we are up against in terms of ultimately ending veteran homelessness. We are working with HUD on various ways to improve those processes to potentially increase fair market rent rates. There is a lot of work underway, way more than I can speak to right this second. Those flexibility, without those, and they expire May 11, we will face a very difficult road unless and until these authorities are made permanent.

Mrs. RAMIREZ. Got it. I just want to go back to specifically the Rideshare component of it. You are saying that oftentimes when veterans have showed up at the VA for support services to be able to help relocate to a shelter or transitional housing, or even to go for these appointments, they have had to figure out how to get to the place or they have had to figure out the case management appointment the next week. You are saying being able to provide that transportation and being able to do more of that one-stop service makes it easier for them to navigate and certainly more quickly stabilize their housing situation?

Mr. HARRIS. Absolutely. It is the centerpiece of the examples I received this week. It is at the center of all of it. It is very difficult to get from point A to point B for any of us in public transportation.

Mrs. RAMIREZ. That is right. Well, thank you so much. I yield back, Chairman.

Mr. VAN ORDEN. Thank you, Mrs. Ramirez.

I now recognize Mr. McGarvey from Kentucky for 5 minutes.

Mr. MCGARVEY. Thank you, Mr. Chairman. I would like to start off, Mr. Chairman, by echoing your comments and offering the thoughts and prayers for the soldiers who lost their lives in the

helicopter crash near my home state of Kentucky at Fort Campbell. The brave men and women of Fort Campbell are certainly integral to our state and our country and our security. It is just awful news to wake up this morning and learn of their passing. I think it also highlights what we need to do to help the men and women who are willing to put on a uniform and sacrifice everything to make sure that we are safe.

As I look at some of the bills, we have got some great bills in front of this committee that really do look out for our veterans. One of them, H.R. 1699, the VET-TEC Authorization Act, offered by my colleague, Mr. Ciscomani.

It is a jobs program, not an education program, which means that we have an expectation that the participants in this program are going to get a good job when they finish. In fact, the requirements, the providers who are giving this training to vets in the technology space, is that they are not paid until the vets actually get a job. What I want to make sure with you guys this morning is that that is not providing a perverse incentive where we want to make sure that our veterans are not just getting a job, but getting a good job and getting a good job where they are making a good salary and good benefits. This is not just a program to get any job, it is to get a quality job, but that is not specified in the law right now.

Mr. Garcia, would you support requirements for providers that veterans are hired into jobs with competitive salaries and other job quality metrics?

Mr. GARCIA. Thank you, sir. We are all in agreement that VET-TEC is successful, right? The metrics that we have now, the outcome measures show they are hired within about 58 days for employment, average salary 65,000, so they are good paying jobs. I think we would continue to support really looking at meaningful outcomes to make sure they have a good paying job that also is an area that they want to get into, right, and that they are studied for.

We have changed our form that tracks that to expand more data that we can analyze and make sure that we are tracking good outcome measures for our veterans that use VET-TEC. Hopefully, that addresses that.

Mr. MCGARVEY. No, thank you. I appreciate that. You know, because we are talking about the technology sector, again, like you said, there is really good things happening. I just want to make sure that good things continue to happen for our veterans who are in programs like this.

As you know that VET-TEC is an employment program and it is susceptible to outside factors just like anything else. We are seeing news, particularly out of places like Silicon Valley, about the dip in employment in the tech sector right now. Is veteran employment in the tech industry shrinking right now? Are we seeing it shrink with layoffs? What kind of trends are you all seeing come about in this sector and with this program?

Mr. GARCIA. Yes, sir. We are looking at that. Obviously, the news is the high number of layoffs that are from the larger companies. What we are looking at, what we are noticing is that at the smaller companies, the midsized companies, that is not really an issue



right now as what you see in the news. A lot of the hiring was early on, that peaked and there was maybe a right-sizing, what you are seeing in terms of getting to that number. That is not the best answer, but I think there was a huge increase and then it kind of modified back down, so that is some of the settling.

There is also concerns because some of the benefit packages, severance packages, from those high layoffs are like up to 6 months. We are tracking to make sure that we are watching those as well that maybe are not really impacted right away because of a good severance package. We want to make sure that they are not impacted down the road. Right?

We are looking at the industry as a whole, but, again, it looks like at the smaller to midsized tech companies, it looks like it is not as prevalent as what you see in the news with the high-volume companies.

Mr. MCGARVEY. Thank you. Obviously, that is something we want to continue to watch. We want this to be successful. We want our veterans to have good training and get into good quality jobs. As you all continue to monitor this, we can check back with you, but certainly want to know how to address this if we see this becoming a problem and make sure, again, our veterans are taken care of after they have served us. Thank you very much.

I yield back my time.

Mr. GARCIA. Yes, sir.

Mr. VAN ORDEN. Thank you, Mr. McGarvey.

I would now like to recognize Mrs. Cherfilus-McCormick from Florida for 5 minutes.

Mrs. CHERFILUS-McCORMICK. Thank you, Mr. Chairman, and thank you for pronouncing my name correctly. Thank you, Ranking Member. Thank you also for your testimony and being here today.

I want to start off also recognizing our soldiers who lost their life. They are definitely in our prayers and our condolences.

I also want to start off by thanking the deputy general counsel, Ally Cimino, of the House Veterans' Affairs Committee, for her dedication to solving veterans' homelessness and ending food insecurity in our veterans. With her help, these issues will be a thing of the past. Thank you, Ally.

Dr. Harris, thank you for being here. My bipartisan legislation, H.R. 645, the Healthy Foundations for Homeless Veterans Act, would permanently authorize us to fund on basic needs for homeless veterans such as food, transportation, communication devices, and shelter. I think we can agree that these are essential that every person requires to thrive. They are the foundation of a person's well-being. Since 2021, VA has helped over 39,000 homeless veterans access basic goods and services, and provided nearly 42,000 homeless veterans with over 400,000 rides to medical appointments and job interviews and through this authority.

Dr. Harris, can you please explain how the VA filled these needs for homeless veterans prior to the pandemic?

Mr. HARRIS. Yes, ma'am. My direct gratitude to you for introducing this bill and second the commendation of Ally as well.

In short, we were unable to directly provide these things prior to these flexibilities. We could provide a veteran a sandwich if he or she had appointments across an entire day. We could reimburse

travel if they lived far enough away. Those are great for a standard veteran with a car and a job and a stable life. They do not begin to touch the needs of a homeless veteran. We were unable to provide for these before.

Mrs. CHERFILUS-MCCORMICK. Thank you. Are VA staff and clinicians seeing that this authority is helping to improve homeless veterans outcomes in terms of getting and keeping them stable and housed?

Mr. HARRIS. Yes. As I noted, I had asked the field for examples of this, and I wish I had time to share them all. The veteran with cancer who could not attend chemo appointments because they were too far away through public transportation, but we got him there with Rideshare. The suicidal veteran whose only companion was his dog, whose prospective landlord would not let him move in, but we were able to cover pet fees and deposits, and he was able to move in and live stably. The woman fleeing domestic violence late on a Friday, shelter beds full, grant and per diem beds full. We were able to put her in a hotel over the weekend. The veteran whose apartment burned down. She and her kids were facing separation because they could not move into a shelter together. We are able to put them all in a hotel and stay in that hotel stably until they could move back into a HUD-VASH program.

Countless veterans who could not make medically necessary life-saving appointments without transportation, Rideshare gets them there. We could not do that in the past. Countless veterans facing eviction if not for assistance we could provide either through utilities arrears, pest infestations, hoarding problems.

These are things we could help veterans with. This is what kept veterans in housing. I could go on way longer than my 5 minutes with those examples. I will stop.

Mrs. CHERFILUS-MCCORMICK. Well, thank you. My last and final question, how are the communication devices authorized in this bill utilized by homeless veterans? Can you discuss the importance of access to cell phones or laptops for the homeless veterans?

Mr. HARRIS. Yes. Thank you. It is incredibly important. We are aware there is some skepticism about the phones. There is concerns of kind of worst-case scenarios, veterans selling these for profit, for money, using them to buy drugs. There are controls we have built into that process. We think we have done a good job with that. We think medical center staff and veterans themselves have done a good job with that.

On the flip side, I would argue there is no more single important tool for both a homeless veteran, but also for any of us, than a phone in today's life. How long would any of us survive in our jobs, in our lives without one? It may feel like it ought to be easier for somebody on the streets. It is harder. All those challenges are compounded.

Everything you have to do to move from the streets to housing requires some degree of communication, access to information, not the least of which is contact with your VA providers, but landlords, employers, friends, and family, the social support network that keeps us sane, that keeps us—prevents the social isolation that can lead to eviction. The phones are incredibly important and dollar for

dollar are likely the single best investment we have made under these authorities.

Mrs. CHERFILUS-McCORMICK. Thank you. This is actually my final question, even though I said the last one was. How do you see the expiration of this authority, if we are not able to make it permanent, affecting our ability to end and prevent veterans homelessness in short and in long term?

Mr. HARRIS. It is a really important question. Not stating an agency position here, but based on my own experience and based on the feedback in the 100-plus examples I received, I do not think it is possible to completely, totally end veteran homelessness without these flexibilities. It is not that we do not have the permanent housing resources, as I noted earlier. It is the ability to keep the veterans from falling through the cracks, who always have in the past, who will begin to again, despite everyone's best efforts, without these flexibilities. We need them.

Mrs. CHERFILUS-McCORMICK. Thank you so much for your testimony.

Mr. Chairman, I yield back. Thank you.

Mr. VAN ORDEN. Well, thank you, Mrs. Cherfilus-McCormick.

Thank you very much, witnesses, for coming. I appreciate it very much. You are now excused, and I would hope that you would stay with us for the next panel.

In our second panel, we have several veterans service organizations. Ms. Tammy Barlet from Student Veterans of America, Mr. Matthew Brennan from the American Legion, Ms. Alicia Boddy from Code Platoon and the VET-TEC Working Group, and Mr. Patrick Murray from Veterans of Foreign Wars.

I would like to welcome the witnesses on our second panel to the witness table. I ask that you all please stand and raise your right hand.

[Witnesses sworn.]

Mr. VAN ORDEN. Thank you very much. Let the record reflect that the witnesses have all answered in the affirmative.

I want you all to know that we have read your written testimony. In the interest of time, we are going to go right into questions, and I ask for unanimous consent to waive the taking of this oral testimony to proceed directly to questioning the witnesses. All right. Without objection, so ordered.

I now recognize myself for 5 minutes.

I just have one question. Mr. Murray from Veterans of Foreign Wars (VFW), which I am a lifetime member. Oh, there you are, sir. Where is your cover, Mr. Murray?

Mr. MURRAY. We do not wear covers during testimony, sir.

Mr. VAN ORDEN. Oh, my gosh. Well, all right. I hope you have it with you. In your testimony, you indicated support for the Streamlining Aviation for Eligibility Veterans Act to provide more flexibility in the Veterans Readiness and Employment program. Can you elaborate on how this bill would benefit disabled veterans?

Mr. MURRAY. Yes, sir. The VR&E program, when utilized correctly, can be a fantastic, life-changing program. The nondegree granting part of it is not the most important part in our minds of VR&E. It is getting them employed. If that leads to gainful employment in whatever field that might be, we support that endeavor.

Mr. VAN ORDEN. Well, outstanding. With that, I yield back. Thank you very much for that.

I now yield to Ranking Member Levin for 5 minutes.

Mr. LEVIN. Thank you, Mr. Chairman.

Just a couple of questions. I will start with Ms. Barlet. I want to thank you for your written testimony on the Student Veteran Benefit Restoration Act. I think you perfectly explained the problem at hand, that, and I quote, "While relief exists for Federal student loan borrowers impacted by fraud, the same is not true for VA education beneficiaries." It is incredibly unfair to GI Bill students, especially given the sacrifices they have made through their service or that of their loved one. What kind of message do you think it sends to veterans and military families that we have this discrepancy?

Ms. BARLET. Thank you, Ranking Member Levin. I appreciate the question.

The message that the discrepancy currently exists shows that there is a movement to make sure that these student veterans and other military-affiliated students are taken care of. This piece of legislation puts forth that, with the understanding that VA will also be restored in the support that they have given that student veteran and other military-associated student veterans. This is something that needs to be done and moving in the right direction.

Mr. LEVIN. Thank you. I appreciate that. Look forward to working with you and student veterans on this legislation.

Then I will turn to my friend, Mr. Murray. It is always good to see you, sir.

Chairman Van Orden's legislation to expand job counseling and Transition Assistance Program (TAP) for states will improve the TAP process, helping transitioning servicemembers prepare better to find a job. It is now been more than 4 years since the last significant changes to the TAP process and I would like to take the opportunity just to get your views on where we are with TAP today.

The first question is, have the 2019 National Defense Authorization Act (NDAA) TAP changes that were made after I first got elected, have they been effective?

Mr. MURRAY. Short answer to that yes, there have been great improvements to the TAP program. Where it came from years ago, where it is today, it is considerably better. However, it is a Department of Defense (DOD) managed program and DOD is not providing proper oversight of it.

We know it is not this committee's job, but we call on all of Congress to make sure that TAP is being administered correctly. Specifically, the change that this bill would allow is for State agencies to be able to contact servicemembers while they are going through the TAP portion. Roughly, normally, it is about 6 months out. The law calls for one year out. We see that DOD is not adhering to those metrics.

This will allow two-way communications. A recent change that was put in DD Form 2648 allows servicemembers to send their forms, their relevant documents, to State agencies. Those State agencies cannot respond back. This will allow for two-way communication.

However, it is the role of the transition assistance manager to make connections in the communities to which servicemembers are transitioning to. We had a hearing last year and there are a lot of great resources in San Diego, for example. That is not just sending your DD 214 to the California State agency. It is reaching out to those groups in the community that do really substantive work for transition around the country. That is what we want to see happen. This is a good step in that right direction.

Mr. LEVIN. I appreciate that. Any other witnesses have any ideas or suggestions on further improvements to TAP?

None?

Mr. MURRAY. A joint hearing between and the House Veterans' Affairs Committee and the House Armed Services Committee (HASC) would be fantastic. Make sure that they are adhering to something where we see about 175-to 200,000 troops getting out every single year. That should be an evergreen priority of the Armed Services Committee. We have not seen that since I believe it was 2018 was the last time there was a TAP hearing on the Armed Services Committee. It is too long.

Mr. LEVIN. I could not agree with you more, Mr. Murray, and I know you and I have talked about this. You know, from my friend, the chairman, so important that we try to get our committee together with HASC to do a joint hearing. I know you all will have plenty of comments at that time. TAP is so, so important.

Yes, go ahead, Ms. Barlet.

Ms. BARLET. Thank you, Representative Levin.

Something that was mentioned at our joint hearing just a few months ago was the understanding that when a servicemember goes from TAP as a veteran, that they are aware of the professional adjustment that they can perform in their Free Application for Federal Student Aid (FAFSA) application. There is an understanding that when they come out and now they are the veteran and they are filling out the FAFSA, that FAFSA is not being implemented with their last income tax when they had a job through the military, but it is being adjusted through the institution—a conversation through the institution and that student veteran with the understanding that they have recently transitioned.

Mr. LEVIN. Got it. I appreciate that. Thank you all. We look for your continued input and feedback on improvements to TAP.

With that, I will yield back to the chairman.

Mr. VAN ORDEN. Thank you, Ranking Member Levin.

I now recognize Mr. Ciscomani from Arizona for 5 minutes.

Mr. CISCOMANI. Thank you, Mr. Chair. Welcome to all of you. Thanks for being here.

In the interest of time, I know we are combining some of the efforts, so I am going to read a few words here on the VET-TEC bill, and then I will open up for some quick questions.

Thank you, Chairman Van Orden and fellow members of the subcommittee. I am grateful that my bill, H.R. 1669, the VET-TEC Authorization Act, is being considered today. This bipartisan effort, which I introduced with Chairman Bost and also Congressman Khanna, would permanently authorize the Veteran Employment Through Veteran Education Courses, or VET-TEC program.

As part of the Forever GI Bill that was signed into law in 2017, Speaker McCarthy and Congressman Khanna established the VET-TEC pilot program which allows eligible veterans to gain experience and training in high-demand tech jobs. Since the start of the VET-TEC program in 2019, over 12,000 veterans have completed the program in areas like computer programming, software development, data processing, and other in-demand careers. This is crucial to strengthening our American workforce.

Of the veterans that completed the program, roughly 64 percent are offered a job relating to the training they received, with an average salary of around \$65,000 a year. These results show that the program works, and with permanent authorization, more veterans will be able to participate in the program each year.

I am proud to have partnered with Chairman Bost and Congressman Khanna on this legislation, and I look forward to working with my colleagues to ensure veterans can continue to grow in the civilian workforce.

Now, Mr. Brennan and all veterans here today, including those on the subcommittee panel, I want to just thank you all for your sacrifice, for your service to our country. Mr. Brennan, thank you for being here, and I sincerely appreciate the support from the American Legion on permanently authorizing the VET-TEC program. Can you discuss how your members can—have benefited actually from the pilot program and the need for some of the changes to the program that we have highlighted?

Mr. BRENNAN. Yes, sir. Thank you for your question.

The VET-TEC program, as noted earlier, has been a huge success for veterans transitioning out of the service into civilian life. Our members have benefited from it because right now, as we note, there is a dire need for employment in these sought-after sectors. We believe that making this program permanent and ensuring that they go into these jobs that are well-paying is instrumental to ensuring their successful transition back into the service.

Mr. CISCOMANI. Thank you.

Mr. BRENNAN. Or out of the service.

