

LEGISLATIVE HEARING ON  
H.R. 6656; H.R. 7323; H.R. XXXX; H.R. XXXX;  
H.R. XXXX; H.R. 6225; H.R. XXXX; H.R. XXXX; AND  
H.R. XXXX

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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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**WEDNESDAY, MARCH 20, 2024**

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

The subcommittee met, pursuant to notice, at 10:41 a.m., in room 360, Cannon House Office Building, Hon. Derrick Van Orden (chairman of the subcommittee) presiding.

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

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

Mr. VAN ORDEN. Subcommittee will come to order. I welcome the witnesses and subcommittee members to today's hearing. As I have often said in the subcommittee, this is not a bipartisan committee. This is a non-partisan committee, and it will remain as such. We owe that to the people that served our Nation.

We have got nine important legislative proposals to consider here today. It is important note that not all of the proposals will move forward in this process. The purpose of this hearing is to hear from individuals with expertise on the various legislative proposals so that we can make informed decisions about whether to move these bills forward. The valuable insight provided by these stakeholders and agencies is essential to the work of the subcommittee, and a number of these proposals seek to improve education programs for America's veterans and ensure that GI Bill dollars are being used responsibly.

One of the bills being proposed by the chairman of the committee would expand the existing authorities of the Veterans Affairs (VA) Secretary to disapprove schools that are guilty of fraud or misrepresentation, and I strongly support this bill. This expanded authority will allow the secretary to restore benefits and recoup costs for veterans who are defrauded. We have considered other proposals to restore benefits in situations where there are allegations of fraud. However, this is the first proposal that is rooted in the VA authority and includes the necessary due process for schools.

I specifically want to highlight two bills that I am offering for consideration as well. One bill would allow individuals using their Montgomery GI Bill gained through service in the Selective Re-

serve to utilize in-state tuition waiver for attending schools in neighboring states. As of now, they are not part of the waiver in the statute, and I think it is a logical expansion of existing authority that allows reciprocity between states. We have got to remember that our Selective Reserves and our National Guard folks, the enemy does not care. They see an American flag on your shoulder and they will target you as such. We just learned this with our three brave soldiers that were killed earlier in Jordan.

My other bill, up for discussion today, makes improvements to the Transition Assistance Program (TAP) for servicemembers leaving the military. This legislation would require data collection on the experience of transitioning servicemembers. We need to have a better understanding of how we are preparing our military members and their families for civilian life. Certain branches are doing TAP better, and certain groups within branches are doing TAP better. Naval special warfare has an outstanding 24 month program, and I want to make sure that we can leverage the lessons learned and promulgate the best practices across the board.

At this hearing, we will also explore legislation that would encourage VA to create a callback system instead of putting callers on hold. This type of technology is widely available and I do not know why we are not doing this now. It is just silly. I have reservations about some proposals in the agenda today, I will be frank.

The witness's testimony and questions to the members of the subcommittee are very important that we hear those answers from the questions asked by my fellow members. We look forward to hearing from members who have introduced these proposals, as well as our witnesses on how we can continue to improve these bills and create more economic opportunities for veterans.

I will now yield to ranking member for 5 minutes for his opening remarks.

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

Mr. LEVIN. Thank my friend the chairman for holding this legislative hearing on nine pieces of legislation. I would like to start out by highlighting a few of the bills on the agenda that illustrate our continued efforts to deliver more results. That is what this is all about, is delivering results.

First, I would like to thank Ranking Member Takano for his work-study expansion bill, which would provide more opportunities for veterans to participate in work-study in Congress.

Next, Representative Davis' Bill of Veterans Employment Readiness Yield Act of 2024 will remove antiquated terms from the Veterans Readiness and Employment (VR&E) program statutes. My hope is that the change in language will encourage more veterans with service connected disabilities to participate in the VR&E program.

We also have legislation related to the VA Home Loan program, which is a critical resource for servicemembers and veterans wanting to own a home. The path to home ownership should be more accessible with the goal of ensuring more individuals can buy quality, affordable homes. Representative Ryan's bill would do just that by allowing National Guard and Reserve members to access the program, and Representative Meng's Fair Access to Co-ops for

Veterans Act would expand the program to include residential cooperative housing.

