



EANGUS Testimony

House Committee on Veterans' Affairs Subcommittee on Economic Opportunity

Hearing on the following bills: H.R. 491, Return Home to Housing Act; H.R. XXXX, Housing our Military Veterans Effectively Act; H.R. XXXX, TAP Promotion Act; H.R. XXXX, To amend title 38, United States Code, to make specific improvements in the administration of the educational assistance programs of the Department of Veterans Affairs, and for other purposes; H.R. XXXX, To amend title 38, United States Code, to require, as a condition of approval under the educational assistance programs of the Department of Veterans Affairs, that educational institutions make available to eligible persons and veterans digital copies of official transcripts; H.R. XXXX, Native American Direct Loan Improvement Act of 2023; and H.R. XXXX, Isakson-Roe Education Oversight Expansion Act; H.R. XXXX, To amend title 38, United States Code, to improve the reemployment rights of members of the Armed Forces, and for other purposes; and H.R. XXXX, To amend title 38, to establish particular employment and reemployment rights for spouses of members of the uniformed services.

June 14, 2023

Enlisted Association of the National Guard of the United States
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Washington, DC 20001

The Enlisted Association of the National Guard of the United States (EANGUS) was formally organized in 1972 to increase the voice of enlisted persons in the National Guard. As such, EANGUS is a non-profit organization dedicated to the principles of providing an adequate national defense and promoting the status, welfare, and professionalism of the men and women of the Army and Air National Guard by supporting legislation that provides adequate staffing, pay, benefits, entitlements, equipment, and installations for the National Guard. Beginning with twenty-three states, EANGUS now represents all 50 states, Guam, Puerto Rico, the U.S. Virgin Islands, and the District of Columbia, and has an association comprised of those who serve the National Guard on a national tour, with a constituency base of over 450,000 Soldiers and Airmen, their families, and tens of thousands of retired members.

EANGUS is a non-profit organization dedicated to promoting the status, welfare, and professionalism of Enlisted members of the National Guard by supporting legislation that provides adequate staffing, pay, benefits, entitlements, equipment, and installations for the National Guard. The Legislative Goals of EANGUS are published annually. The goals and objectives were established through the resolution process, with resolutions passed by association delegates at the annual conference. These resolutions include the issues that EANGUS will pursue in Congress and the Department of Defense. Resolutions stay in force for two years.

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The Enlisted Association of the National Guard of the United States (EANGUS) is a member-supported organization. EANGUS has not received grants, contracts, or subcontracts from the federal government in the past three years. All other activities and services of the associations are accomplished free of any direct federal funding.



Kevin Hollinger EANGUS Legislative Director

Kevin Hollinger focuses on legislation that advocates for national security and readiness of the Enlisted National Guard. Mr. Hollinger served for over 22 years in the Army and National Guard and completed multiple deployments in Iraq, Afghanistan, Kosovo, and South America. Kevin has specialized in RC legislation for over eight years. He completed his Juris Doctorate from The John Marshal Law School and is currently an LLM student. Mr. Hollinger can be reached at Kevin@eangus.org or 202-670-1826

Statement

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EANGUS appreciates the opportunity to discuss the Uniformed Services Employment and Reemployment Rights Act (USERRA), VA Education, Vertan Homelessness, and Minority benefits. While we will not address every proposed act, this does not indicate EANGUS's support for or opposition to these other bills. EANGUS's focus today aligns with our By-laws, Articles of incorporation, and the resolutions brought by our members.

USERRA Protection For Spouses

It is easy to see the sacrifice of the servicemember. Unless you have lived under a rock for the last 20 + years, everyone knows the gift of the Reservist and National Guard personnel. They know how they are pulled from their everyday lives and thrust into service of our country. The Reserves and National Guard have proven to be a critical part of our nation's defense. But imagine if you were removed from your spouse at a moment's notice and if you still have or have small children. How hard would it be for your spouse to make up for your absents? Well, that's how being a

National Guard spouse works. Civil unrest, natural disasters, filling in for teachers in your local area, or combatting these issues are only sometimes convenient for families.

When a National Guardsman deploys, family hardships increase dramatically. Their lives are turned upside down, and the spouse must take time away from their employment to figure out new daily routines and schedules. At a moment's notice, they become the sole head of the house. Handling time off is often the only way for the spouse to get acclimated. Their dedication to our national defense is often overlooked but is more critical and complex than their National Guard Spouse.

Spouses often must take time away from their employment to figure out new schedules. At a moment's notice, they become the sole head of the house. Handling time off is often the only way for spouses to get acclimated. Their dedication to our national defense is more critical and complex than their National Guard spouse.

Army Gen. Raymond Odierno often said, "Our country is great because of our military, our military is great because of our servicemembers, and our servicemembers are great because of our families." Putting these things together is the correct answer.

EANGUS would urge the 118th Congress to legislate USERRA protection to spouses of activated Reserve and National Guard servicemembers.

Amend title 38, United States Code, to improve the reemployment rights of Armed Forces members.

This legislation would expand the powers of the USERRA law. Expanding this law should allow for better and more predictable outcomes for servicemembers. It also empowers the court to approach USERRA cases aggressively by adding additional jurisdiction and monetary powers. This would force private, state, and federal employers to educate their management and ensure Service members are given their proper protections without court intervention.

In *Torres v. Texas Department of Public Safety*, the Supreme Court considered whether the states, by ratifying the Constitution, gave Congress the power to authorize suits against states using its constitutional war powers. In the opinion authored by Justice Stephen Breyer, he stated, "Congress's ability to build and maintain the Armed Forces fits the test outlined in *PennEast's* test. Thus, in joining together to form a Union, the States agreed to sacrifice their sovereign immunity for the good of the common defense." With that opinion, we now know it is something to be considered by the US Congress.