Mr. CISCOMANI. I know. Thank you so much for that and for being here. This is a great potential that it has here to be permanent. We have seen the great success of it so far, and we are happy to be supporting it as well. Thank you so much.

Mr. Chairman, I yield back.

Mr. VAN ORDEN. Thank you, Mr. Ciscomani.

I now recognize Mrs. Ramirez from Arizona for 5 minutes.

Mrs. RAMIREZ. Thank you, Chairman.

I want to first thank you all for your written testimonies, particularly on my legislation that creates some level parity between Title 4 and Title 38. As you know, the committee has long wished to restore veterans who have been defrauded or otherwise left holding the bag for bad actors. The GI Bill has had a profound impact on veterans as they return to civilian life. The educational benefits have provided the GI Bill instrumental service to helping veterans improve their economic security and promote their success in post-secondary education.

Moreover, these benefits have helped ensure that veterans are fully supported and integrated into the education community.

Sadly, as we know, there are still some predatory, often for-profit institutions that see GI Bill educational benefits and only see a profitable exploit. H.R. 1767, the Student Veteran Benefit Restoration Act, is essential for the veteran community and it needs to be prioritized. The bill ensures that our veterans receive full educational benefits if a for-profit institution has wrongfully defrauded them.

We are committed to our veterans, and part of that commitment is ensuring that the GI Bill educational benefit is honored for our veterans who have more than earned it, and their families and loved ones. My ranking member, Congressman Mike Levin from California, has shown his commitment to this issue for years, and I am honored to have his support as an original co-sponsor of the bill H.R. 1767. It has also earned support from key champions for vets, Veteran Education Success and Student Veterans of America.

I want to come back to your testimony, and I want to ask you a couple of questions in the time that I do have. This question is for Ms. Barlet or anyone else could actually answer as well, but should there be an expectation that schools repay benefits if they fail to provide a student veteran the class that they promised them?

Ms. BARLET. Thank you, Representative Ramirez.

It is something that needs to be taken into account. These are Federal funds that are being used for the veteran or the military-affiliated student veteran attending these institutions. When a closure or false career expectations come from this, and VA and Social Security Administration (SSA) decide to no longer use that institution for services, it does need to be taken into account.

Mrs. RAMIREZ. Why has the VA not already acted to restore benefits for more students impacted by school closures or in instances of fraud?

Ms. BARLET. Unfortunately, I am unable to answer that question for you. Looking at the trend of how Department of Education established the borrower's defense, it was just a matter of time for additional agencies to also work within that same manner.

Mrs. RAMIREZ. Do you believe using the borrower defense is a good way to properly capture students who need the GI Bill restored?

Ms. BARLET. It is one of the tools, but your legislation is going to lead to additional tools to ensure that they are made whole.

Mrs. RAMIREZ. Got it. Thank you. Last question for you. Are there other triggers that would be appropriate to make sure that we are restoring these benefits for the veterans?

Ms. BARLET. Other triggers would be, like I mentioned before, the false career expectations. When a veteran discusses with the institution's administration and they see that if they attend there and complete the degree that there is going to be a job expectation for them coming out of that, that is going to lead their family into success and security, we want to ensure that those actors that provide that information are doing well. Those actors that give false career expectations are under that scrutiny.

Mrs. RAMIREZ. Thank you.

Look, just a few more words on my bill, and thank you so much for the work that you are doing and how, you know, you have explained how critical this bill is to help restore those benefits.

It is long past time to give our veteran community the justice they deserve. We have to ensure that no student veteran is ever robbed of their educational benefits again by making sure we are cutting off any predatory schemes. I really look forward to working with our ranking member, our chairman, and the entire Veterans' Affairs Committee to ensure that every student veteran has access to their full educational benefits. I urge all of my colleagues to join us by cosponsoring, and I look forward to swiftly moving to a committee markup.

Thank you and I yield back, Chairman.

Mr. VAN ORDEN. Thank you, Mrs. Ramirez.

I now recognize Mr. McGarvey from Kentucky for 5 minutes.

Mr. MCGARVEY. Thank you, Mr. Chairman. Appreciate everybody's testimony today.

I want to talk a little about H.R. 291, which is the Vaccine Discharge Parity Act, introduced by my colleague, Mr. Fitzgerald. This bill is going to reinstate GI benefits to veterans discharged due to refusing the COVID-19 vaccine. It means these individuals will get access to their benefits, which I think is a good thing to have veterans being able to access their benefits.

It is also going to mean they are going to jump the line over other individuals still waiting for their benefits, such as those discharged under the Don't Ask, Don't Tell law. I am for expanding benefits, but let us think about the frustration, the hurt, the betrayal that a lot of our veterans who were let go from their service under Don't Ask, Don't Tell have to wait again to try and access their GI education benefits. Enough is enough.

Ms. Barlet, could you speak a little bit about the need for comprehensive reform to eligibility for education benefits and not just picking here and there who gets them?

Ms. BARLET. Thank you, Representative.

A comprehensive reform would let those veterans understand that their government is behind them and things that had made or issues that had made their discharge difficult or less than honorable is being discussed, things such as underlying mental health conditions, Military Sexual Trauma (MST), or because of their sexual orientation while service.

Mr. MCGARVEY. Thank you. I appreciate that.

You know, we started off today talking about a tragedy, a tragedy for our soldiers down at Fort Campbell, a tragedy that so many—it is a risk anyone who puts on a uniform takes to serve us. I think that it is important for us to be there for those who put on that uniform after they serve because of the risks they take. I hope this is an area we can get right and have a comprehensive reform so that the people who have served have access to the benefits they have earned. I stress that, that they have earned.

Thank you, Mr. Chairman. I yield back.

Mr. VAN ORDEN. Thank you, Mr. McGarvey.

Hey, I just want to tell you, man, if there is anything we can do collectively as a body to assist with the servicemembers' families from your state of Kentucky, just please ask. It is exceptionally im-



portant that these folks are recognized. We just got a whole bunch of new Gold Star moms or dads or husbands and wives, and it is just a bad thing. That is a real offer.

Then I just ask with the concurrence of the ranking member, Mr. Levin, if I could ask Ms. Boddy a question. Is that all right? Good.

You came out here from California, did not you?

Ms. BODDY. Yes, I did, all the way from Los Angeles.

Mr. VAN ORDEN. Yes. Well, thank you very much. You flew right over what I call America. Hey, right? Sorry, I had to do it. That is for him.

Thank you for your testimony and for coming out again from California. I appreciate both of your support of this bill with VET-TEC and the recommendations on how to make the bill better. What methods have Code Platoon or the VET-TEC Working Group, which you are a member of, use to keep in communication with the veterans after graduation? Could these communication techniques be improved, in your opinion?

Ms. BODDY. Thank you for the question.

You know, our providers are always looking to improve communications with our veterans after they graduate and we look forward to partnering with the VA especially. We think there is a lot of opportunity there to provide a united front and say that, you know, the program is not over when you graduate. The program is really over when you find that meaningful employment.

Providers have really done a lot over the last 5 years during this pilot to improve our career services and improve those outreach efforts. Through the working group especially, we have seen that partnering with the VA and having all of us saying the same message to the veterans is really impactful. We hope that we can really focus on that meaningful employment piece and leverage our relationship with the VA as providers to help with that outreach and keep veterans engaged and find those meaningful employment jobs for them.

Mr. VAN ORDEN. Awesome. If there is any roadblocks that you run into, please tell us. I just think this is a winning program and I would like to see it come to fruition permanently.

I want to thank you all for coming and for your views on this legislation discussed today. I believe the proposals we have here today, including VET-TEC, which we just discussed, Authorization Act of 2023, are incredibly important to ensuring veterans continue to use the benefits that they have earned. I look forward to continued working with the stakeholders, that is all of our vets, and also the ranking member and the rest of the committee to get these bills to the floor.

With that, I yield to the ranking member, Mr. Levin, for any concluding remarks he might have.

Mr. LEVIN. No concluding remarks. I appreciate the chairman, appreciate all of our witnesses. Thanks for all the excellent work that you do.

Mr. VAN ORDEN. Thank you, Ranking Member Levin. Thank you again for coming to participate in today's hearing.

I ask unanimous consent to enter into the record statements from the Disabled American Veterans and Veterans Education Success. Without objection, so ordered.

I ask unanimous consent that all members have 5 legislative days to revise and extend their remarks and include extraneous material. Without objection, so ordered.

This hearing stands adjourned.

[Whereupon, at 10:36 a.m., the subcommittee was adjourned.]

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**A P P E N D I X**

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## PREPARED STATEMENT OF WITNESSES

### Prepared Statement of Joseph Garcia

Chairman Van Orden, Ranking Member Levin, and other Members of the Subcommittee, thank you for inviting us here today to present our views on several bills that would affect VA programs and services. Joining me today are Dr. Keith Harris, Senior Executive Homelessness Agent, Greater Los Angeles, Office of the Secretary Veterans Health Administration (VHA), and Nick Pamperin, Executive Director, Veteran Readiness and Employment Service (VBA).

#### **H.R. 291 “Vaccine Discharge Parity Act”**

Sections 2(a) and (b) of this bill would amend 38 U.S.C. §§ 3011(a)(3)(B) and 3311(c) to include a general discharge under honorable conditions on the sole basis that the individual failed to obey a lawful order to receive a vaccine for COVID-19, as a qualifying discharge for entitlement to educational assistance under the Montgomery GI Bill-Active Duty (MGIB-AD) program and the Post-9/11 GI Bill. Section 2(c) of the bill would adjust home loan fees to help offset the costs of the bill. Specifically, this section would amend 38 U.S.C. § 3729(b) to replace “January 14, 2031” with “March 1, 2031” in each place it appears in the loan fee table in section 3729(b)(2).

VA opposes this bill. Currently, an individual who serves in the Armed Forces must receive an honorable discharge to establish eligibility for educational assistance under the MGIB-AD and Post-9/11 GI Bill. VA is concerned that enactment of this bill would create an inequity for Service members discharged for various reasons and not meeting the “honorable discharge” requirement for eligibility for educational assistance. Only Service members with the COVID-19 character of discharge “reason” would be eligible to receive educational assistance, while Service members with the same character of discharge but different reason would not be eligible for educational assistance.

VA also has concerns regarding the availability of Department of Defense (DoD) data elements corresponding with information technology systems and claims processing rules to facilitate the data exchange needed for automated claims processing. Additional funding would be required for Veterans Benefits Administration and DoD interfaces and Digital GI Bill (DGIB) automation planning and delivery. For example, the VA and DoD Identity Repository (VADIR) would require additional indicators to reflect that the reason for a particular discharge was due to refusal to take a vaccine, given the current Interface Control Document (DGIB-VADIR) includes no specifications for a particular discharge being due to refusal to take a vaccine. Without additional development resources to make these and other required changes, fewer claims could be accomplished using automation. The new rules would also need to be programmed into the Benefits Delivery Network and the Post-9/11 GI Bill Long Term Solution to calculate eligibility for this small population of individuals.

VA opposes section 2(c) of the bill. This section would adjust home loan fees with the purpose of helping to offset the costs of the bill. Loan fees are collected to reduce the taxpayer cost of VA’s loan guaranty program. As such, VA does not support using the fees as an offset for the costs of another benefit program. Additionally, VA notes that home loan fees that are required under 38 U.S.C. § 3729(b)(2) are scheduled to expire on November 14, 2031, not January 14, 2031. See the Consolidated Appropriations Act, 2023, P. L. 117-328, Division U, § 204. Therefore, this section of the bill as drafted would fail to accomplish the purpose of extending the period in which home loan fees are collected by VA.

#### **H.R. 645 “Healthy Foundations for Homeless Veterans Act”**

H.R. 645 would add a new section 2068 to title 38, U.S. Code, to allow VA to use amounts appropriated or otherwise made available to carry out sections 2011, 2012, 2031, or 2061 to provide certain assistance to homeless Veterans and Veterans participating in the Department of Housing and Urban Development-VA Supportive

Housing (HUD-VASH) program. The assistance authorized under proposed section 2068(a) would include assistance needed for the safety and survival of the Veteran (such as food, shelter, clothing, blankets, and hygiene items), transportation needed to support the stability and health of the Veteran (such as transportation for appointments with service providers, the conduct of housing searches and the obtainment of food and supplies), communications equipment and services (such as tablets, smartphones, disposable phones, and related service plans) needed to support the stability and health of the Veteran (such as through the maintenance of contact with service providers, prospective landlords, and family members), and such other assistance as VA determines necessary.

Proposed section 2068(b) would authorize VA to collaborate, to the extent practicable, with one or more organizations to manage the use of VA land for homeless Veterans for living and sleeping. This collaboration could include the provision, by either VA or the head of the organization concerned, of food services and security of property, buildings, and other facilities owned or controlled by VA.

VA strongly supports this bill, as it is consistent with an Administration proposal included in the FY 2024 Budget (“Flexibility in the Provision of Assistance to Homeless Veterans”). The bill would effectively replicate the authority granted under section 4201 of P.L. 116–315 but would remove the limitation related to the period of the covered public health emergency.

Before the authority in section 4201 of P.L. 116–315 was established, VA could not use funds to provide these services or support and had to rely on donations or community organizations, which were not always readily available, to fill the service gaps. VA providers need the continued flexibility and access to critical resources provided by this authority to carry out the mission of making Veteran homelessness rare, brief, and non-reoccurring. In recent years, VA providers have excelled at reducing Veteran homelessness; however, the Veterans who remain unsheltered often present with complex needs and face unprecedented barriers, such as high cost of food, increased housing costs, and lack of public transportation or access to information. To complete the mission of ending Veteran homelessness, VA needs to be able to provide all available resources.

Furthermore, use of Department land allows for the flexibility to use designated areas on VA medical center campuses to offer temporary housing, food, access to health care, case management, peer support, and a clean environment to vulnerable unsheltered Veterans experiencing homelessness. This is needed to address the continuing high number of unsheltered homeless Veterans nationally, and the need for low-barrier safe-haven settings that can provide immediate access to shelter and services for Veterans 24 hours per day, 7 days per week.

Most importantly, the barriers that this bill would address existed before the COVID–19 public health emergency and will persist after the emergency declaration has ended, increasing risks to Veterans’ safety, survival and well-being, and negatively impacting living conditions. We do note, as a technical matter, that the bill should establish a new section 2069 in title 38, as there currently is a section 2068 (regarding mental health consultations), which was added by section 404(b) of the STRONG Veterans Act (Div. V of P.L. 117–328).

The total estimated cost is \$20.52 million for FY 2024, \$21.36 million for FY 2025, approximately \$111.47 million over a 5-year period, and the cost over a 10-year period is approximately \$243.42 million. This estimated cost is based on FY 2022 expenditures.

#### **H.R. 728 Pilot Program on Short-Term Fellowship Programs**

This bill would authorize the Assistant Secretary of Labor for Veterans’ Employment and Training to carry out a pilot program under which a State may use a grant or contract under 38 U.S.C. § 4102A(b)(5) (the Jobs for Veterans State Grants Program) to carry out a pilot program on short-term fellowship programs. Each program would consist of Veterans participating as fellows with an employer for a period not exceeding 20 weeks, pay such Veterans a monthly stipend, and provide such Veterans an opportunity to be employed on a long-term basis with the employer following such period.

VA defers to the Department of Labor regarding this bill.

#### **H.R. XXX Education Fraud**

Section 1(a) of this bill would amend 38 U.S.C. § 3699(b)(1) by adding a new subparagraph that would allow VA to restore educational assistance entitlement under 38 U.S.C. chapter 30, 31, 32, 33, or 35 or 10 U.S.C. chapter 1606 or 1607, if an individual was unable to complete a course or program as a result of the suspension or termination of a course or program of education by reason of a determination of

fraud by the Commissioner of the Federal Trade Commission or the Secretary of Education.

Section 1(b) of the bill would further amend 38 U.S.C. § 3699 by adding a new subsection (f) that would require the educational institution to repay the Secretary of Veterans Affairs all amounts of educational assistance received pursuant to the educational assistance programs administered by VA during the period when the fraud was determined to have occurred, if the educational institution closes or suspends or terminates a course or program of education by reason of a determination of fraud by the Commissioner of the Federal Trade Commission or the Secretary of Education.

VA would support this bill, if amended. Since students may be accomplices to the fraud in certain instances, VA recommends that section 1(a) of the bill include language to specify that students who participate in the fraud are not eligible for restored entitlement under this section. VA also recommends that this bill be amended to include findings of substantial misrepresentation made by VA or a State Approving Agency.

No discretionary costs are associated with this bill. Additional time is needed to determine if the bill has significant mandatory costs.

#### **H.R. XXX Sole Liability for Transferred Educational Assistance**

This bill would amend 38 U.S.C. § 3319(i), regarding liability for overpayments in cases of transferred entitlement, to remove joint liability for certain overpayments. Specifically, this bill would require VA to hold the individual who transfers unused education benefits to a dependent solely liable for any overpayment of educational assistance under the Post-9/11 GI Bill when the individual fails to complete his or her service agreement.

VA would support this bill, if amended. However, if it is the intent of Congress to eliminate liability for dependents who share no fault in the overpayment, VA recommends that the bill be amended to also address tuition and fee overpayments that are collected against schools, as these will likely be passed on to students. Debts resulting from reductions and termination of benefits are currently split between the student and the school. The student is liable for the monthly housing allowance, books and supplies, and kicker benefits, while the school is responsible for tuition and fees.

Section 1019 of the *Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020* (Public Law 116-315), which revised 38 U.S.C. § 3685(b), requires schools to be financially responsible for all tuition and fee debts paid under the Post-9/11 GI Bill. However, schools may seek reimbursement of tuition and fee debts from students independent of the protection covered in this bill. Therefore, VA recommends that the bill be amended to explicitly state that payment of tuition and fees that result in an overpayment under 38 U.S.C. § 3319(i)(2)(A) would not constitute a liability against the school or dependent in accordance with 38 U.S.C. § 3685. This amendment would ensure that these debts are not passed on to the student by the school.