Shifting to education I was surprised to see legislation regarding restoration of GI Bill benefits on the agenda considering this committee marked up a more comprehensive restoration bill from Representative Ramirez last July, and that bill is still awaiting for consideration. I want to be clear. I support the text of this restoration bill, but I think too many students may be left out. I hope the Ramirez text can be incorporated and that we can bring it to the floor as soon as possible.

Finally, I was excited to see a package focused on servicemembers transition on the agenda, but disappointed that Democratic proposals were left out. If the committee is proposing changes within the Title 10 space, I would hope that my transition improvement by estimating Risk Act or Tier Act H.R. 6725 would be included.

I also have some newer TAP reform proposals based on the oversight visits that my staff and majority staff conducted last summer at Camp Lejeune, Naval Station Norfolk and Fort Liberty. I would hope that this subcommittee takes a wide view of what it considers transition related, to include my Guard and Reserve GI Bill, Parity Act, H.R. 7543, Mr. Takano's Justice for Servicemembers Act, H.R. 5516, and Ensuring Veterans' Smooth Transition (EVEST) Act, H.R. 5416, as well as proposals on food insecurity, federal military leave days, and updates to Servicemembers Civil Relief Act (SCRA), Uniformed Services Employment and Reemployment Rights Act (USERRA), Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA), and the SkillBridge program. On this bill specifically, I agree with the spirit and the intent, but I have some concerns around the content.

I believe this subcommittee has a treasure trove of bills, Mr. Chairman, a treasure trove of bills ready for consideration, ready to pass the House, be signed into law. I would welcome more legislative hearings this year. I stand ready to work with the chairman on his priorities. In addition, I look forward to the field hearing in the chairman's district next month and scheduling an upcoming oversight hearing I have requested on homelessness programs. We have much to accomplish, and time is running short. With that, Mr. Chairman, I yield back.

Mr. VAN ORDEN. Thank you, Ranking Member Levin. Listen, you are not going to get an argument out of me. You are right. This committee has done incredible work, and it is time that we get these things to the floor, get them voted on, give everybody a chance to say yes or no. Let people see where they stand. Support our veterans. I will speak to leadership again today about getting this done because you are absolutely right. Hey, man, we are here for them, not us.

I will now introduce the witness panel. Our first witness is Ms. Melissa Cohen, the Executive Director of Outreach, Transition, and Economic Development at the Department of Veterans Affairs. Ms. Cohen is accompanied by Mr. Nathan Sanfilippo. Did I get that right?

Mr. SANFILIPPO. Yes.

Mr. VAN ORDEN. Executive Director of Multichannel Technology, and Mr. Thomas Alphonso, Assistant Director of Education Services. Our second witness is Mr. James Rodriguez, Assistant Secretary for Veterans' Employment and Training Service at the Department of Labor.

Now, unfortunately, while the Department of Defense (DOD) was invited, and one of the main pieces of legislation is primarily in their jurisdiction, the Department of Defense declined to participate in this hearing. You know what? Someone wrote here, this is embarrassing. It is not embarrassing. It is pathetic. Either the Department of the Defense cares about being able to transition someone from an Active Duty servicemember to a productive member of society and skipping the whole stuff about becoming homeless, a drug and alcohol addict, or committing suicide. They either care about that or they do not.

Secretary Austin, if you are watching this, you have 2,077,630 members in the United States Military and you cannot cut one person here to try to help prevent veteran suicide. That is pathetic, Mr. Secretary. Get off your can, assign somebody to come here to these committee hearings because we are sick and tired of you not showing up. Is that clear, Mr. Secretary? I am a member of a co-equal branch of government and will be treated as such. Actions speak louder than words.

I am going to swear in the first panel. I ask the witnesses in our first panel to please stand and raise your right hand.

[Witnesses sworn.]

Mr. VAN ORDEN. Let the record reflect that the witnesses have answered in the affirmative. I ask the witnesses and members today to respect the 5 minute rule. I am not going to ask you to respect it. You are going to. Thank you very much for that.