This proposed legislation would be the first step to codifying the Supreme Court's decision in *Torres v. Texas Department of Public Safety* and allowing for Outcomes that are more advantageous to servicemembers instead of relying on the opinion of judges at the state and federal level along with board members. By assigning a monetary penalty, it forces employers to become educated or pay the price for uniformed adverse employment decisions. Assessing mandatory attorney fees takes some of the burdens of servicemembers. They will now have the resources necessary to find and hire proper legal counsel to help them navigate the complex court systems.

EANGUS would urge the 118th Congress to introduce and passes this legislation furthering the authorities of USERRA

TAP Promotion Act

Allowing MSO/VSO organizations to assist in the transition program will help our Servicemembers better understand not only their qualified benefits at the time of exiting their service but would also help them know that there are resources that will help them maneuver the sometimes hard-to-understand bureaucracies of the VA system.

The government can implement this program effectively by ensuring the proper certification. It would also help the VA use the funding to further strengthen this program without developing it using all government funding.

VSOs are predominantly run by veterans and understand what the needs of veterans are. Most often, they have board members who are veterans and actively serving the armed forces. This gives them the direction to assess the TAP program's decision properly. Furthermore, understanding the dynamic demographic of the military will help them develop a program better suited for multiple demographics.

EANGUS supports using VSOs to help administrate the TAP program after proper certification.

Veterans Education Assistance Improvement Act

Enlisted personnel do not attend college or secondary education before service to their state and country. This forces them to participate in secondary education once they are already serving and improving their ability to gain an education which is crucial to improving their well-being.

Servicemembers often use education to improve their employment status. Employment status is often directly tied to continued service; ensuring their benefits can be used at their maximum intent is critical to positive outcomes.

EANGUS urges the 118th Congress to legislate and pass the Veterans Education Assistance Improvement Act.

Amend title 38, United States Code, to require, as a condition of approval under the educational assistance programs of the Department of Veterans Affairs, that educational institutions make available to eligible persons and veterans digital copies of official transcripts.

Access to electronic transcripts will aid veterans in navigating the educational process. Servicemembers are often forced to use multiple educational institutions while in service. This usually has to do with deployments and activations. This legislation will give the servicemember

more access to their transcript, therein giving them more access to education.

Unfortunately, enlisted Guard and Reserve servicemembers are tasked with balancing their service in uniform, civilian employment, family obligations, and education. Often education has to take a back seat, which leads to our enlisted servicemembers attending multiple schools, and electronic transcripts speed up the process and help the servicemembers make the best educational decision for them and their families.

EANGUS urges the 118th Congress to Legislate and pass mandatory VA electronic digital Transcripts to eligible veterans.

Isakson-Roe Education Oversight Expansion Act

On January 5, 2021, the Johnny Isakson and David P. Roe Veterans Health Care and Benefits Improvement Act of 2020 was enacted. The law will have a transformative effect on the mission of the Education Service to provide ready access to and timely and accurate delivery of education benefits to Veterans, Service members, and their families, as well as further enable the VA to empower GI Bill® beneficiaries to achieve their vocational and career goals.

This new law features 32 provisions that impact the administration and oversight of GI Bill benefits, including new requirements for enrollment verification, expanded restoration of entitlement opportunities, the sunseting of the Montgomery GI Bill, substantial changes to our oversight of GI Bill-approved schools, and other education-related issues

In the past, we have seen educational institutions with bad intentions that have harmed veterans pursuing their education. It is often problematic for the VA to Identify and investigate all involved institutions and organizations claiming to benefit the servicemember.

EANGUS believes allowing the VA to overwatch the programs and institutions is a good step. We have often seen policy and rule changes set to weed out the lousy actor, but what ends up happening is that good institutions are complex. Therefore servicemembers' educational goals are hindered. VA oversight allows the VA to identify issues, make well-thought-out policy changes, and adequately guide veterans using VA funds.

EANGUS supports legislation giving the VA Secretary oversight for certain educational institutions as passed to creating new policy and urges the 118th Congress to introduce and pass this legislation.

H.R. 491, Return Home to Housing Act; and Housing our Military Veterans Effectively Act

Combating veteran homelessness has always been and will continue to be a significant challenge due to the vast and changing reasons for the veterans' circumstances. EANGUS understands there is not and cannot be one answer to this problem, and we know there must be quite a few programs to address this issue.

Ensuring all parties participating in the ongoing efforts are appropriately compensated is critical to maintaining a healthy working environment. Unfortunately, financial security is always a factor we decide on employment; we all wish to do what we love for free, but that is not reality. Giving all parties involved proper compensation and reimbursement is critical in developing new and existing programs and the key to continued success.

EANGUS supports and urges the 118th Congress to introduce and pass these pieces of legislation, which we hope will further strengthen the VA programs to eradicate veterans' homelessness.

CONCLUSION

EANGUS appreciates the opportunity to offer thoughts regarding these critical legislative issues. Military and veterans' laws and policies are often developed without an understanding of or appreciation for the essential distinctions between the reserve and active-duty service. The members of the National Guard invariably lose out. And so do their families.

These past three years have shown America how important the National Guard is to everyday life. The National Guard has activated over 380,000 servicemembers since 2020 for missions including but not limited to, Pandemic assistance, Civil unrest, overseas direct combat assistance, and capitol security. These activations were often at a moment's notice, and the National Guard did not hesitate; they accomplished the mission.

Ensuring that our National Guard veterans are adequately cared for after service is critical to the National Guard recruiting and retention problem. As stated above, "the National Guard does not hesitate; they accomplish the mission." We are now asking the same from Congress; please do not hesitate. Ensure our nation's heroes are adequately cared for during and after the service. Thank you for your time.