We note that the proposed amendment to section 3319(i)(2)(A) is unclear because it would refer to the amount of any transferred entitlement that is used by a dependent “as an overpayment of educational assistance under paragraph (1)” (which provides for joint and several liability) “for which the individual [transferring entitlement] shall be solely liable” (emphasis added). Congress may want to consider removing the “under paragraph (1)” language in section 3319(i)(2)(A) to clarify its intent.

No mandatory or discretionary costs or savings are associated with this proposed legislation.

#### **H.R. XXX Electronic Certificates of Eligibility**

This bill would amend 38 U.S.C. chapter 36 by adding new section 3698A, which would require VA to provide certificates of eligibility and award letters using electronic means to an individual entitled to educational assistance under 38 U.S.C. chapter 30, 33, or 35; the Veteran Employment through Technology Education Courses (VET TEC) pilot program; or any other provision of law administered by VA that is determined appropriate. The individual may elect to receive the documents by mail rather than through electronic means or revoke an election at any time, by means prescribed by VA.

VA supports this bill, as it is consistent with current practices. This bill would give all VA education beneficiaries access to their eligibility and entitlement information in an electronic format. We note that 38 U.S.C. § 5104(c), as amended by the Honoring Our PACT ACT of 2022, Public Law 117-168, § 807, currently permits

VA to provide notice of its decisions electronically if a claimant (or the claimant's representative) elects to receive such notice electronically.

No mandatory or discretionary costs are associated with this bill, as VA currently provides certificates of eligibility and award letters by electronic means.

**H.R. XXX Increase in Educational Assistance for Programs of Education in the Philippines**

This bill would amend 38 U.S.C. § 3532 to remove the requirement for VA to compute the educational assistance allowance for an eligible person at an institution located in the Republic of the Philippines at the rate of \$0.50 for each dollar.

VA supports this bill. This bill would provide increased funding for certain individuals pursuing a program of education in the Republic of the Philippines.

Mandatory costs associated with this bill are \$598,000 in FY 2023, \$11.7 million over 5 years, and \$25.5 million over 10 years. No discretionary costs to VBA's General Operating Expenses account are associated with this bill. IT costs are estimated to be \$3.2 million in FY 2026.

**H.R. XXX "Get Rewarding Outdoor Work for Our Veterans Act" (or the "GROW Act")**

This bill would direct the Secretary of Veterans Affairs to submit to Congress a report on the Warrior Training Advancement Course (WARTAC) and direct the Secretary of the Interior to administer a pilot program to employ Veterans in positions that relate to conservation and resource management activities of the Department of the Interior (DOI).

Section 2 of the bill would direct the Secretary of Veterans Affairs to submit to Congress an initial report on WARTAC no later than 6 months after the date of enactment and submit a report one year after submission of the initial report, and annually thereafter, that includes information on best TAP practices of WARTAC, cost savings of WARTAC and hiring covered members who complete WARTAC.

VA cites concerns with Section 2 of this bill. While VA can provide some of the information requested in the reporting requirement in section 2, development of such a report would be time-consuming and costly for VA and would divert resources from other important work. Annually, the total number of WARTAC participants is generally fewer than 400 Veterans. Congressionally Mandated Reports (CMR) go through a rigorous concurrence process and consume valuable VA resources. VA strives to be a good steward of taxpayer dollars, and the amount of time, money, and staff involvement that would go into drafting and reviewing these reports could be better spent on other important projects helping Veterans. VA submitted 24 CMRs in fiscal year 2022 and VA's cost estimates for all CMRs submitted in fiscal year 2022 totaled approximately \$661,228.

VA welcomes the opportunity to collaborate with its Congressional partners through quarterly briefings in lieu of a mandated report. Transparency is important to VA, and VA could provide updates on the current state and future state of the WARTAC program at any time or on a recurring basis as requested. As WARTAC is an authorized DoD Skillbridge program that falls under the authority of DoD Instruction 1322.29, Job Training, Employment Skills Training, Apprenticeships, and Internships for Eligible Service Members, VA would defer reporting on the majority of the elements required under section 2(b) to DoD.

Section 3 would direct the Secretary of the Interior to administer a pilot program to employ Veterans in positions that relate to conservation and resource management activities at DOI.

VA defers to DOI regarding section 3. VA can serve as an active partner to DOI and help Veterans connect to the pilot through already-established VA programs such as Veteran Readiness and Employment (VR&E) services, the Personalized Career Planning and Guidance Program, and Skillbridge.

**H.R. XXX "Streamlining Aviation for Eligible Veterans Act" (or the "SAFE Veterans Act")**

This bill would amend 38 U.S.C. § 3101 by adding a statement that a rehabilitation program may include flight training that does not lead to a degree.

VA opposes this bill. In accordance with 38 U.S.C. § 3100, the purpose of the VR&E 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. Currently, under chapter 31, a VR&E participant may enroll in flight training as part of a degree program within the individual's rehabilitation plan, allowing for the Veteran to be trained in the field of aviation or a related field. The flight training should lead to a degree, certification, or license



that enables the Veteran to seek and obtain suitable employment. Should the Veteran's disabilities change or worsen, possessing a degree allows the Veteran other opportunities to obtain and maintain employment. A rehabilitation program that includes flight training but does not lead to a degree would be inconsistent with VR&E's requirements for its training programs.

**H.R. XXX TAP Outreach**

This bill would amend 38 U.S.C. §§ 4101 and 4103A (the Jobs for Veterans State Grants Program) to add members of the Armed Forces eligible for the Transition Assistance Program (under sections 1142 and 1144 of title 10) as persons eligible to receive priority in the Department of Labor's intensive services and placement service program conducted by Disabled Veterans' Outreach Program specialists.

VA defers to the Department of Labor regarding this bill.

**H.R. XXX "VET-TEC Authorization Act of 2023"**

Section 2(a) of this bill would add new 38 U.S.C. § 3699C to permanently authorize VA to carry out a program under which the Secretary provides covered individuals with the opportunity to enroll in high-technology programs of education that the Secretary determines provide training or skills sought by employers in a relevant field or industry. A "covered individual" is a Veteran whom the Secretary determines served an aggregate of at least 36 months on active duty and was discharged or released under conditions other than dishonorable and who has not attained the age of 62 before beginning a high-technology program of education, and a member of the Armed Forces whom the Secretary determines will become a Veteran fewer than 180 days after the date of such determination.

This bill would allow not more than 8,000 covered individuals to participate in the program in any fiscal year. Covered individuals who pursue a high-technology program of education under section 3699C would receive educational assistance in amounts equal to the 100 percent benefit level under the Post-9/11 GI Bill (chapter 33), including the housing stipend and in accordance with the treatment of programs that are distance learning and programs that are less than half-time. VA would be authorized to pay educational assistance to covered individuals for a high-technology program of education and a second such program if the second program begins at least 18 months after the covered individual graduates from the first such program, and if chapter 33 is used for pursuit of the second such program. Covered individuals with remaining entitlement to educational assistance under chapter 30, 32, 33, 34, or 35 would be charged at the rate of one month of such remaining entitlement for each such month of educational assistance under this program. Individuals receiving benefits under this program would not be subject to the 48-month entitlement limitation applicable to other VA educational programs.

If a covered individual withdraws from a high-technology program of education, paid for with educational assistance under section 3699C, after receiving orders to enter a period of covered service, the Secretary would have to provide educational assistance to the covered individual for another such program.

Under this bill, VA would be authorized to enter into contracts with qualified providers of high-technology programs and would be required to provide the conditions under which VA may terminate the contract with the provider and the procedures for providing for the graduation of students who were enrolled in a program provided by such provider in the case of such a termination. Such a contract would authorize VA to pay as follows.

- 25 percent of the cost of tuition and other fees upon enrollment of a covered individual;
- 25 percent upon graduation of the individual from the program; and
- 50 percent of such cost upon—
  - The completion of 180 days of full-time employment by the covered individual—
    - In the field of study of the program; and
    - If the employment was secured not later than 180 days following graduation of the covered individual from the program.
  - The employment of the individual by the provider for a period of one year; or
  - The enrollment of the individual in a different program of education to continue education in the field of study of such high-technology program of education provided by a different provider.

This bill would maintain the current rule that a provider of a high-technology program of education is qualified if the provider employs instructors whom VA deter-

mines are experts in their respective fields, the provider has successfully provided the high-technology program for at least one year, and the provider meets the approval criteria developed by VA. However, this bill would add two additional qualifications, requiring that a provider identify professions in need of new employees to hire, tailor the program to meet market needs, and identify employers likely to hire graduates; and that a provider not charge tuition and fees to a covered individual who receives assistance under section 3699C to pursue such program that are higher than the tuition and fees charged by such provider to another individual. VA would also be required to give preference to a provider of a high-technology program from which at least 70 percent of graduates each year find full-time employment in the field of study of the program within 180 days after graduating from the program or that refunds tuition and fees for a student who graduates from such a program and does not find employment.

Finally, this bill would require VA to submit a report to Congress no later than one year after the date of enactment of this bill and annually thereafter on the operation of the program under section 3699C.

This bill would take effect 180 days after the date of enactment and would amend section 116(h) of the Harry W. Colmery Veterans Educational Assistance Act of 2017, Public Law 115-48, to provide that the authority to carry out a pilot program under that section will terminate on the date that is 1 year after the date of the enactment of section 3699C.

VA would support this bill with amendments and with an identified funding offset. First, the bill would authorize only 8,000 covered individuals to participate in the program during a fiscal year. These individuals could carry over into the next fiscal year and thus limit the number of individuals who could participate in the program. VA does not understand the purpose for limiting the number of individuals who could pursue this program given the fact that this program would be permanent and there are no participant limits for other permanent VA education programs. This would require VA to create very complex rules for its Information Technology systems, which could be costly and require more time to implement.

Second, this bill would mandate that VA charge one month of entitlement for covered individuals who have remaining entitlement under chapter 30, 32, 33, 34, or 35 for every month of entitlement used under this high-technology program. This provision would be inequitable as it would allow some beneficiaries who have already used all their VA educational benefits to receive more entitlement, while others would lose out on their remaining entitlement under other VA educational programs. Additionally, this bill would state that the 48-month entitlement limitation would not apply to this high-technology program. However, since other VA educational programs are subject to the 48-month entitlement limitation, and this bill would require remaining entitlement to be deducted from those programs, in actuality some people would be limited to the 48 months, while others would not. Furthermore, this provision would be very problematic for VA to carry out because some individuals may have remaining entitlement under multiple benefits; therefore, VA would have to determine a process for beneficiaries to choose from which benefit to deduct entitlement, which could delay claims processing.

This bill would be effective 180 days after the date of enactment, while the pilot program would end one year after the enactment of this bill. This would cause overlap of the pilot and permanent students and providers. This could cause complications with the transition of this program and be very confusing for beneficiaries. Also, the effective date of only 180 days from the date of enactment would not provide enough time to implement all the new provisions.

Finally, as stated above, in lieu of CMRs, VA recommends and welcomes the opportunity to collaborate with its Congressional partners through quarterly briefings (or briefings as requested). CMRs go through a rigorous concurrence process and consume valuable VA resources. VA strives to be a good steward of taxpayer dollars and the amount of time, money, and staff involvement that go into drafting and reviewing mandated reports could be better spent on other important projects helping Veterans. VA's cost estimates for all CMRs submitted in fiscal year 2022 total approximately \$661,228. Transparency is important to VA, and VA would provide updates on the current and future State of the VET TEC program at any time or on a recurring basis as requested.

Significant mandatory and discretionary costs are associated with this bill. VA needs additional time to prepare its cost estimate.

### **Conclusion**

This concludes my statement. We would be happy to answer any questions you or other members of the Subcommittee may have.

**Prepared Statement of Tammy Barlet**



**TESTIMONY OF  
STUDENT VETERANS OF AMERICA**

**BEFORE THE  
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY  
OF THE  
COMMITTEE ON VETERANS' AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES**

**HEARING ON THE TOPIC OF:  
PENDING LEGISLATION**

**March 30, 2023**

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Chairman Van Orden, Ranking Member Levin, and Members of the Subcommittee: Thank you for inviting Student



Veterans of America (SVA) to submit testimony on the legislation pending before you today.

With a mission focused on empowering student veterans, SVA is committed to providing an educational experience that goes beyond the classroom. Through a dedicated and expansive network of on-campus chapters across the country, SVA aims to inspire yesterday's warriors by connecting student veterans with a community of like-minded chapter leaders. Every day these passionate leaders work to provide the necessary resources, network support, and advocacy to ensure student veterans can effectively connect, expand their skills, and ultimately achieve their greatest potential.

SVA thanks the Subcommittee for considering several pieces of legislation that would impact student veterans and other military-affiliated students in higher education.

**H.R. 1767, Student Veteran Benefit Restoration Act – Discussion Draft: To amend title 38, United States Code, to provide that educational assistance paid under Department of Veterans Affairs educational assistance programs to an individual who pursued a program or course of education that was suspended or terminated by reason of a determination of fraud shall not be charged against the entitlement of the individual, and for other purposes**

SVA supports the intent of this bill which would restore VA education benefit entitlement to additional veterans who are unable to complete their program and are victims of institutional fraud. The legislation also mandates that institutions repay VA in certain circumstances. We offer several recommendations below to ensure the bill adequately addresses the full scope of the underlying issue.

Most institutions serving VA education beneficiaries do so without engaging in misconduct and aim to follow through on their promises to students. Unfortunately, student veterans and other military-affiliated students have and continue to be negatively impacted by fraud and other misconduct perpetrated by a relatively small number of bad-actor institutions in higher education.<sup>1</sup> In some cases, these institutions also end up shutting down, sometimes precipitously, leaving students stranded with depleted education benefits, student debt, non-transferable credits, and worthless degrees.<sup>2</sup>

The Higher Education Act provides federal student loan relief in cases where students are the victims of

<sup>1</sup> Kimberly Hefling, *Vets snared in for-profit college collapse want GI Bill money back*, POLITICO (July 2, 2015), <https://www.politico.com/story/2015/07/veterans-gi-bill-for-profit-colleges-119697>; Alex Horton, *Troubled for-profit ITT Tech Institute Closes its doors on thousands of student veterans*, STARS AND STRIPES (Sept. 6, 2016), <https://www.stripes.com/theaters/us/troubled-for-profit-itt-tech-institute-closes-its-doors-on-thousands-of-student-veterans-1.427381>; Patricia Murphy, *Veterans risk homelessness, losing tuition after ITT Tech Shutdown*, KUOW.ORG (Sept. 21, 2016), <https://kuow.org/stories/veterans-risk-homelessness-losing-tuition-after-itt-tech-shutdown/>; Paul Fain, *GI Bill Scheme Defrauded 2,500 Student Veterans*, INSIDE HIGHER ED (July 13, 2018), <https://www.insidehighered.com/quicktakes/2018/07/13/gi-bill-scheme-defrauded-2500-student-veterans>; *Retail Ready Owner to Forfeit \$72M for VA Tuition Fraud*, UNITED STATES ATTORNEY'S GENERAL OFFICE NORTH DISTRICT OF TEXAS (Sept. 2, 2021), <https://www.justice.gov/usao-ndtx/pr/retail-ready-owner-forfeit-72m-va-tuition-fraud>; *FSA Enforcement Bulletin, March 2022 – Substantial Misrepresentations When Recruiting Servicemembers and Veterans*, U.S. DEPT'T OF EDUCATION (March 16, 2022), <https://fsapartners.ed.gov/knowledge-center/library/electronic-announcements/2022-03-16/fsa-enforcement-bulletin-march-2022-substantial-misrepresentations-when-recruiting-servicemembers-and-veterans> (indicating the Department of Education is currently aware of a whole host of misconduct allegedly perpetrated against veterans by some institutions).

<sup>2</sup> See generally Alex Horton, *Troubled for-profit ITT Tech Institute Closes its doors on thousands of student veterans*, STARS AND STRIPES (Sept. 6, 2016), <https://www.stripes.com/theaters/us/troubled-for-profit-itt-tech-institute-closes-its-doors-on-thousands-of-student-veterans-1.427381>; MAJ. STAFF OF THE S. COMM. ON HEALTH, EDUCATION, LABOR, AND PENSIONS, 113TH CONG., REP. ON IS THE NEW G.I. BILL WORKING?, (July 30, 2014), available at <https://static1.squarespace.com/static/556718b2e4b02e470eb1b186/t/56100b87e4b0147725a71e86/1443892103628/GI-Bill-data-July-2014-HELP-report.pdf>; Quill Lawrence, *Debt relief for veterans who say they were cheated by for-profit colleges*, NPR (Jun 27, 2022), <https://www.npr.org/2022/06/27/1107961508/debt-relief-for-veterans-who-say-they-were-cheated-by-for-profit-colleges>.



institutional misconduct. This is known as Borrower Defense to Repayment.<sup>3</sup> The Department of Education originally built out the Borrower Defense process in 2016 after an infamous batch of institutions underwent high-profile closures while being mired in allegations of fraud.<sup>4</sup>

While relief exists for federal student loan borrowers impacted by fraud, the same is not true for VA education beneficiaries.<sup>5</sup> The current version of VA education benefit restoration is extremely limited and more analogous to Closed School Discharge through the Department of Education (ED) rather than Borrower Defense.<sup>6</sup> At this time, VA entitlement restoration is only available when a school closes or for programs disapproved due to a change in statute or regulation.<sup>7</sup>

Congress has appropriately provided a pathway to relief for individuals who borrow federal student loans and are harmed by bad-actor institutions. It is time for Congress to do the same for veterans who put their lives on the line to earn their education benefits. This draft legislation is an important step in the right direction.