Ms. Cohen, you are now recognized for 5 minutes to deliver your testimony on behalf of the Department of Veterans Affairs.

#### **STATEMENT OF MELISSA COHEN**

Ms. COHEN. Good morning, Chairman Van Orden, Ranking Member Levin, and members of the subcommittee. Thank you for inviting us here today to present our views on several bills that would affect Department of Veteran Affairs programs and Services.

Joining me today, specifically from the VA are my colleagues, Mr. Nathan Sanfilippo, Executive Director of Multichannel Technology at Veterans Experience Office, and Mr. Thomas Alphonso, Assistant Director of Education Service at the Veterans Benefits Administration (VBA). VA offers support for much of the proposed legislation before us today, and I will highlight several in my opening remarks.

First, VA supports H.R. 7323, the disapproval of courses due to a public institution of higher learning not charging in-state tuition to in state veterans, as this bill would allow chapter 1606 beneficiaries to receive the same protections under the law as beneficiaries who receive benefits under other VA educational programs.

Regarding the Fair Access to Co-ops for Veterans Act of 2024, VA supports, if amended and supported with offsets to the new benefit and administrative costs. We recognize that co-op share purchase loans present a unique ownership framework as compared to more

traditional housing transactions, and we look forward to successfully implementing a viable program with the required level of expertise, authorities, funding, and protections in place to do so.

Concerning Relating to Flight Training bill, VA would support if amended. While VA supports establishing \$100,000 fee cap, it is unclear whether the lifetime cap would apply to both degree and non-degree flight programs. VA welcomes opportunity to work with the committee to provide technical assistance to ensure that this bill meets its intended goal.

VA outlined a few concerns with the Title 10 TAP Reform bill. While much of the equity of this bill lies with the Department of the Defense, VA seeks clarification on section 2(k), which would prohibit the furnishing of a DD-214 to a servicemember who did not complete the required pre-separation counseling. Ultimately, VA wants to ensure unimpeded access to earned benefits and services, such as to access to life insurance when transitioning to the civilian sector.

Regarding H.R. 6656, Stuck on Hold Act, VA does not support this bill. VA shares the goal of exceptional customer service and closely monitors the quality of those calls. Average wait times for major contact centers are less than 15 minutes, with some significantly less. VA has callbacks systems functionality in place, and for the contact centers that use it, they are activated for wait time thresholds under 15 minutes.

Last, VA supports the following two bills, Restoration of Entitlement to Educational Assistance and Terminology Regarding Veteran Employment.

Mr. Chairman, this concludes my statement. Thank you again for the opportunity to discuss this important legislation to improve benefits and services for veterans, servicemembers, and their families. We look forward to working with you and are prepared to answer your questions.

[THE PREPARED STATEMENT OF MELISSA COHEN APPEARS IN THE APPENDIX]

Mr. VAN ORDEN. Thank you, Ms. Cohen. The written statement of Ms. Cohen will be entered into the hearing record, which, by the way, I read. It is outstanding. Thank you.

Assistant Secretary Rodriguez, you are now recognized for 5 minutes to deliver your testimony.

#### **STATEMENT OF JAMES RODRIGUEZ**

Mr. RODRIGUEZ. Chairman Van Orden, Ranking Member Levin, and distinguished members of the subcommittee, thank you for the invitation to testify here today. It has been an honor to lead Department of Labor Veterans Employment and Training Service (DOL VETS) for the past 3 years.

One of the bills being considered today would codify the Employment Navigator and Partnership Program, or ENPP, into law. DOL is currently carrying out ENPP under our Transition Assistance Program statutory authority. While we support specifically codifying ENPP into law, we strongly oppose the restrictive provisions in the bill. On April 1, VETS will mark 3 years since the integration of the ENPP into the TAP program. Initially spanning 13 DoD on installationsites worldwide, we have expanded to 30 sites, and



established 59 partnerships with veteran employment serving organizations.