SVA supports the intent of this draft legislation, but there are several aspects that require further attention to ensure student veterans and other military-affiliated students have access to appropriate relief. First, entitlement restoration should be authorized when VA or State Approving Agencies (SAA) suspend or revoke program approval in addition to when institutions may suspend or terminate programs.<sup>8</sup> As written, beneficiaries would only obtain relief under proposed subparagraph (C) if an institution voluntarily terminates or suspends its own program because of information collected through a risk-based survey. VA program suspension or revocation of approval is the more appropriate trigger, and like institutional program suspension or termination, it results in students being unable to continue their program of education at a particular institution.

Second, entitlement restoration should not be predicated on beneficiaries being unable to complete their program of education, which this bill does by nature of the location of the proposed statutory amendments. Restoration should simply be conditioned on detriment.<sup>9</sup> The draft text does mirror Borrower Defense language about detriment, but in contrast, Borrower Defense claims may be granted irrespective of program completion.

The legislation severely restricts entitlement restoration for fraud by only authorizing it when a beneficiary's program of education is cut short. The harmful effects of institutional fraud extend well beyond school closures and program interruption. Consider, for instance, how a beneficiary is harmed if an institution lies about employment outcomes and the individual struggles to find a job after completing their degree.<sup>10</sup> Such

<sup>3</sup> 20 U.S.C. § 1087e(h), 34 C.F.R. § 685.206 (effective July 1, 2023).

<sup>4</sup> See Andrew Kreighbaum, *Borrower Defense Rules Finalized*, INSIDE HIGHER ED (Oct. 18, 2016), <https://www.insidehighered.com/news/2016/10/28/education-dept-releases-final-version-defense-repayment-loan-rules>.

<sup>5</sup> Leo Shane, *Plan to erase \$4B in ITT student loans won't restore GI Bill Benefits*, MILITARYTIMES (Aug 17, 2022), <https://www.militarytimes.com/education-transition/2022/08/17/plan-to-erase-4b-in-itt-student-loans-wont-restore-gi-bill-benefits>.

<sup>6</sup> Compare 38 U.S.C. § 3699 with 34 C.F.R. § 685.214 (showing both emphasize program interruption as opposed to misconduct).

<sup>7</sup> 38 U.S.C. § 3699.

<sup>8</sup> It is not clear whether lines 14-17 of the draft bill are referring to program suspension or termination by institutions or by VA and SAAs, though language in the institutional repayment section of the bill suggests the former. See page three of the draft bill, lines 10-12 specifically referencing when an "institution closes or suspends or terminates a course or program..." Lack of the term "disapproval," as referenced elsewhere in current statute when addressing SAA decisions, also suggests this language refers to institutions and not VA or SAAs.

<sup>9</sup> Borrower Defense does not require a school to have closed for relief to be granted. See 20 U.S.C. § 1087e(h), 34 C.F.R. § 685.206 (effective July 1, 2023).

<sup>10</sup> See generally, e.g., *Education Department Approves \$415 Million in Borrower Defense Claims Including for Former DeVry University Students*, U.S. DEPT OF EDUCATION (Feb. 16, 2022) (explaining how the Department of education granted Borrower Defense discharge to



circumstances may well warrant relief under Borrower Defense, which should trigger entitlement restoration under this bill, but current language prohibits it.

Third, while SVA certainly supports institutional repayment of funds in cases of fraud, we encourage the Subcommittee to ensure that relevant bill language appropriately compliments the entitlement restoration provisions. The current language sets different standards for restoration of benefits and institutional repayment. Under the draft language, VA would only be reimbursed when a school closes or program is suspended or terminated "by reason of a determination of fraud" by the Federal Trade Commission or ED. Contrast that with the bill's restoration provisions, which are triggered by decisions resulting from risk-based surveys or the granting of a Borrower Defense claim.

It is overly restrictive to condition institutional repayment on school closures or program suspension or termination. This is exacerbated further by requiring that the closure, suspension, or termination be caused specifically by "a determination of fraud." The draft language would prevent VA from being repaid for fraud perpetrated by institutions that continue to operate and programs that continue to be offered. VA would also not be repaid for instances of fraud that take place at an institution if the school's closure or a program's suspension or termination cannot be directly tied to a determination of fraud by either ED or the FTC.<sup>11</sup> For instance, it may be more likely that a closure would be attributed to financial difficulties due to ED imposing heightened financial scrutiny or prohibiting the enrollment of new students using Title IV financial aid.<sup>12</sup> Schools can also close well before there are any formal determinations of fraud.

VA should be able to seek institutional reimbursement whenever education benefit entitlement is restored for a beneficiary, and if VA is recouping funds based on fraud, relevant beneficiaries should have their entitlement restored. The two go hand in hand. We recommend institutional repayment be triggered when beneficiaries have their VA education benefits restored similar to how ED attempts to recover funds from institutions after Borrower Defense claims are approved.<sup>13</sup>

SVA thanks the Subcommittee for considering this essential, long-overdue legislation and our recommendations for improving it. We look forward to working with members to refine and advance the proposal.

#### **H.R. XXXX, VET-TEC Authorization Act of 2023**

SVA supports this draft legislation that would make a version of the current VET TEC pilot program permanent, and below we offer recommendations to refine the legislative text.

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former students of DeVry University due to job placement misrepresentations); *Education Department approves \$3.9 billion group discharge for 208,000 borrowers who attended ITT Technical Institute*, U.S. DEPARTMENT OF EDUCATION (Aug. 16, 2022), <https://www.ed.gov/news/press-releases/education-department-approves-39-billion-group-discharge-208000-borrowers-who-attended-itt-technical-institute> (detailing the granting of Borrower Defense claims for former ITT Technical Institute and Kaplan Career Institute students who were negatively impacted by institutional misrepresentations about post-graduation employment, among other things).

<sup>11</sup> While we believe the bill's recoupment provisions need revision broadly, we are curious why current language omits determinations by VA and SAAs in addition to ED and the FTC. Court decisions may also warrant consideration. Though, the extent to which any of these entities make determinations specifically attributing institutional closure to acts of fraud is unclear.

<sup>12</sup> See generally, *ITT Tech Shutting Down All its Schools*, NBC NEWS (Sept. 6, 2016), <https://www.nbcnews.com/business/business-news/itt-tech-shutting-down-all-its-schools-n643401> (discussing how ITT was shutting down after "the government banned it from enrolling students receiving federal financial aid.").

<sup>13</sup> This is similar to how recovery from institutions will work under the new Borrower Defense rules that go into effect on July 1, 2023. 34 C.F.R. § 685.409.



At SVA, we know not every veteran pursues a traditional higher education and that many are also interested in tech careers, like computer programming, data processing, computer software, and others. VET TEC was established in 2017 to assist veterans in securing high tech jobs through quality training programs. It has been well-received but expires next year.

VET TEC has been successful by several different measures. The program's enrollees are diverse—much more so than working-age veterans generally—and nearly 90 percent report having a service-connected disability.<sup>14</sup> Two-thirds of participants completed their programs, and 66 percent of completers found meaningful employment within half a year.<sup>15</sup> Finally, salaries are relatively strong, with graduates earning an average of \$62,491 per year.<sup>16</sup>

SVA supports this draft bill which represents an important first step toward making this popular and effective program permanent. We understand this legislation will undergo refinement in the weeks ahead, and we look forward to contributing to those conversations. For now, we offer a set of non-exhaustive comments on several aspects of the draft legislation.

- The draft bill generally retains the same 25-25-50 payment structure for training providers. SVA strongly supports this payment scheme and certain new but related provisions, including the addition of a 180-day employment option that would incentivize providers to train for both prompt employment and reasonable retention. Regarding payment being disbursed upon the enrollment of an individual in another program of education, we strongly recommend the Subcommittee retain the proposed requirement that such enrollment be with a different training provider to prevent abuse.
- The draft language would require VA to provide educational assistance to veterans to pursue another VET TEC program after their initial attempt if they had to withdraw due to military service. SVA supports this provision consistent with our ongoing efforts in other areas of the law to expand protections for activated and mobilized student service members.
- The draft text contains several requirements that programs must meet to be eligible for the receipt of VET TEC funds, including the appropriate tailoring of programs, the hiring of expert instructors, history as an established program, and fairness in tuition and fee rates, among other things. In general, SVA supports the inclusion of these types of conditions as essential safeguards against fraud, waste, and abuse while also ensuring participants receive high-quality training.
- The draft provides several specific requirements for program approval which we are also generally supportive of for the reasons mentioned immediately above.
- The proposal would require VA to give preference to providers who have at least 70 percent of their graduates find full-time employment within 180 days of completing their program or that refund tuition and fees if graduates do not find such employment. These are reasonable and valuable benchmarks for the Department to use in prioritizing training providers.
- The draft language proposes to charge participant's entitlement for various VA education benefits if they have any remaining. This is a major deviation from the current pilot program. SVA recommends the Subcommittee remove language that would result in a charge to education benefit entitlement except, perhaps, in the limited instance where a participant chooses to pursue a second covered program as contemplated in subsection (b).
- The text requires VA to submit an annual report to Congress. We support the annual report requirement, but the draft text lacks necessary detail. We encourage the Subcommittee to include specific items the

<sup>14</sup> U. S GOV'T ACCOUNTABILITY OFFICE, GAO-23-105343, VETERANS EMPLOYMENT: PROMISING VA TECHNOLOGY EDUCATION PILOT WOULD BENEFIT FROM BETTER OUTCOME MEASURES AND PLANS FOR IMPROVEMENT 7-9 (2022).

<sup>15</sup> *Id.* at 11.

<sup>16</sup> *Id.* at 16.





report must address such as those that were required for the pilot program's interim report and to ensure the report addresses current data limitations highlighted by the Government Accountability Office.<sup>17</sup>

- The draft bill restricts program eligibility to only those veterans who serve at least 36 months on active duty. The Current VET TEC program does not have an explicit service period requirement; it simply makes individuals eligible if they have as little as one day of unexpired VA education benefits.<sup>18</sup> SVA asks the Subcommittee to consider a lower time-in-service threshold, or to simply mirror the current VET TEC language. This is particularly important for members of the National Guard and Reserve as many may not accrue a full 36 months active-duty time. Separately, this bill would also specifically allow veterans discharged under conditions other than dishonorable to access the program, which SVA supports.
- The text would allow veterans to pursue training at public and private educational institutions. SVA supports this, but we encourage the Subcommittee to consider that traditional institutions of higher learning (IHL) may have financial procedures and processes that do not easily allow them to receive payment pursuant to VET TEC's 25-25-50, pay-for-performance model. SVA has heard reports that this very issue contributed to IHLs hesitancy to participate in the Veteran Rapid Retraining Assistance Program. We do not raise this to suggest a different payment model for IHLs, but simply to flag a potential friction point for the committee to explore further in consultation with stakeholders.
- The draft text changes statutory language concerning independent study courses to specifically allow VA to approve online learning programs in the context of VET TEC subject to several conditions, which we generally support.

SVA strongly supports a permanent VET TEC program. As such, we ask that the Subcommittee prioritize this bill. We look forward to working with staff to refine the legislative text.

#### **H.R. XXXX, Protect Military Dependents Act**

SVA supports this proposed legislation removing dependent liability for overpayments made by VA for transferred education benefits when the transferring individual does not complete the agreed upon service contract.

A service member may transfer their Post-9/11 GI Bill to a spouse or dependent if they agree to serve an additional four years. If the individual fails to complete this four-year contract, any used education benefit is considered an overpayment, and under current law, the service member and transferee are jointly and severally liable for the debt. This flies in the face of basic fairness. There is no reason a dependent should be held responsible for the consequences flowing from the transferring veteran's failure to complete their agreed-upon term of service. The debt should lie solely with the individual who failed to complete the contract on which the transfer was conditioned. This bill would make that important, common-sense fix.

According to our conversations with VA, technical corrections to the bill's draft language are necessary for the bill to have its desired effect. VA has also shared with us that corresponding changes should be made to the statute requiring that tuition and fee debts lie with the educational institution. VA maintains, that in the context of this bill, those debts should remain with the veteran because, the institution would likely still seek to recoup from the dependent even if the veteran technically has sole liability. We agree with VA on these matters and encourage the Subcommittee to heed their respective recommendations.

<sup>17</sup> U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-23-105343, VETERANS EMPLOYMENT: PROMISING VA TECHNOLOGY EDUCATION PILOT WOULD BENEFIT FROM BETTER OUTCOME MEASURES AND PLANS FOR IMPROVEMENT 29 (2022), *available at* <https://www.gao.gov/assets/gao-23-105343.pdf>.

<sup>18</sup> Harry W. Colmery Veterans Educational Assistance Act of 2017, PL 115-48, § 116, Aug. 16, 2017, 131 Stat 973 (codified as subsequently amended at 38 U.S.C 3001 as a statutory note).



SVA thanks the Subcommittee for its attention to this issue, and we look forward to working with members to advance this draft legislation.

**H.R. XXXX, the Filipino Education Fairness Act**

SVA supports this draft legislation which eliminates an unfair cap on Chapter 35 Survivors' and Dependents' Education Assistance (DEA) for those who utilize the benefit to attend an institution in the Philippines.

Statute currently limits DEA for individuals using the benefit to attend institutions in the Philippines to half the normal dollar amount.<sup>19</sup> This benefit reduction is apparently a decades-old statutory relic from an effort to reduce benefit abuse by cutting survivors and dependents DEA benefits in the Philippines even while others abroad faced no similar limitations.<sup>20</sup> This is an inequitable limitation on benefits and should be repealed as soon as possible.

We strongly encourage the Subcommittee to swiftly advance this draft legislation in the basic interest of fairness.

**H.R. 1169, VA E-Notification Enhancement Act**

SVA supports this legislation which would require VA to provide electronic certificates of eligibility or award letters to VA education beneficiaries.

Modernizing, and more specifically, digitizing the GI Bill is critical to ensure that the benefit can efficiently and effectively serve current and future generations of student veterans and military-affiliated students. Unfortunately, VA's education benefits technology systems have been woefully outdated for years, but the Department's recent Digital GI Bill (DGIB) initiative is changing that.<sup>21</sup> SVA supports this modernization effort and will continue working with the Department and Congress to see it through.

This legislation addresses the antiquated manner by which beneficiaries have historically received their certificates of eligibility or award letters for education benefits. The proposal is fully consistent with VA's ongoing DGIB effort. In fact, it is SVA's understanding that VA is already providing electronic notifications about education benefit awards.<sup>22</sup> SVA nevertheless supports this legislation, because it would cement in law the Department's current process that increases the efficiency with which these notices are disseminated and the convenience for beneficiaries.

Beyond this bill, we ask members of the Subcommittee to consider additional, creative ways for the federal government to expedite the VA education benefit award determination process. For instance, the Department of Defense and VA could coordinate to automate the benefit determination process for transitioning service members and provide them with either a provisional or final certificate of eligibility or award letter for their VA education benefits during the transition process or immediately after. DOD knows when an individual has or will separate from the armed forces and can provide that information to VA. Presumably, VA should then be able to

<sup>19</sup> 38 U.S.C. § 3532(d).

<sup>20</sup> See generally *Hearing on Veterans Administration Benefits Programs in the Republic of the Philippines Before the Subcomm. HUD-Independent Agencies of the S. Comm. on Appropriation, 95th Cong. 12-15, 22-23 (Aug. 31, 1977)* (testimony of Gregory J. Ahart, Director, Human Resources Div., Veterans Benefits and Services, Veterans Administration), available at <https://www.gao.gov/assets/103/665/pdf>.

<sup>21</sup> See generally *Transforming the GI Bill Experience*, U.S. DEPT'T OF VETERANS AFFAIRS (Nov. 15, 2022), <https://digital.va.gov/delightful-end-user-experience/transforming-the-gi-bill-experience/>.

<sup>22</sup> *Download your VA education letter*, U.S. DEPT'T OF VETERANS AFFAIRS (last updated March 8, 2023), <https://www.va.gov/education/download-letters/>; *Post-9/11 GI Bill Statement of Benefits*, U.S. DEPT'T OF VETERANS AFFAIRS (last updated March 9, 2023), <https://www.va.gov/education/gi-bill/post-9-11/ch-33-benefit/>.



determine the veteran's eligibility for education benefits and automatically provide them with an award determination. At that point, all the beneficiary needs to do is decide if and how they will use their benefits.

SVA encourages the Subcommittee to advance this common-sense legislation that fits neatly within VA's current efforts to modernize its education benefits systems and processes.

#### **H.R. 746, Streamlining Aviation for Eligible Veterans Act**

At this time, SVA neither supports nor opposes this draft legislation which would allow Veterans Readiness and Employment (VR&E) benefits to be used for non-degree flight programs. We encourage the Subcommittee to give the proposal additional scrutiny.

Currently, veterans and other military-affiliated students may use the Post-9/11 GI Bill to pursue non-degree flight programs, but only up to a set monetary amount and only if they meet specific requirements.<sup>23</sup> Those using certain other benefits, like VR&E and DEA, are not eligible to pursue vocational flight programs.<sup>24</sup>

The history of VA benefits and flight programs has been fraught with concerns about fraud, waste, and abuse—so much so that Congress has had to intervene.<sup>25</sup> In tackling these issues over the years, Congress crafted unique rules for benefit use with flight programs.<sup>26</sup> Regulation prohibited the use of VR&E with vocational flight programs years before Congress expanded the ban to VA education benefits.<sup>27</sup> At one point, Congress cut off all VA education benefits for flight programs, regardless of whether they resulted in a degree.<sup>28</sup> Congress later reopened the GI Bill to flight programs, including those that did not lead to a degree, initially on a test basis, and with several guardrails.<sup>29</sup> It chose not to do the same for VR&E, despite having the opportunity.

Whether it is prudent for VR&E benefits to be authorized for non-degree flight programs depends, in part, on whether there are appropriate protections in place to prevent fraud, waste, and abuse. While we can support the general concept of parity between the two benefits, that parity must extend to relevant safeguards as well. If the Subcommittee opens VR&E benefits to vocational flight training, we strongly recommend it ensure appropriate guardrails are in place to protect taxpayer dollars and ensure VR&E appropriately assists disabled veterans in finding and maintaining a flight career.<sup>30</sup>

<sup>23</sup> See generally *Flight training*, U.S. DEPT'T OF VETERANS AFFAIRS (last updated Dec. 6, 2022), <https://www.va.gov/education/about-gi-bill-benefits/how-to-use-benefits/flight-training/>.

<sup>24</sup> 38 U.S.C. § 3680A(b); 38 C.F.R. § 21.134.

<sup>25</sup> See generally *Clarke v. Brown*, 10 Vet. App. 20, 23–25 (1997) (citations omitted) (summarizing the history of GI Bill and VR&E benefits being used for flight training, including non-degree flight programs, in ruling against the appellant who argued, among other things, that the prohibition on use of VR&E benefits with non-degree flight programs was inconsistent with underlying statute and deprived him of due process).

<sup>26</sup> 38 U.S.C. § 3680A; 38 C.F.R. § 21.134; 38 U.S.C. 3034; 38 U.S.C. § 3313; see generally *Clarke v. Brown*, 10 Vet. App. 20, 23–25 (1997).

<sup>27</sup> See generally *Clarke v. Brown*, 10 Vet. App. 20, 24 (1997).

<sup>28</sup> See generally *Clarke v. Brown*, 10 Vet. App. 20, 23–25 (1997) (citing Omnibus Budget Reconciliation Act of 1981, Pub.L. 97–35, § 2003, 95 Stat. 357, 782; 134 cong. Rec. S16524–01 (1988) (statement by Sen. Daschle)).

<sup>29</sup> See generally *id.* (citing 134 cong. Rec. S16524–01 (1988); S.Rep. No. 126, 101st Cong., 1st. Sess. 248 *reprinted in* 1989 U.S.C.C.A.N. 1469, 1654.; 134 cong. Rec. S16524–01).

<sup>30</sup> It is not clear that GI Bill flight training safeguards would necessarily extend to VR&E if the current version of this bill passed. Programs must be approved by VA to be paid for by VR&E, but GI Bill and VR&E approval is different. It is unclear whether GI Bill approval requirements for these courses, like those found in 38 U.S.C. 3034, would necessarily apply in the context of VR&E as the two benefits exist in separate chapters, and there is no language clearly incorporating the relevant GI Bill conditions into VR&E statutes or regulations. *Compare* 38 U.S.C. § 3034 *with* 38 § C.F.R. 21.292. The relevant GI Bill payment restrictions would also appear to not apply to the use of VR&E benefits for



SVA encourages the Subcommittee to give this bill additional, careful consideration.

**H.R. 291, Vaccine Discharge Parity Act**

SVA testified on this legislation last Congress, and our position remains the same.<sup>31</sup>

As a general matter, SVA welcomes the Subcommittee's openness to discussing GI Bill eligibility discharge status issues. However, SVA has heard from few, if any, veterans about losing their GI Bill due to the insubordinate act of willfully disobeying the lawful order to get a COVID-19 vaccine. Still, we appreciate the matter being raised, because it draws attention to a bigger issue that must be addressed.

The GI Bill is the only VA education benefit that requires an honorable discharge.<sup>32</sup> This has been the subject of much attention, particularly given that many service members received less than honorable discharges for conduct stemming from underlying mental health conditions related to their service, military sexual trauma, or their sexual orientation.<sup>33</sup> We believe Congress must explore options to ensure more of these individuals are made eligible for the Post-9/11 GI Bill if they otherwise qualify.

SVA thanks the members sponsoring this legislation for opening the door to a much-needed, more expansive conversation about GI Bill eligibility and discharge status, including issues more pervasive and long-standing than the one this bill seeks to address.

**Additional Legislation**

SVA also supports the intent of the following legislation:

- H.R. 645, Healthy Foundations for Homeless Veterans Act
- H.R. XXXX, Ensure Military Personnel Learn Opportunities Yielding Vocations that Employ Transitioning Servicemembers Act
- H.R. XXXX, Get Rewarding Outdoor Work for our Veterans Act
- H.R. 728, To direct the Assistant Secretary of Labor for Veterans' Employment and Training to carry out a pilot program on short-term programs for veterans

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The continued success of veterans in higher education in the Post-9/11 era is no mistake or coincidence. In our Nation's history, educated veterans have always been the best of a generation and the key to solving our most complex challenges. Today's student veterans carry this legacy forward.

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vocational flight training. See 38 U.S.C. § 3313.

<sup>31</sup> The language in this section mirrors substantially that which we offered on a similar bill considered during a legislative hearing before this Subcommittee on March 16, 2022. See *Hearing on Pending Legislation Before the H. Subcomm. on Veterans' Affairs*, 117th Cong. (March 16, 2022), written testimony of Justin Hauschild, Policy Counsel, Student Veterans of America.

<sup>32</sup> See *Applying for Benefits and Your Character of Discharge*, U.S. Department of Veterans Affairs (Feb. 11, 2022), [https://www.benefits.va.gov/benefits/character\\_of\\_discharge.asp](https://www.benefits.va.gov/benefits/character_of_discharge.asp).

<sup>33</sup> See *generally* Swords to Plowshares, Veterans and Bad Paper: The Facts (June 2015), available at [https://uploads-ssl.webflow.com/5ddda3d7ad8b1151b5d16cff5ef515b7b9ae332b86820e21\\_Bad-Paper-Fact-Sheet-June-2015.pdf](https://uploads-ssl.webflow.com/5ddda3d7ad8b1151b5d16cff5ef515b7b9ae332b86820e21_Bad-Paper-Fact-Sheet-June-2015.pdf).



We thank the Chairman, Ranking Member, and the Subcommittee Members for your time, attention, and devotion to the cause of veterans in higher education. As always, we welcome your feedback and questions.

**Prepared Statement of Matthew Brennan**



**STATEMENT**

**OF**

**MATTHEW BRENNAN  
EMPLOYMENT & EDUCATION POLICY ANALYST  
VETERANS EMPLOYMENT AND EDUCATION DIVISION  
THE AMERICAN LEGION**

**BEFORE THE**

**SUBCOMMITTEE ON ECONOMIC OPPORTUNITY  
COMMITTEE ON VETERANS' AFFAIRS  
UNITED STATES HOUSE OF REPRESENTATIVES**

**ON**

**"PENDING AND DRAFT LEGISLATION"**

**MARCH 30, 2023**

**EXECUTIVE SUMMARY**

<b>LEGISLATION</b>	<b>POSITION</b>
H.R. 291 - Vaccine Discharge Parity Act, <i>page 1</i>	<b>Support</b>
H.R. 645 - Healthy Foundations for Homeless Veterans Act, <i>page 2</i>	<b>Support</b>
H.R. 728 - To direct the Assistant Secretary of Labor for Veterans' Employment and Training to carry out a pilot program on short-term fellowship programs for veterans, <i>page 3</i>	<b>Support</b>
Draft Legislation - To amend title 38, United States Code, to provide that educational assistance paid under Department of Veterans Affairs educational assistance programs to an individual who pursued a program or course of education that was suspended or terminated for certain reasons shall not be charged against the entitlement of the individual, and for other purposes, <i>pg 4</i>	<b>Support with Amendments</b>
Draft Legislation- To amend title 38, United States Code, to render an individual, who transfers certain educational assistance, to which the individual is entitled because of an agreement by such individual to serve in the Armed Forces, to a dependent of that individual, and who fails to complete such agreement, solely liable for the overpayment of such educational assistance, and for other purposes, <i>page 6</i>	<b>No Position</b>
Draft Legislation - To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide certificates of eligibility and award letters to certain individuals using electronic means, <i>page 6</i>	<b>Support</b>
Draft Legislation - To amend title 38, United States Code, to increase the amount of survivors' and dependents' educational assistance provided to an eligible individual pursuing a program of education at an institution in the Republic of the Philippines, <i>page 7</i>	<b>Support</b>
Draft Legislation – Get Rewarding Outdoor Work for Veterans Act, <i>page 8</i>	<b>Support with Amendments</b>
Draft Legislation – Streamlining Aviation for Eligible Veterans Act, <i>page 9</i>	<b>Support</b>
Draft Legislation - To amend title 38, United States Code, to expand eligibility for a certain program of job counseling, training, and placement service for veterans, <i>page 10</i>	<b>Support</b>
Draft Legislation – To amend title 38, United States Code, to make permanent the high technology pilot program of the Department of Veterans Affairs, and for other purposes, <i>page 11</i>	<b>Support</b>

STATEMENT OF  
MATTHEW BRENNAN, EMPLOYMENT & EDUCATION POLICY ANALYST  
NATIONAL VETERANS EMPLOYMENT AND EDUCATION DIVISION  
THE AMERICAN LEGION  
BEFORE THE  
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY  
COMMITTEE ON VETERANS' AFFAIRS  
UNITED STATES HOUSE OF REPRESENTATIVES  
ON  
"PENDING AND DRAFT LEGISLATION"

MARCH 30, 2023

Chairman Van Orden, Ranking Member Levin, and distinguished subcommittee members, on behalf of National Commander Vincent J. "Jim" Troiola and the 1.6 million dues-paying members of The American Legion, we thank you for inviting The American Legion to testify today.

The American Legion is directed by active Legionnaires who dedicate their time and resources to serve veterans and their families. As a resolution-based organization, our positions are guided by more than 104 years of advocacy and resolutions that originate at the grassroots level of our organization. Every time The American Legion testifies, we offer a direct voice from the veteran community to Congress.

**H.R. 291 – Vaccine Discharge Parity Act**

*To amend title 38, United States Code, to ensure that a member of the Armed Forces, granted a general discharge under honorable conditions on the sole basis that such member failed to obey a lawful order to receive a vaccine for COVID-19, is eligible for certain educational assistance administered by the Secretary of Veterans Affairs.*

From 2019 to 2021, more than 36,000 veterans with "general discharges under honorable conditions" (general discharge) were denied Post-9/11 GI Bill education benefits due to current laws barring them from receiving the Post-9/11 GI Bill despite their honorable service to our nation.<sup>1</sup>

To access most Department of Veterans Affairs (VA) benefits, veterans must have either an honorable discharge or a general discharge under honorable conditions. However, only veterans with an honorable discharge are entitled to the GI Bill; veterans who have received a general discharge cannot access the educational benefits the Post-9/11 GI Bill provides.

As authors of the 1944 *Servicemen's Readjustment Act* – commonly known as the GI Bill of Rights – The American Legion takes pride in advocating for policies aligned with its original intent. The

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<sup>1</sup> Department of Defense email to The American Legion. January 31, 2022.



original GI Bill intended to give veterans with any type of discharge (except dishonorable) access to education benefits. We believe there is no compelling reason to deviate from this intent.

This draft legislation seeks to amend title 38 of United States Code to ensure service members discharged under honorable conditions are eligible for VA educational benefits. Although this legislation is limited to veterans that received a general discharge solely for refusing the COVID-19 vaccine, The American Legion commends Congress for taking meaningful steps to restore the GI Bill's original intent. Now, more than ever, we must honor our veterans by ensuring they receive the benefits they rightfully earned.

Through *Resolution No. 20: Amend Title 38, United States Code, to Provide GI Bill Education Benefits for Veterans Receiving a General Discharge Under Honorable Conditions*, The American Legion supports legislation that ensures that servicemembers issued a general discharge under honorable conditions receive full education benefits from the U.S. Department of Veterans Affairs.<sup>2</sup>

**The American Legion supports H.R. 291 as currently written.**

#### **H.R. 645 – Healthy Foundations for Homeless Veterans Act**

*To amend title 38, United States Code, to permanently authorize the use of certain funds to improve flexibility in the provision of assistance to homeless veterans, and for other purposes.*

According to the Department of Housing and Urban Development's (HUD) 2022 Annual Homeless Assessment Report (AHAR) to Congress, on any given night, a minimum of 33,129 veterans experienced homelessness in 2022. This accounts for approximately seven percent of all homeless adults. Furthermore, of every 10,000 veterans, 20 experienced homelessness. By comparison, of every 10,000 non-veterans, 18 experienced homelessness.<sup>2</sup>

Although these statistics are alarming, The American Legion is pleased that homeless veterans declined by 11 percent between 2020 and 2022. Despite this progress, The American Legion believes that one homeless veteran is one too many. That is why it is critical to identify and enhance the variables that caused this favorable trend; this ensures continuous progress.

In 2020, the number of homeless veterans increased for the first time since 2010. The American Legion urged Congress to take immediate action. Congress answered the call and passed the *Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020* (Public Law 116-315). This bill was signed into law on January 5, 2021, and instantly

<sup>2</sup> The American Legion Resolution No. 20 (2022): *Amend Title 38, United States Code, to Provide GI Bill Education Benefits for Veterans Receiving a General Discharge Under Honorable Conditions*.

<https://archive.legion.org/node/7912>. Unless otherwise noted, all cited hyperlinks accessed March 28, 2023.

<sup>3</sup> U.S. Department of Housing and Urban Development (HUD), Office of Community Planning and Development.

"The 2022 Annual Homelessness Assessment Report (AHAR) to Congress." December 2022.

<https://www.huduser.gov/portal/sites/default/files/pdf/2022-AHAR-Part-1.pdf>

increased resources for the Department of Veterans Affairs (VA) to aid homeless veterans. This statute is one of the variables that reduced the number of homeless veterans.<sup>3</sup>

The *Isakson and Roe Act* allows the VA to redirect funds to provide homeless veterans shelter, food, clothing, blankets, hygiene items, transportation, and communication devices. In addition, it allows the VA to collaborate with organizations to use its property to shelter these veterans. Unfortunately, the VA will lose its ability to provide these vital resources in a matter of weeks. Under the *Isakson and Roe Act*, the VA's ability to redirect funds for these benefits is limited to public health emergencies. Consequently, maintaining the status quo will hinder the VA's ability to timely provide homeless veterans with essential resources after the COVID-19 pandemic emergency ends on May 11, 2023.

The American Legion urges Congress to prevent more veterans from going without the basic resources they need to transition out of homelessness successfully. The *Healthy Foundations for Homeless Veterans Act* addresses this issue by permanently authorizing the VA to redirect funds to improve flexibility in the provision of assistance to homeless veterans.

The American Legion commends Representative Cherfilus-McCormick for this approach. Making emergency flexibilities under the *Isakson and Roe Act* permanent will ensure veterans are equipped with the necessities needed to transition into permanent housing and a stable livelihood. The American Legion believes the *Healthy Foundations for Homeless Veterans Act* undoubtedly takes us one step closer to eliminating veteran homelessness.

Through Resolution No. 15: *Supportive Services Funding for Homeless and At-Risk Veterans*, The American Legion supports the efforts of the public and private sector agencies and organizations with resources necessary to aid homeless veterans and their families.<sup>4</sup>

**The American Legion supports H.R. 645 as currently written.**

#### **H.R. 728**

*To direct the Assistant Secretary of Labor for Veterans Employment and Training to carry out a pilot program on short-term fellowship programs for veterans.*

<sup>3</sup> *Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020*, Pub. L. No. 116–315, Title IV, §4201, 134 Stat. 5008 (2021),

<https://uscode.house.gov/statviewer.htm?volume=134&page=5008>.

<sup>4</sup> The American Legion Resolution No 15 (2022): *Supportive Services Funding for Homeless and At-Risk Veterans*, <https://archive.legion.org/node/8410>.

Many of the approximately 200,000 servicemembers that transition out of the military every year face difficulty finding employment.<sup>5</sup> The current veteran unemployment rate is 2.5%,<sup>6</sup> but the Pew Research Center found that only 25 percent have a job lined up after service.<sup>7</sup>

Cultural gaps and a lack of seamless integration between veteran care programs hinder gainful employment,<sup>8</sup> and employers who invalidate military experience can further exacerbate the issue. Often, employers don't hire qualified veterans due to translation. The Pew Research Center found that 79 percent of recently retired veterans find it challenging to translate their military skills into something a civilian hiring manager can understand.<sup>9</sup>

This legislation will create a paid, short-term fellowship program that will offer servicemembers networking, professional training, and hands-on experience in the civilian workforce, with the opportunity for full-time employment upon program completion. This fellowship program will serve as an additional pathway to gainful employment and foster more resilient integration between veteran care programs.<sup>10</sup>

The Transition Assistant Program (TAP) helps servicemembers transition from military to civilian life; however, more is needed. Whether through higher education institutions or employment pathways, veteran fellowship programs have proven success in providing veterans with the opportunity to enhance their skills or learn new traits. This is simply another tool to aid veterans in their transition. The American Legion is committed to ensuring servicemembers are fully prepared to confidently enter the workforce.

Through Resolution No. 316: *Support Employment of Veterans in the Public and Private Workforce*, The American Legion supports legislative and administrative measures that encourage veteran hiring.<sup>11</sup>

**The American Legion supports H.R. 728 as currently written.**

#### **Draft Legislation**

*To amend title 38, United States Code, to provide that educational assistance*

<sup>5</sup> "The transition to post-military employment" Pew Research Center. <https://www.pewresearch.org/social-trends/2019/09/10/the-transition-to-post-military-employment/>.