Over the past year, we have leveraged Health and Human Services (HHS) National Directory of New Hires data to match transitioning servicemembers' data and monitor their employment progress. Our preliminary data indicates promising results, affirming that ENPP's one-on-one innovative approach is effectively addressing veterans' employment challenges. Through our full time employment navigator contractor staff and our employment partners, ENPP clients receive assistance with their resumes and career direction, as well as referrals to vetted partner organizations and American job centers that provide additional personalized support.

The 59 nongovernment ENPP partners offer vital services, including job placement, hiring, events, training, and most importantly, facilitating connections between transitioning servicemembers and their new communities. Each partner brings a unique resource to the table, ensuring a holistic approach to meeting diverse needs of our transitioning servicemembers, and this approach is aligned with VETS' vision of getting the transition to civilian life right the first time.

The National Directory of New Hire research shows preliminary findings that indicate a 10 percent increase in median quarterly wages earned for enlisted transitioning servicemembers who participated in ENPP, compared to their counterparts who did not participate. Based on findings and as funding allows, VETS will continue to expand ENPP and we hope that we can continue to do so using our current program model.

In FY 2023, 5,747 transitioning servicemembers and 383 military spouses received support or services through ENPP. According to participant surveys, ENPP has been a great success. As of February 2024, 97 percent of ENPP survey respondents reported positive feelings after meeting with their employment navigators and would recommend ENPP to a friend or colleague. Additionally, 97 percent felt ENPP partners met or exceeded their employment related expectations. As one ENPP survey respondent stated, the value of the employment navigator is having a one-on-one conversation to go back over the plethora of information you received in TAP classes and give you guidance and recommendations specific to your situation.

Incorporating ENPP into legislation would secure its future, which is something VETS strongly endorses. However, I would be remiss if I did not acknowledge that extending ENPP's reach globally to include all transitioning servicemembers and their spouses necessitates further resources for VETS. Financial implications of this bill would substantially increase the resources needed for successful rollout.

Additionally, we are concerned that the notion of funding ENPP partner organizations with taxpayer dollars and our partners under an Memorandum of Understanding (MOU) with VETS committed to bearing no costs to either veterans or the government. ENPP grants organizations that are both funded privately and publicly access to servicemembers in TAP which assist them in meeting their metrics and their mission. The intention was never to offer

financial compensation to a select few organizations, but rather to guide servicemembers toward reputable resources outside of government aid that could accommodate the unique and various needs of transitioning servicemembers. Therefore, we strongly oppose the restrictive measures in this bill that seem to favor only five to ten large organizations for federal contracts. This would unfairly sideline the 49 non-government, midsized, and smaller organizations, as well as potential future partners.

As the lead federal agency on veteran employment, DOL VETS looks forward to working with this subcommittee and our many partners and stakeholders to create opportunities that ensure all veterans, servicemembers, and their spouses can have a good career and opportunities for advancement.

Chairman Van Orden, Ranking Member Levin, distinguished members of the subcommittee, this concludes my statement. Thank you for the opportunity to be part of this hearing, and I welcome your questions.

[THE PREPARED STATEMENT OF JAMES RODRIGUEZ APPEARS IN THE APPENDIX]

Mr. VAN ORDEN. Thank you, Assistant Secretary Rodriguez. The written statement of Assistant Secretary Rodriguez will be entered into the hearing record. We are now going to proceed to questions, and we will all adhere to the 5-minute rule.

I recognize myself for 5 minutes.

Ms. Cohen, the Fair Access to Co-ops Act, can you maybe delve a little bit deeper into that? Understanding that we are a constitutional republic, not a democracy, as everybody says on television, and each one of these states has individual rules concerning a co-ops. Like even the definition changes by state. How would we make sure that we have fairness across the board, and we do not sign on to something that we will have unintended consequences?

Ms. COHEN. Thank you for the question. Part of the requirement of this bill is to work closely with Fannie Mae to make sure that we align with their requirements. We recognize that this is a very complex entity, and there will just be a small pool of lenders that perhaps will participate in these co-op loans. We are continuing to build the expertise to make sure that we can handle these complexities.