<sup>6</sup> Veteran Unemployment Rates | U.S. Department of Labor. <https://www.dol.gov/agencies/vets/latest-numbers>.

<sup>7</sup> "Veterans struggle to find work after military: We still want to give the best of ourselves" CBS News. February 23, 2022. <https://www.cbsnews.com/news/veterans-jobs-american-corporate-partners/>.

<sup>8</sup> "5 Reasons Why Employers Are Not Hiring Vets" Military.com. <https://www.military.com/hiring-veterans/resources/5-reasons-why-employers-are-not-hiring-vets.html>.

<sup>9</sup> "Study Shows Vets Struggle to Translate Experience" Military.com. <https://www.military.com/veteran-jobs/career-advice/2013/11/21/study-shows-vets-struggle-to-translate-experience.html>.

<sup>10</sup> "Why Can't Some Veterans Get Jobs" VA News. <https://news.va.gov/6603/why-can%E2%80%99t-veterans-get-jobs>.

<sup>11</sup> The American Legion Resolution No. 316 (2016): *Support Employment of Veterans in the Public and Private Workforce*, <https://archive.legion.org/node/468>.

*paid under Department of Veterans Affairs educational assistance programs to an individual who pursued a program or course of education that was suspended or terminated for certain reasons shall not be charged against the entitlement of the individual, and for other purposes.*

Between fiscal years 2016 and 2020, the Department of Veterans Affairs (VA) disbursed nearly \$60 billion in educational benefits to institutions of higher learning to help veterans and their families obtain credentials to make them competitive job market candidates.<sup>12</sup> However, due to fraudulent actors and school closings, many veterans find themselves deprived of their benefits, saddled with debt, and without the credentials they sought to obtain. When this occurs, veterans have little recourse to recoup their hard-earned educational benefits.

This draft legislation stipulates that for an institution or academic program to be approved to receive VA educational benefits, it must agree that if the institution closes, suspends, or terminates a course or program due to a determination of fraud by the Commissioner of the Federal Trade Commission or the Secretary of Education, it shall repay all educational funds received back to the VA. The American Legion supports measures to increase accountability for higher-learning institutions eligible for VA educational benefits and policies that extend federal protections for veterans. Victims of school closures or fraud should have their veterans' education benefits restored. While The American Legion supports this legislation's goal to increase accountability for institutions of higher learning, we are concerned about language in the draft bill which states that a course or program can be suspended or terminated due to information collected as part of a Risk-Based Survey (RBS) under title 38, United States Code §3673A.

Since its implementation on October 1, 2022, The American Legion has carefully monitored the rollout of RBSs through outreach to State Approving Agencies (SAAs) and institutions of higher learning. Our findings conclude that the risk-based survey's efficacy depends on the extent to which data on critical institution performance indicators, including graduation rates, closure risk, average debt, and long-term earnings, is available for SAAs. Only through sufficient data will SAAs and lawmakers be able to hold institutions accountable for using taxpayer dollars to provide inadequate education to veterans. VA has yet to establish a comprehensive database necessary for the proper function of the risk-based oversight model, resulting in an implementation fraught with difficulties. Many institutions of higher learning have been ordered to complete RBSs because of the reporting of incorrect data and false triggers. Without the essential data, this will continue to occur.

Through Resolution No. 304: *Support Accountability for Institutions of Higher Learning*, The American Legion supports this draft legislation with changes.<sup>13</sup> The American Legion supports the policy to restore GI Bill beneficiaries' education benefits. However, the means that determine whether a school is compliant must be adequate to the extent that they do not threaten the pursuit of GI Bill beneficiaries' academic endeavors. Accordingly, The American legion urges Congress to establish a timeline for VA to construct the database as established by title 38, United States Code §3673A(c), to provide SAAs with the critical information needed to operate the RBS successfully.

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<sup>12</sup> Annual Benefits Report (2020). [https://www.benefits.va.gov/REPORTS/abr/docs/2020\\_education.pdf](https://www.benefits.va.gov/REPORTS/abr/docs/2020_education.pdf).

<sup>13</sup> The American Legion Resolution No. 304 (2016): *Support Accountability for Institutions of Higher Learning*, <https://archive.legion.org/node/459>.

**The American Legion supports this draft legislation *with amendments.***

**Draft Legislation**

*To amend title 38, United States Code, to render an individual, who transfers certain educational assistance, to which the individual is entitled because of an agreement by such individual to serve in the Armed Forces, to a dependent of that individual, and who fails to complete such agreement, solely liable for the overpayment of such educational assistance, and for other purposes.*

The provisions of this bill fall outside the scope of established resolutions of The American Legion. As a large grassroots organization, The American Legion takes positions on legislation based on resolutions passed by the membership or in meetings of the National Executive Committee. With no resolutions addressing the provisions of the legislation, The American Legion is researching the material and working with our membership to determine the course of action which best serves veterans.

**The American Legion has no position on this draft legislation.**

**Draft Legislation**

*To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide certificates of eligibility and award letters to certain individuals using electronic means.*

Certificates of eligibility (COEs) are critical to veterans and the educational institutions they attend. They provide documentary evidence of a veteran's right to participate in the GI Bill educational programs. Healthcare information and eligibility are digitally available to patients across the nation. Digital access to COEs will not only inform veterans of their benefits but encourage their use as well. Likewise, veterans can easily supply educational institutions with the required documents, thus ensuring those institutions of their eligibility in the program and needed information, which will allow institutions to provide better advice to the veteran.

Years after leaving service, many veterans often don't know if they have GI Bill eligibility or how much they have. With the implementation of the Forever GI Bill, providing digital access to a copy of the COE is critical. It will ensure the veteran is aware of the status of their GI Bill benefits, create a VA record that will be available for review whenever the veteran applies for benefits (no expiration date for many), and might help provide VA contact information for eligible Veterans to allow for ongoing communications.

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.<sup>14</sup>

**The American Legion supports this draft legislation as currently written.**

#### **Draft Legislation**

*To amend title 38, United States Code, to increase the amount of survivors' and dependents' educational assistance provided to an eligible individual pursuing a program of education at an institution in the Republic of the Philippines.*

The American Legion was troubled to learn of a long-standing inequity in Chapter 35, Survivors and Dependents Educational Assistance (DEA), limiting the educational assistance afforded to the dependents and survivors of military families pursuing higher education in the Philippines. 38 U.S. Code § 3532 section(d) states that the computation of educational benefits for the dependents and survivors of servicemembers attending an institution of higher learning in the Philippines shall be paid at the rate of \$.50 for each dollar.

The logic for this computation is based on Public Law 89-461, which was signed into law nearly fifty years ago and was meant to provide dependents and survivors with the necessary resources respective to the exchange rates between the United States and that of the government of the Philippines.<sup>15</sup> However, the current educational assistance as computed under the current law offered to survivors and dependents is inadequate in assisting dependents and survivors in their pursuit of higher education.

The American Legion believes that when one person serves, the entire family serves. Therefore, it is not our belief that we should limit educational assistance to the dependents and survivors of our nation's servicemembers, regardless of location. This revision provides the opportunity for children and spouses to take full advantage of a benefit offered to other military families worldwide and presents a more appropriate threshold for educational assistance than what is currently accommodated under the current statute.

Through Resolution No. 318: *Ensuring the Quality of Servicemember and Veteran Students Education at Institutions of Higher Education*, The American Legion supports any legislative proposal that improves the education benefits so that servicemembers, veterans, and their families can maximize its usage.<sup>16</sup>

**The American Legion supports this draft legislation as currently written.**

<sup>14</sup> The American Legion Resolution No. 318 (2016): *Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education*, <https://archive.legion.org/node/470>.

<sup>15</sup> Veterans Administration Benefits Programs in the Republic of the Philippines (1977). Testimony before the Senate Committee on Appropriations, HUD-Independent Agencies Subcommittee, 95<sup>th</sup> Congress. pp.4. Gregory J. Ahart, Director, Human Resources Division, Veterans Administration.

<sup>16</sup> The American Legion Resolution No. 318 (2016) *Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education*, <https://archive.legion.org/node/470>.

**Draft Legislation – the Get Rewarding Outdoor Work for our Veterans Act**

*To direct the Secretary of Veterans Affairs to submit to Congress a report on the Warrior Training Advancement Course, to direct the Secretary of the Interior to administer a pilot program to employ veterans in positions that relate to conservation and resource management activities of the Department of the Interior, and for other purposes.*

The *Get Rewarding Outdoor Work for our Veterans (GROW) Act* seeks for the Department of Interior to establish a two-year pilot program to employ veterans into the department's conservation and resource management positions. The American Legion has been a long-standing voice in promoting land and resource conservation. Through the formation of the Agriculture and Conservation Committee in 1950, The American Legion advocated the importance of conservation not only to assist veterans in finding gainful employment opportunities, but as a means to ensure our country's national security and welfare.<sup>17</sup>

The *GROW Act* will create a precedence for best practices to foster future employment public sector employment pipelines established by agencies and departments seeking to employ veterans and transitioning servicemembers.

Through *Resolution No. 316: Support Employment of Veterans in the Public and Private Workforce*, The American Legion supports legislative and administrative measures that encourage veteran hiring.<sup>18</sup>

Additionally, this draft legislation directs the Secretary of Veterans Affairs to submit a report on the Warrior Training Advancement Course (WARTAC) to Congress. WARTAC was implemented as a pilot program between the Department of Defense (DoD) and the Department of Veterans Affairs (VA) in 2014 to train transitioning servicemembers into becoming Veteran Service Representatives (VSR) and Rating Veteran Service Representatives (RVSR). Since then, VA has offered VSR and RVSR positions to more than 1,400 transitioning servicemembers worldwide. Fortunately, the WARTAC program has been a success.

Effective reporting on outcomes is critical for VA to identify further internal employment needs that can be fulfilled utilizing DoD's SkillBridge authority, with WARTAC serving as a valuable best practice. This draft legislation seeks to mandate this reporting to ensure this issue is fixed. However, several provisions pose risks to practical implementation. Specifically, it calls for the report to include an element on "Best TAP Practices" with regards to WARTAC, even though the program falls under DoD's SkillBridge Program. Additionally, this legislation requires the report to include cost savings of WARTAC that include the determination of the Secretary whether other federal agencies may save money by establishing a program similar to WARTAC.

<sup>17</sup> Jeff Stoffer. "OUR WWII STORY: GI Bill educates new era of veteran farmers." American Legion. <https://www.legion.org/honor/253832/our-wwii-story-gi-bill-educates-new-era-veteran-farmers>.

<sup>18</sup> The American Legion Resolution No. 316 (2016): *Support Employment of Veterans in the Public and Private Workforce*, <https://archive.legion.org/node/468>.

Through Resolution No. 105: *Support and Expand Warrior Transition Advancement Course*, The American Legion supports expanding WARTAC. However, the language and program definitions of the legislation must correctly match the program's terms.

**The American Legion supports this draft legislation *with amendments*.**

**Draft Legislation – the Streamlining Aviation for Eligible Veterans Act**

*To amend title 38, United States Code, to expand certain rehabilitation programs for certain veterans with service-connected disabilities.*

The Department of Veterans Affairs (VA) Veteran Readiness and Employment (VR&E), “Employment Through Long-Term Services,” aids veterans in overcoming their disability and employment barriers by covering the tuition and fees of education and training for the occupation they wish to pursue. However, for those who wish to pursue careers in aviation, their choices for flight schools are currently limited to programs that lead to a college degree. This poses an unnecessary barrier for veterans wishing to pursue careers in aviation because many well-paying careers in aviation only require the appropriate licensing and certification needed to verify their skills.

Currently, there exists a major skills gap for positions in the aviation industry, with The Bureau of Labor Statistics (BLS) projecting 18,400 openings for airline and commercial pilots each year over the next decade.<sup>19</sup> Aircraft and avionics mechanics face a similarly daunting shortage, with over 13,100 annual openings over the same period.<sup>20</sup> Clearly, there is a critical need to fill these positions, and this legislation would assist service-connected veterans in filling these skills gaps. Therefore, The American Legion supports the *Streamlining Aviation for Eligible Veterans Act* and applauds Congressman Obernolte's efforts to fill critical labor market gaps with service-disabled veterans.

Through Resolution No. 318: *Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education*, The American Legion supports legislation that maximizes the utility of educational benefits for veterans.<sup>21</sup>

**The American Legion supports this draft legislation *as currently written*.**

<sup>19</sup> Occupational Outlook Handbook: Airline and Commercial Pilots, Bureau of Labor Statistics.

<https://www.bls.gov/ooh/transportation-and-material-moving/airline-and-commercial-pilots.htm#tab-6>.

<sup>20</sup> Occupational Outlook Handbook: Aircraft and Avionics Equipment Mechanics and Technicians, Bureau of Labor Statistics. <https://www.bls.gov/ooh/installation-maintenance-and-repair/aircraft-and-avionics-equipment-mechanics-and-technicians.htm#tab-6>.

<sup>21</sup> The American Legion Resolution No. 318 (2016): *Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education*, <https://archive.legion.org/node/470>.



**Draft Legislation**

*To amend title 38, United States Code to expand eligibility for a certain program of job counseling, training, and placement service for veterans.*

This draft legislation seeks to grant Transition Assistance Program (TAP) eligible servicemembers access to the Disabled Veterans' Outreach Program (DVOP). This program develops job and training opportunities for veterans, and places special emphasis on veterans with service-connected disabilities. Veterans benefit greatly from DVOP, as well as servicemembers preparing to transition to civilian life.

This draft legislation will expand the "eligible person" definition under Chapter 41 of Title 38, United States Code. Currently, "eligible person" under this chapter includes servicemember spouses but excludes servicemembers; this legislation will expand this definition by including members of the Armed Forces eligible for TAP. This includes everyone being discharged (regardless of the character of discharge) or released from active duty. The only exception is an individual being discharged or released before completing 180 continuous days of active duty for non-medical reasons. Creating this new category of "eligible person" will enable TAP-eligible servicemembers to be granted access to more transitional programs, including the Disabled Veterans' Outreach Program (DVOP).

Veterans who served this country should be given access to resources before they conclude their service. Exiting the military is not an easy task, and The American Legion believes this should be facilitated by providing servicemembers with every resource possible, including access to DVOP.

Through Resolution No. 70: *Improve Transition Assistance Program*, The American Legion support legislation that helps servicemembers have a smooth transition to civilian life.<sup>22</sup>

**The American Legion supports this draft legislation as currently written.**

**Draft Legislation**

*To amend title 38, United States Code, to make permanent the high technology pilot program of the Department of Veterans Affairs, and for other purposes.*

The Veteran Employment Through Technology Education Courses (VET TEC) program, initially described in the Harry W. Colmery Veterans Educational Assistance Act of 2017 (The Forever GI Bill)<sup>23</sup> as a five-year High Technology Pilot Program, was launched in April 2019.<sup>24</sup> VET TEC connects student veterans with VA-approved training providers to acquire high-demand skills and

<sup>22</sup> The American Legion Resolution No. 70 (2016): *Improve Transition Assistance Program*, <https://archive.legion.org/node/317>.

<sup>23</sup> Harry W. Colmery Veterans Educational Assistance Act of 2017. Library of Congress. <https://www.congress.gov/bill/115th-congress/house-bill/3218/text>.

<sup>24</sup> Sisk, Richard. "VA to Launch New Program Aimed at Getting Vets IT Jobs." Military. Com. February 22 2019. <https://www.military.com/daily-news/2019/02/22/va-launch-new-program-aimed-getting-vets-it-jobs.html>

certifications in-person or online, leading to gainful employment in technical areas such as Information Science, Computer Programming, and Data processing.<sup>25</sup> Unlike four-year college degree programs, VET TEC courses range between 40 and over 700 training hours. The program benefits participants by providing non-active-duty students a housing stipend and subsidized tuition by the VA while preserving veterans' GI Bill eligibility.

This draft legislation will expand the VET TEC into a permanent program. As a result, 8,000 participants stand to benefit from the program annually. The pilot program and its proposed expansion are similar in providing educational assistance, calculating performance-based funding to course providers, and delineating between regular and preferred course providers. There have been some new additions. Notably, veterans can reapply for a second program 18 months after graduating from the first; however, participants must use Post-9/11 GI Bill Chapter 33 eligibility. Protections for participants were put in place by defining what is considered a qualified provider and instructor; mandating that providers list job placement rates of program graduates and have an employer consortium; accommodating withdrawals due to military orders; and ensuring teach-out methods should a VA's contract with a course provider be terminated. Additionally, providers cannot charge additional fees to a participant that they wouldn't impose on other individuals in the cohort, and certain independent study programs have been included for approval under VET TEC. Providing economic opportunities for veterans and their families is a top priority for The American Legion. To be marketable candidates in the 21st-century workforce, veterans need training opportunities that are affordable, flexible, and applicable to their desired industries.

Addressing the gap by providing workers with reskilling and upskilling opportunities through certifications can mitigate the skills deficit by having a near-term workforce to take up available jobs.<sup>26</sup> Military training and talent are also poised to serve industry needs as servicemembers and veterans transition to the civilian sector with various technological proficiencies and soft skills that employers require.<sup>27</sup>

Through Resolution No. 23: *Support for Veterans Employment Through Technological Education Courses (VET TEC) Program Expansion*,<sup>28</sup> The American Legion supports Congress renewing the VET TEC pilot program past the sunset date and expanding it for the continued benefit of both veterans and employers.

**The American Legion supports this draft legislation as currently written.**

<sup>25</sup> Veterans Technology Education Courses. Veterans Affairs. <https://www.va.gov/education/about-gi-bill-benefits/how-to-use-benefits/vetec-high-tech-program/>.

<sup>26</sup> Holtz-Eakin, Douglas. Projecting Future Skill Shortages Through 2029. American Action Forum. July 18, 2019. <https://www.americanactionforum.org/research/projecting-future-skill-shortages-through-2029/>.

<sup>27</sup> Oliver Libby. How the Military May Hold a Key to the Skills Gap Paradox. Forbes. May 9, 2019. <https://www.forbes.com/sites/oliverlibby/2019/05/09/how-the-military-may-hold-a-key-to-the-skills-gap-paradox%E2%80%A8/?sh=47781b2e4d1c>.

<sup>28</sup> The American Legion Resolution No. 23 (2022): *Support for Veterans Employment Through Technological Education Courses (VET TEC) Program Expansion*, <https://archive.legion.org/node/14061>.

**CONCLUSION**

Chairman Van Orden, Ranking Member Levin, and distinguished members of the Subcommittee, The American Legion thanks you for your leadership and for allowing us the opportunity to explain the positions of our members on the importance of these pieces of proposed legislation. Questions concerning this testimony can be directed to Mr. John Kamin, Legislative Associate at (202) 263-5748 or [jkamin@legion.org](mailto:jkamin@legion.org).

**Prepared Statement of Alicia Boddy**

**TESTIMONY OF**

**ALICIA BODDY  
CHIEF DEVELOPMENT AND OPERATIONS OFFICER  
CODE PLATOON**

**BEFORE THE  
HOUSE COMMITTEE ON VETERANS' AFFAIRS  
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY**

**WITH RESPECT TO THE VET TEC AUTHORIZATION ACT OF 2023**

**MARCH 30, 2023**

Good morning Chairman Van Orden, Ranking Member Levin and Members of the Committee. Thank you for inviting me here to discuss the VET TEC Authorization Act of 2023.

While I will focus my statement on VET TEC, please allow me to offer the following support on the additional legislation being introduced:

HR 728: Short Term Fellowship Pilot Program	Support
H.R. 1169, To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide certificates of eligibility and award letters to certain individuals using electronic means	Support
HR 291: Vaccine Discharge Parity Act	Support
HR 645: Healthy Foundations for Homeless Veterans Act	Support
H.R. 746, Streamlining Aviation for Eligible Veterans Act	Support
H.R. XXXX, To amend title 38, United States Code, to provide that educational assistance paid under Department of Veterans Affairs educational assistance programs to an individual who pursued a program or course of education that was suspended or terminated by reason of a determination of fraud shall not be charged against the entitlement of the individual, and for other purpose	Support
H.R. XXXX, To amend title 38, United States Code, to render an individual who transfers certain educational assistance, to which the individual is entitled because	Support

of an agreement by such individual to serve in the Armed Forces, to a dependent of that individual, and who fails to complete such agreement, solely liable for the overpayment of such educational assistance, and for other purposes	
H.R. XXXX, the Filipino Education Fairness Act;	Support
H.R. XXXX, Get Rewarding Outdoor Work for our Veterans Act;	Support
H.R. XXXX, To amend title 38, United States Code, to expand eligibility for a certain program of job counseling, training, and placement service for veterans	Support

**Introduction**

My name is Alicia Boddy, and I am the Chief Development and Operations Officer for Code Platoon. I also serve as our School Certifying Official. That is, I complete all of the electronic filings to the VA and am the point of contact for both the VA and students.

Code Platoon is a nonprofit coding bootcamp with a mission to train the Military Community (Veterans, transitioning Active Duty, and Military Spouses) to become professional software developers. Coding bootcamps, or code schools, refer to a training model whereby students are taught in-demand high technology skills, often in an intense and typically condensed time frame. Most coding bootcamps gear their programs towards high placement rates (70%+) in well-paying technical jobs. Code Platoon hosts in-person classes in Chicago, as well as remote learning. We have trained over 360 students since our first class in 2016, including 168 VET TEC students. Code Platoon is approved to accept the GI Bill and Veteran Readiness & Employment benefits. We were one of the first three providers approved to accept VET TEC in April of 2019 and have maintained our approval throughout the pilot program.

I am here in support of the VET TEC Authorization Act of 2023. VET TEC has been successful because Veterans, the VA, and providers have all worked together towards a common mission. This collaboration will be vital as VET TEC becomes a permanent education benefit, often referred to as “Forever VET TEC” among providers. I will share the experience Code Platoon and other providers have had with VET TEC and where there are opportunities for improvement based on lessons learned during this pilot phase. More importantly, I will share stories from VET TEC graduates whose lives and careers have been positively impacted over the last 5 years.

**Veterans**

At the heart of VET TEC are the Veterans. This program is a lifeline for non-traditional learners eager to find a career in high technology roles. During the pandemic, when all schools were

forced to move their training online, VET TEC providers were prepared to serve the increase of Veterans interested in our training programs. Enrollment spiked across programs, in large part because VET TEC allowed Veterans to train remotely without sacrificing any learning. During the pilot program, providers served approximately 5,000 Veterans each year. Thank you to the committee for including up to 8,000 Veterans each year in the permanent version of this program. VET TEC providers continued to see high job placement outcomes during the pandemic and successfully found careers for thousands of Veterans in high demand roles.

Travis Bright, 2021 Hack Reactor graduate, is honored to share his story with the committee:

*I joined the Air Force in 2013 and continued my educational pursuits via tuition assistance. During this time, I completed an associates degree from the community college of the Air Force. In 2017, I was honorably discharged after fulfilling my service commitment and began studying at the University of Washington. In 2019, I graduated with my undergraduate degree, a step towards my ultimate goal of a Masters degree.*

*I live in Seattle, Washington, where to start a family, buy a house, and be an active member in our community is very expensive. After graduating with my Bachelor's degree, I took a position working 40 hours per week making \$18 per hour, which put my annual income just shy of \$37,500. Many jobs in Seattle require a minimum of a Bachelor's degree, yet commonly pay less than \$20 per hour.*

*In March 2020, I was violently assaulted by a random stranger. My jaw was completely fractured in two places. I couldn't eat solid food, I was actively trying to convince myself that it had just been dislocated and sprained because the thought of missing hours of work and losing what little income I had was a luxury I couldn't afford. After a week of pain that was not getting any better, I took half a day off, went to the ER and was told I needed surgery immediately. The day following my surgery, with my jaw wired shut, I returned to my very physically intensive job because I had no other choice. Rent for my 1 bedroom, 600 square foot apartment was \$1300 a month, I had a \$350 car payment, insurance, etc. I was financially struggling as I tried to focus on my ultimate goal of getting a Masters degree. I wanted to find a career that could provide me with the future that I volunteered to protect for all Americans.*

*In June of 2020, I found a path towards financial independence which didn't require years of expensive graduate school. The path that I found was through VET TEC.*

*I applied to VET TEC, was approved, and selected a program on the VA's preferred providers list. The specific program I had selected would not charge tuition if I did not find meaningful employment within 6 months, so it seemed relatively low risk for the VA. I began the preparatory courses required to begin the program while continuing to work my full time job.*

*In October of 2020 I began my full time software engineering program. The program lasted three months, and it was hard. Every day was a challenge, but I had great support from my peers and the faculty. They taught me the fundamentals of software engineering, team collaboration from a software engineering perspective, how to develop a successful interview strategy, tailor my resume, and build my professional network.*

*I finished the program in January of 2021 and received a job offer a month later. The offer had a base salary of \$110,000 and a total compensation of around \$130,000. Almost a year later, I received an offer from another company with a base salary of \$170,000 and a total compensation of \$200,000-\$225,000. \$225,000 is exactly 6 times more than I was making before I became a software engineer. I make six times more than I previously did, with only one year of experience. I am a team lead at a company that makes \$350 million a year in revenue. I have overseen the entire frontend development process at my company, I mentor junior engineers, and my fellow Veterans who are going through software engineering programs. Now, not only can I afford to take time off for medical emergencies, I can take vacations, I can afford to have a family.*

*It is my firm belief VET TEC should be made permanent, as I'm just one example of how life altering this program is. VET TEC actually needs to be expanded upon. Most of the programs have job search programs, which require full time student attendance and have certain criteria for students to continue in the job search program. It's actually very similar to the unemployment process, you need to apply to a certain number of jobs per week, expand your LinkedIn network and gain referrals to positions, continue studying and work on projects, etc. For VET TEC to set more Veterans up for success, the housing benefits need to be expanded while students are enrolled in this job search process. Many Veterans are living on a month to month income, and if it takes three or four months to find a job, that is something many Veterans can't afford to do.*

*If I had gone through this program directly after separating from the Air Force, I would have been 3 and a half years further along in my career and nearly a million dollars more wealthy.*

*Additionally, it would have saved the VA a lot of money on my educational expenses by utilizing the GI Bill.*

*Thank you for your time and consideration, and I implore you to make VET TEC a permanent program and to continue investing in our veterans alternative education paths.*

Below are a few more highlights from VET TEC graduates. Additional impact stories will be provided to the committee by request.

*“VET TEC definitely was a great option for me because I could not do Code Platoon in-person and the GI Bill was not available for remote students. Their enrollment team helped guide me and I ended up getting approved for VET TEC and accepted into Code Platoon. Today, I am an associate engineer with Chicago Trading Company making \$125,000 per year. I would not be here without VET TEC and Code Platoon.”*

*“My journey into professional software development started a year before my class at Code Platoon. As I was transitioning from an Active Duty service member into a Navy Veteran, I came across the VET TEC program on the Veterans Affairs Education website. The goal is to match Veterans with a leading training provider to help develop those high-tech skills to quickly be placed in a high-paying tech job. I found Code Platoon and started the application process.”*

*“I attended Code Platoon remotely from February to May 2021. Though my entire experience was remote, it did not detract from the immersive experience and overall quality education. In just a few short months, myself and others, all of whom were at different levels of experience, were able to go from writing simple “Hello World” scripts, to full-stack applications incorporating multiple 3rd party APIs. Overall, I can’t recommend this program enough to any Veteran!”*

### **VA Education Services**

In the summer of 2019, I formed the VET TEC Working Group (VTWG). What started out as a call among 3-5 providers is now a standing monthly call with the majority of the 27 currently approved VET TEC providers attending. We are frequently joined by the VA's VET TEC approvals and processing teams, who make it a priority to join these calls and provide updates to providers. This relationship between providers and the VA has been vital to the overall success of VET TEC. By creating consistent and open lines of communication between providers and the teams in Buffalo and Washington D.C., we are often able to address problems quickly and help Veterans use the VET TEC program efficiently and effectively.



The first topic of discussion each month always revolves around the VET TEC budget. VET TEC was originally allotted \$15 million per fiscal year for the 5 year pilot. In FY 2021, this October 1 funding ran out November 5. Congress increased funding to \$45 million per fiscal year after this occurred, even at one point adding funding to bring the budget to \$125 million. Even with the larger budgets, the VET TEC program consistently exhausts our funding prior to the end of the fiscal year, leaving thousands of Veterans unable to participate in our training programs.

This is a reality we are facing right now. Low funds letters are being sent by the VA to approved Veterans, indicating that funding may exhaust in the coming weeks. **As a short term solution, please consider adding \$60 million to the VET TEC budget immediately. This will ensure the VET TEC pilot program can continue through FY '23 as we finalize this permanent version.**

The VTWG works collaboratively with the VA to troubleshoot issues as they arise. One of the requirements of VET TEC is for both Veterans and providers to complete a Meaningful Employment form. This form includes detailed information about the job that the Veteran has secured because of their training from the provider. As Meaningful Employment forms were submitted, the VA processing team was spending a great deal of time manually deciphering the job descriptions and relating them to the provider's curriculum. Many forms were initially returned for edits, causing delays in tuition payments to providers. Frustration was brewing among Veterans, the VA and providers. During a VTWG call, we were able to have an open discussion about these edit requests and delays. As a collaborative effort, we agreed on common job descriptions and titles. Meaningful employment processing became much easier and efficient, allowing providers to focus their efforts on placing students in jobs.

During the recent transition from VA-Once to Enrollment Manager, the VTWG and VA were able to develop solutions as SCOs began to utilize this new system. One particular issue common for VET TEC providers, certifying terms less than 43 days, was brought to the VA's attention right away. The VA submitted a ticket to the data migration team and the issue will be resolved quickly. VA also quickly updated our VET TEC SCO handbook, with input from the VTWG, to include best practices for Enrollment Manager. This has helped VET TEC providers more efficiently adopt Enrollment Manager and continue our mission to serve Veteran students.

A provider noted that these calls "are the best training we receive each month."

I want to especially thank Sarahbeth Dean, Peter Nastasi, and Bill Spruce for their tireless efforts in working with the VTWG over these last 5 years.

**PROVIDERS**

VET TEC providers are dedicated to training Veterans and providing career services support as our graduates begin their careers in high technology. During the course of the pilot program, providers have relied on the VTWG to crowdsource ideas to improve their services in support of their Veteran students. It has been inspiring to share in the exchange of best practices and opportunities for improvement among our training programs. One school noted,

*“We are a better training provider because of our participation in the VET TEC pilot program and the VET TEC Working Group. The capabilities we have built include our Student Success Team, Career Services Center, and Employment Partner Network, will continue to assist Veterans for years to come.”*

The VET TEC Authorization Act of 2023 expands provider approvals, including Institutes of Higher Learning. VET TEC has been an incredibly successful program because of the dedication and collaboration of providers with the VA and each other. The VTWG should be included in permanent legislation as a formal partner to the VA and new providers encouraged to join. As more providers onboard, it will be critical to continue these collaborative efforts through the VTWG, providing real time assistance and maintaining a collective focus on high job placement outcomes. The VTWG will be instrumental in continuing the positive momentum from the pilot program and will help the VA remain cutting edge in their support of high technology training programs.

Job placement has been a key metric for the VET TEC pilot program and is included in the VET TEC Authorization Act of 2023. The VTWG discussed calculation of this metric with the GAO, based on their feedback from their October 2022 report. The VTWG looks forward to working closely with VA to establish a proper and consistent measurement of job placement outcomes across VET TEC providers.

During the pilot program, the VA withheld 50% of the tuition payment until the student found meaningful employment, which was required within 180 days of graduation. Providers have worked diligently over the last 5 years to track and support Veterans through the 180 days of job search. This is often complicated by the fact that Veterans do not face any repercussions for not communicating with the school and keeping them updated on their job search and/or filling out the Meaningful Employment form. While providers are grateful for the expansion of a payable outcome to include continuing education and the inclusion of charging other entitlement as available, we remain committed to our graduates finding meaningful employment as quickly as possible. This will require a commitment from both providers and Veterans to achieve positive outcomes around meaningful employment.

The VTWG collected feedback from providers regarding students not meeting the Meaningful Employment requirements. Many providers reported tuition losses over \$250,000 each because Veterans did not participate in their career services programs and did not find Meaningful Employment within the 180 days required. This feedback is available to the committee on request.

Based on our experiences during the pilot program, **providers are requesting a more equitable payment structure of 50/25/25 to be included in the VET TEC Authorization Act of 2023.** Providers spend much of our resources recruiting students into our programs and training them for high demand technology careers. This updated payment structure is more reflective of the positive relationship between providers and the VA and will encourage more providers to continue participating in the VET TEC program.

The proposed permanent legislation has also updated the Meaningful Employment requirement to withhold the final 50% tuition payment (adjusted to 25% with the proposed new payment structure) until 'a covered individual has completed 180 days of employment'.

This will create an untenable barrier for providers, further exacerbating the struggles we face in tracking our graduates during their job seeking process. It has been incredibly challenging to establish processes that enable communication between graduates and providers in order to complete the ME form when an offer is received. It will be nearly impossible to continue communications with graduates through the first six months of their employment. As one provider says,

*"With regards to getting a job, we are a training program. We provide training and support. Graduates ultimately control their own personal outcomes. Providers should not be penalized when a VET TEC graduate decides to extend their job search outside of 180 days, finds a job outside of their field of study, or any other myriad of reasons life may throw at them."*

### **Forever VET TEC**

By passing the VET TEC Authorization Act of 2023, you have the opportunity to meet Veterans where they are in finding meaningful employment in high-demand jobs. Many of our students have used the majority of their GI Bill but do not have a career. Programs like VET TEC are an important signal from the VA that you want to help. This is particularly important as we rebuild our economy post-pandemic and recognize the increasing demand for a high technology workforce.

VET TEC is an innovative tool to change the narrative on VA Education Benefits. We can use these programs to focus on building the modern economy by filling high demand tech jobs through coding bootcamps and other short term or accelerated learning programs. This model of learning is the military model and approach that we know can work.

The payment structure to providers should be adjusted to 50/25/25. Training providers expend an incredible amount of resources recruiting and training students into our programs. By receiving 75% of tuition by graduation, providers would have more stability. Code schools in particular would continue to benefit with this streamlined payment structure, as we will always strive to place graduates in meaningful employment upon graduation.

The job placement metric and reporting should absolutely remain in place. Ideally, this data would be reported on the VA's GI Bill Comparison Tool or another VA website.

These suggested updates would ensure that VET TEC remains successful as permanent part of VA Education Benefits, providers who are committed to the mission of VET TEC are rewarded with timely approvals & payments and most importantly, Veterans are able to participate in a program that is fully funded for the entire fiscal year and can help them find meaningful employment in high demand, high technology roles.

VET TEC is an important training opportunity to support the evolving landscape of reskilling and upskilling. Veterans, the VA, and VET TEC providers are grateful to have this program supporting our collective efforts to positively impact the technology landscape in America.