Mr. VAN ORDEN. Well, ma'am, please take this as intended, but I have been on this committee now for, I do not know, 14 months or something like that, Mike, and I have noticed one thing, that from my observation, the VA has not been really great at being able to handle subtlety. The more complex an issue, it seems like the more the VA screws it up, because it is complicated and you get so many fingers in the pie, eventually you got no dough left because it is stuck on everybody's fingers.

When we are talking about the difference between the definitions, we are talking about resale of co-ops, subletting of co-ops, defaulting on the loans. I am very concerned, again, that we are going to wind up signing up for something, and it is going to have very negative unintended consequences, because the definition of a co-op in the state of New York is different than the definition of a co-op in several different states. As opposed to working with a home that we can clearly define as a single-family home, it is not

investment property. That is what the VA loans or loan guarantees are predominantly designed to do. I am not quite sure how we are going to figure this out. I need much more detailed analysis of this particular issue before we sign on to anything, from my perspective.

Then the Stuck on Hold, seriously? Come on. I call Delta Airlines, if it is going to be longer, then they call you back. I do not understand what the heartburn is with, like, are we putting people out of work? Is the Veteran Service Experience going to be less enticing because they actually get to finish making breakfast as opposed to waiting for that horrible—have you called the VA? Dear God, fix your wait or your hold music, please. How is this going to negatively affect veterans if they are able to just have somebody call them back, I guess, is the question?

Ms. COHEN. Before I turn it over to my colleague, Mr. Nathan Sanfilippo, I will say in VBA, we have that technology that you are talking about.

Mr. VAN ORDEN. I get it. I get all my healthcare through the VA system, all of it. I get it. I am just saying, is this going to be negative or positive? Who is going to answer the question?

Mr. SANFILIPPO. Yes, no. Happy to answer that question. You know, the bill, we 100 percent support reducing wait times and enabling features that allow callbacks and other things. In fact, we already have that capability in certain lines of business. As Ms. Cohen was noting, our Veterans' Benefits Administration recently implemented that feature to provide callbacks for folks that have to wait longer than 5 minutes. It is really just a matter of making that feature available to more of our contact centers.

Mr. VAN ORDEN. You want me to change the bill so it says 5 instead of 15? I will do that. Write that down. Good, thank you. You already have the technology. You have implemented it. There you go. Hey, well, this committee, is adjourned. No. Hey, listen, man. No veteran, from my perspective, is going to get less care. The line is not going to get longer for dialysis, right? Is that true? Someone is going to be able to get their rocking glasses in La Crosse, Wisconsin, like I did in the same period of time. We are going to try to make sure they wait less on the phone or even if they do not, because things happen, they can just get a phone call later.

Mr. SANFILIPPO. Yes. We are seeking to make advancements to reduce wait times in all of our contact centers, whether they are helpful—

Mr. VAN ORDEN. Sir, but if you already implemented this in different areas, just implement it across your entire universe, and I think that would be great. We are going to change that. We will drop for you from 15 to 5 minutes. Your input has been very helpful, sir.

With that, I yield back and I yield to Ranking Member Levin for 5 minutes.

Mr. LEVIN. Thank you, Mr. Chairman. Ms. Cohen, I will start with you. Thank you for your feedback regarding the TAP bill. Really appreciate it. While I have you want to discuss a couple related issues. I have a prop here. It is VA's TAP participant guide. I am sure many are familiar with this. It mirrors the class curriculum. It includes content on the VA Home Loan Guarantee pro-

gram, specially adapted housing program, homelessness programs. As I look through this, one of the things that I do not see, and I hope I went through all of it, but I think we did, there is no information on renting a home.

Reading and signing a lease, navigating expenses like application fees, move in fees, security deposits, renters insurance, and it seems that it is very critical information, particularly if you have a transitioning servicemember who joined the military straight out of high school, lived in the barracks for their entire service, have never gone through the process of renting a home, might be a higher risk for housing insecurity. My question for you is, has VA considered incorporating this content in its TAP curriculum, and why or why not? If not, how else would you suggest we fill that gap?