### **Conclusion**

Thank you for the opportunity to share my experience with VET TEC. I have seen first hand the impact these programs are having on our Veterans. One Code Platoon graduate recently shared,

*“If you teach a Veteran to code they can support themselves and their families for a lifetime. Code Platoon, through their training program, is re-mobilizing Veterans with a sense of purpose and you can't put a price tag on that.”*

I look forward to working with you and the VA through the VET TEC Authorization Act of 2023, creating “Forever VET TEC” and enabling more Veterans to transition to high-demand jobs.

For questions about this testimony, you may contact me at 312-560-3003 or [alicia@codeplatoon.org](mailto:alicia@codeplatoon.org). This concludes my testimony, and I am happy to answer any questions you may have.

### Prepared Statement of Patrick Murray

Chairman Van Orden, Ranking Member Levin, 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 provide our remarks on legislation pending before this subcommittee.

#### **H.R. 291, Vaccine Discharge Parity Act**

The VFW opposes this bill. Service members who were separated for refusing to obey a lawful order should be held to the same standard as other service members who committed similar violations. The maximum punishment for violating Article 92—violation of or failure to obey a lawful general order or regulation—is dishonorable discharge, forfeiture of all pay and allowances, and confinement for two years. Lesser offenses have lesser penalties such as receiving a general discharge under honorable conditions.

Additionally, this bill claims to seek parity for service members who received a general discharge under honorable conditions by making them eligible for the Post-9/11 GI Bill. The VFW believes this is an unnecessary proposal. All veterans in this category of discharge, regardless of why they received it, are not eligible for GI Bill benefits. Since these veterans have the same eligibility for education benefits as every other veteran with a general discharge under honorable conditions, parity already exists. We believe any substantive discussion surrounding changes to the discharge conditions eligible for educational assistance must be done broadly and without special treatment, specifically for those failing to obey a lawful order.

#### **H.R. 645, Healthy Foundations for Homeless Veterans Act**

The VFW supports this proposal to permanently authorize the use of certain funds to improve flexibility in the provision of assistance to homeless veterans. Combating veteran homelessness is more than just simply providing a roof over a person's head, and oftentimes is accompanied by other financial struggles. This proposal would allow for more flexibility in assisting veterans struggling to acquire food, clothing, hygiene materials, and other items needed for daily life. This holistic effort would hopefully provide additional help for veterans struggling with housing security.

The VFW also believes financial literacy training is important to assist veterans seeking supportive services for housing through the Department of Veterans Affairs (VA). Too many veterans face housing instability because they are not as financially literate as they could be. We recommend that VA establishes a basic financial literacy tool and ensures every veteran who utilizes supportive services also completes a financial literacy course and undergoes credit counseling. This simple, educational tool can mitigate future dilemmas and the recurrent need for supportive programs.

#### **H.R. 728, To direct the Assistant Secretary of Labor for Veterans' Employment and Training to carry out a pilot program on short-term fellowship programs for veterans**

The VFW supports this proposal that would create a pilot program to offer short-term fellowships for veterans at nonprofit organizations. This initiative would provide opportunities for veterans to receive valuable training and experience at organizations that further a social cause or provide a public benefit. Furthermore, it would create public service employment opportunities for veterans.

#### **H.R. 746, Streamlining Aviation for Eligible (SAFE) Veterans Act**

The VFW supports this proposal to provide parity for students seeking flight training at certain institutions through the Veteran Readiness and Employment (VR&E) program. Recent changes allowed student veterans utilizing the GI Bill to attend flight training through educational programs that do not provide a degree. This proposal would allow the same permissions for veterans utilizing Chapter 31 VR&E to pursue flight training at similar institutions.

#### **H.R. 1169, VA E-Notification Enhancement Act**

The VFW has for years supported the proposal to make certificates of eligibility electronic. The option of having certificates available digitally is long past due. If VA's information technology systems cannot make this option a reality, then proper funding for a simple solution should be requested, authorized, and appropriated to make this commonsense fix for a 20th century problem. Certificates of eligibility for programs all across VA are constantly requested by outside entities, so an electronic solution is needed. There are certain VA forms that can be accessed through eBenefits, but then those forms must be sent to various parties. Veterans should

be able to log in and see all the benefits and programs to which they are entitled, not just disability compensation eligibility.

**Discussion Draft, To amend title 38, United States Code, to provide that educational assistance paid under Department of Veterans Affairs educational assistance programs to an individual who pursued a program or course of education that was suspended or terminated for certain reasons shall not be charged against the entitlement of the individual, and for other purposes**

The VFW supports this proposal to ensure veterans who attend schools that have accreditation suspended or terminated do not suffer further fallout such as losing months or years of GI Bill entitlement through no fault of their own. In the past few years, some large schools closed their doors because of poor governance or financial mismanagement. The student veterans who were attending those schools were often unexpectedly forced to find new education options quickly. Far too many of those student veterans were unable to transfer any or all of their credits to other schools, wasting months of work. This proposal would ensure those student veterans could restart their education paths with their GI Bill entitlement restored.

**Discussion Draft, To amend title 38, United States Code, to render an individual, who transfers certain educational assistance, to which the individual is entitled because of an agreement by such individual to serve in the Armed Forces, to a dependent of that individual, and who fails to complete such agreement, solely liable for the overpayment of such educational assistance, and for other purposes**

The VFW supports this proposal to remove the financial burden for certain beneficiaries of educational assistance. GI Bill transferability often seems like a straightforward option for service members, but occasionally a recipient of this remarkable benefit gets involved in unintended bureaucracy. The VFW agrees that the transferred recipient of the GI Bill should not be held financially liable if the original service member fails to fulfill his or her service obligation. Once discovered, the use of the benefit should cease, but the dependent should not be held accountable for repayment, as they were not the party who failed to complete an obligation.

**Discussion Draft, Filipino Education Fairness Act**

The VFW has a resolution and supports this bill to provide parity for beneficiaries of the Survivors' and Dependents' Educational Assistance program (Chapter 35) at institutions in the Philippines. We believe VA beneficiaries should have parity in as many cases as practical. Specifically, Chapter 35 recipients utilizing this benefit in the Philippines are provided only fifty percent of the rate compared to beneficiaries in the United States. This is not even equitable with other beneficiaries who utilize this program outside the continental United States. Recipients in other countries around the world receive the same benefit as everyone else. The inequitable delivery of this benefit to recipients in the Philippines should be corrected.

**Discussion Draft, Get Rewarding Outdoor Work (GROW) for our Veterans Act**

The VFW supports this proposal that would require VA to report metrics of outcomes for the Warrior Training Advancement Course (WARTAC) and form recommendations for potential expansion to additional federal agencies. The VFW believes a proper and well-rounded transition from the military is one of the most important things our service members need in order to ease back into our society with minimal hardships.

The DOD SkillBridge program is a highly valuable yet sorely underutilized and underpromoted program within the transition process. Oversight and reporting of WARTAC outcomes may provide key insights to inform recommendations for improvements to DOD SkillBridge, and may also provide information for recommendations on expansion to other federal agencies.

**Discussion Draft, To amend title 38, United States Code, to expand eligibility for a certain program of job counseling, training, and placement service for veterans**

The VFW supports this proposal because we believe one of the most important aspects of a positive transition from active duty service to civilian life is the connection to the community to which the service member will relocate. By law, it is the role of the pre-separation counselor to make that connection to community resources, but we know that is not happening. This is a failure of the Department of Defense (DOD) to properly oversee the Transition Assistance Program (TAP).

While we know it is not the role of this committee to ensure TAP is properly administered, we urge Congress as a whole to make sure it is being done.

Recently, DOD amended the DD form 2648 to allow for service members to send their relevant information to State veteran agencies. However, there is no pathway for these agencies to communicate with these separating service members until they leave active duty. This proposal would hopefully ease the burden of transition by allowing for information sharing and two-way communication between the respective agencies and the service members. We still believe the responsibility lies with the pre-separation counselors to connect the service members with the appropriate resources in the communities to which they are transitioning, but this proposal would be beneficial.

#### **Discussion Draft, VET TEC Authorization Act of 2023**

The VFW supports this legislation that would make permanent the Veterans Employment Through Technology Education Courses (VET TEC) pilot program. VET TEC is an incredibly popular program that permits eligible veterans to receive valuable training in computer software and programming, data processing, information science, and media applications. Indeed, the program is so popular that all available seats for 2021 were filled within one month of the application opening for the new year. During the last Congress, additional resources were provided to the VET TEC program to allow more veterans to utilize this program.

Chairman Van Orden, this concludes my testimony. Again, the VFW thanks you and Ranking Member Levin 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.

#### **Information Required by Rule XI2(g)(4) of the House of Representatives**

Pursuant to Rule XI2(g)(4) of the House of Representatives, the VFW has not received any federal grants in Fiscal Year 2023, nor has it received any federal grants in the two previous Fiscal Years.

The VFW has not received payments or contracts from any foreign governments in the current year or preceding two calendar years.





## STATEMENT FOR THE RECORD

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### **Prepared Statement of Disabled American Veterans**

Chairman Van Orden, Ranking Member Levin and Members of the Subcommittee:

DAV (Disabled American Veterans) has a mission that includes the principle that this Nation's first duty to veterans is the rehabilitation and welfare of its wartime disabled. This principle envisions vocational rehabilitation and/or education to assist these veterans to prepare for and obtain gainful employment, enhanced opportunities for employment, job placement and self-employment, so that the full array of talents and abilities of disabled veterans are used productively and to their greatest levels.

We are a resolution-based organization, which means we can support legislation if we have a resolution that is adopted by our membership body at our annual national convention. We are providing our views on the bills impacting service-disabled veterans, their families and the programs administered by the Department of Veterans Affairs (VA) that are under consideration by the Subcommittee. Based on our resolutions, this statement highlights the bills that DAV supports.

#### **H.R. 645, the Healthy Foundations for Homeless Veterans Act**

The Healthy Foundations for Homeless Veterans Act would make permanent the temporary flexibilities granted to VA to address veterans' homelessness by providing shelter, transportation, and communication devices to veterans in need. Specifically, H.R. 645 would grant the VA the authority to use funds to provide homeless veterans and at-risk veterans with:

- Assistance required for the safety and survival of the veteran, such as food, shelter, clothing, blankets and hygiene items;
- Transportation required to support the stability and health of the veteran, such as transportation for appointments with service providers, the handling of housing searches and the obtainment of food and supplies; and
- Communications equipment and services, such as tablets, smartphones, disposable phones, and related service plans) required to support the stability and health of the veteran (such as through the maintenance of contact with service providers, prospective landlords, and family members).

Additionally, the Healthy Foundations for Homeless Veterans Act would allow the VA to collaborate with organizations to manage the use of VA land for homeless veterans, specifically for living and sleeping.

In 2022, the VA housed over 40,000 homeless veterans surpassing its goal of 38,000. Much of this was accomplished by the authorities Congress put in place during the COVID-19 pandemic. We must continue using these authorities to ensure that our Nation's veterans have the basic necessities.

It is estimated that H.R. 645, the Healthy Foundations for Homeless Veterans Act, would positively impact housing for an estimated 33,000 veterans experiencing homelessness or those who are at-risk of homelessness. DAV proudly supports this effort in accord with DAV Resolution No. 060, which calls on Congress to fund the Supportive Services for Veterans Families program to ensure prevention of homelessness among veterans and their families.

#### **H.R. 728, to Direct the Assistant Secretary of Labor for Veterans' Employment and Training to carry out a pilot program on short-term programs for veterans**

H.R. 728 would require the Veterans' Employment and Training Service within the Department of Labor to implement a pilot program under which it may use grants or contracts to carry out a short-term fellowship program. This would allow up to five states to participate in the program and be in a contract with a non-profit organization. Each fellowship program must run for 20 weeks, provide a monthly

stipend, and provide veterans an opportunity to be employed on a long-term basis following the fellowship. For fiscal years 2023 through 2027, \$10 million has been appropriated to carry out the program.

These fellowship programs would help to reduce the number of unemployed veterans in this country and would greatly assist service-disabled veterans with obtaining meaningful employment. In accordance with DAV Resolution 187, DAV supports H.R. 728.

#### **H.R. 746, the Streamlining Aviation for Eligible Veterans Act**

The Streamlining Aviation for Eligible (SAFE) Veterans Act would amend the VA program, Veteran Readiness and Employment (VR&E) (formerly known as the Vocational Rehabilitation and Employment Program). VR&E provides comprehensive services to include vocational assessment, rehabilitation planning and employment services.

H.R. 746 would provide, “[a] rehabilitation program may include a program that includes flight training and does not lead to a degree.” Many disabled veterans want to pursue flight training via VR&E; however, they have been faced with the fact that flight training would not lead to a degree. The SAFE Veterans Act would remove that barrier. DAV supports the SAFE Veterans Act in accord with DAV Resolution No. 187.

#### **H.R. 1169, the VA E-Notification Enhancement Act**

This legislation would allow VA to send certificates of eligibility and award letters to veterans for authorized educational assistance via email or other electronic means. The veteran has the option to opt out of receiving notifications via electronic means and have their notices come by mail. The veteran can revoke this election at any time.

This would be a better way of informing veterans that they are eligible for educational benefits or advising them of their monthly benefits while enrolled in school.

In accordance with DAV Resolution 095, DAV supports H.R. 1169, the VA E-Notification Enhancement Act, as it would provide veterans with timely information to help them make more informed decisions about their educational goals.

#### **H.R. 1669, the VET-TEC Authorization Act of 2023**

On August 16, 2017, the Harry W. Colmery Veterans Educational Assistance Act of 2017 (commonly known as the “Forever GI Bill”) was signed into law. The law authorized the Veteran Employment through Technology Education Courses (VET TEC) Pilot Program.

The VET-TEC Pilot Program’s goal is to offer veterans an opportunity to study in high technology programs of education that are approved and paid for by VA. VET-TEC provides training in high-demand employment arenas such as computer software, computer programming, data processing, information science and media applications.

On January 5, 2021, the president signed Public Law 116–315, which amended a number of VA benefits, including the VET-TEC program; however, it remains a pilot program and is not permanent. H.R. 1669 would make this program permanent.

VET-TEC has trained thousands of veterans for jobs in the tech industry with an 84 percent graduation rate. DAV knows that a veteran’s transition to civilian life is not complete until they are able to secure meaningful employment that allows them to live their life with respect and dignity.

DAV strongly supports the VET-TEC Authorization Act in accord with DAV Resolution No. 183. Every veteran travels their own unique path in pursuing their new career after service, which is why the VET TEC program remains such a valuable option for many of our Nation’s veterans and needs to be made permanent.

#### **H.R. 1767, the Student Veteran Benefit Restoration Act**

The Student Veteran Benefit Restoration Act would determine if an action by an institution of higher learning would affect the educational benefits of a veteran if evidence has been discovered that the school committed an offense that would cause an interruption in the veteran’s education program.

If an institution of higher learning closes, a course of study or program is discontinued due to no fault of the veteran, then the amount of entitlement the veteran has should not be reduced due to the circumstances of the school.

H.R. 1767 would also allow repayment of educational assistance received during a period of recognized fraud for a course if it has been determined that the course or program was suspended or terminated by that school.

In accordance with DAV Resolution 187, DAV supports H.R. 1767, the Student Veteran Benefit Restoration Act, which will help student veterans maintain their benefits if an institution of higher learning closes or discontinues a program due to no fault of the veteran.

#### **H.R. 1786, the Get Rewarding Outdoor Work for our Veterans Act**

The Get Rewarding Outdoor Work (GROW) for our Veterans Act would require VA to submit to Congress a report on the Warrior Training Advancement Course (WARTAC). It is a skill-bridge education and employment opportunity for transitioning service members to complete a national-level Veterans Benefits Administration (VBA) training program while still on active duty. Successful completion of the program leads to an employment opportunity at one of 55 VBA Regional Offices (ROs) around the country.

Participants learn the skill set of a rating veteran service representative (RVSR) or veteran service representative (VSR). The duration of the VSR class is 6 weeks and the duration of the RVSR class is 11 weeks. WARTAC is open to transitioning service members who have 180 days or less left in service.

DAV supports the WARTAC program. It provides veterans meaningful employment opportunities and fills the need of VBA to add employees to help address the backlog of claims. The reporting requirement will help to determine the impact and effectiveness of the program.

Additionally, the GROW for our Veterans Act would require the Secretary of the Interior, in consultation with the Assistant Secretary of Labor for Veterans' Employment and Training and the Secretary of Veterans Affairs to establish a pilot program under which veterans are employed by the Federal Government in positions that relate to the conservation and resource management activities of the Department of the Interior.

In accordance with DAV Resolution No. 185, DAV supports the GROW for our Veterans Act, as it provides the pilot program that is similar to a federal works program, that directly provides Federal employment for disabled veterans.

#### **H.R. 1799, the EMPLOY VETS Act**

The EMPLOY VETS Act would expand the definition of eligible veterans for VA job counseling, training and placement services for veterans by adding those service members who are eligible for the Transition Assistance Program (TAP).

The transition from military service to civilian life is very difficult for many veterans who must overcome obstacles to successful employment. By including those who are eligible for TAP in the programs within Title 38, United States Code, 4100, it fulfills the intent and purpose of Congress to provide:

- job and job training intensive services program;
- employment placement service program; and
- job training placement service program for eligible veterans and eligible persons.

For many separating from service, the immediate focus is seeking gainful employment to support themselves and their families. We agree that those eligible for TAP should have the same benefits available to them. In accord with DAV Resolution No. 187, we strongly support the EMPLOY VETS Act.

Mr. Chairman, this concludes my statement.