Ms. COHEN. Thank you for your question. I do not have that particular chapter in front of me. However, I will tell you that we review our curriculum annually. We can be nimble enough as needed to make changes and do inserts ensuring that that information gets across to all of our VA classes. I will verify to your point, if there is a gap, we will fix it.

Mr. LEVIN. Thank you. I think that would be a great insert or a great addition to version 5.2 of this book. This is 5.1. TAP cannot be the sole source of support for those in the process of transition. It is an incredibly challenging and pivotal time in a veteran's life.

I was proud to champion Section 4304 of the Isakson and Roe Act, which directs VA to make grants to local organizations that provide coordinated transition assistance services, such as resume assistance, interview training, job recruitment training for veterans and their spouses. In July 2023, VA issued a proposed rule for implementation of the Veteran and Spouse Transitional Assistance Grant Program, and earlier this month, Congress enacted fiscal year '24 appropriations for VA, including \$5 million for this program.

Ms. Cohen, could you please provide the status of implementation? Specifically, what is the timeline for finalizing the rules, publishing a Notice of Funding Availability (NOFA), and awarding the first round of grants?

Ms. COHEN. I do not have that particular update here as it was not part of the legislative bills. However, I understand if I am recalling that we are waiting for Office of Management and Budget (OMB) approval, but we are staged and ready to execute as soon as the approval process is confirmed. I do owe you a better answer, and I can get back to you on that.

Mr. LEVIN. Thank you. Well, we will look forward to that. Another provision that I secured in Isakson and Roe is 4303, which restarts DOL's Off-Base Transition Training program, or OBTT. Ms. Cohen, VA told my staff in September 2022 that Outreach, Transition and Economic Development (OTED) and DOL had agreed to incorporate benefits and services information delivered by VA benefits advisors into the OBTT curriculum. However, the most recent update I received was that VA had not yet provided staff to do so and instead OTED had developed a single slide with VA contact information that is being presented by DOL at all OBTT workshops. Ms. Cohen, is that still the case, and if so, what is taking so long?

Ms. COHEN. I need to confirm the one slide you are referencing, as I am not aware of that as part of OBTT. I understand the intent. As we have looked for funding for future years, we have talked about Off-Base Transition Training to meet that population. I will look into that due out.

Mr. LEVIN. Okay, well, we have you on the record, and we are going to follow up on all of the above, and we appreciate your work in getting this off the ground. It has taken too long. I remember when we passed Isakson and Roe, you know, what our hope and expectation was, and all of these things have just been taking, just, frankly, been taking too long. We really appreciate speeding things up. We have got your words on the record, and we are going to follow up with you. With that, Mr. Chairman, happy to yield back.

Mr. VAN ORDEN. Thank you, Ranking Member Levin. Mr. Sanfilippo, I want to be very clear with you. There is going to be one number that will be written into this, that this 5-minute thing is not going to count with. That is 988 option one. That is the veteran's crisis line. If they are waiting 5 seconds for someone to pick that up, it is wrong. To be explicitly clear, we are going to change the language from 15 to 5 minutes to make it in line with what you guys want to do. With the exception of the veterans' crisis line, 988 option one. Thank you very much for pointing that out.

In accordance with committee rule 5(e), I ask unanimous consent that the gentlelady from New York, Ms. Meng be permitted to participate in today's subcommittee hearing. Hearing no objection, we will proceed. Now, Ms. Meng is new to the committee, so we do 5 minutes, not 5 minutes, in 1 second, which is good.

The chair now recognizes the gentlelady from New York, Ms. Meng, for 5 minutes.

Ms. MENG. Thank you. Chair Van Orden, Ranking Member Levin, and distinguished members of the House Veterans Affairs Subcommittee on Economic Opportunity. Thank you for allowing me to testify today. I would also like to thank the panelists from the Disabled American Veterans (DAV) and the Veterans of Foreign Wars (VFW) for testifying in support of my bill.

I am honored to speak in support of my Fair Access to Co-ops for Veterans Act which would finally allow veterans to purchase cooperative housing units, also known as co-ops, through the VA Home Loan program. The VA Home Loan program has been a transformative benefit for servicemembers for 80 years. This program cannot be fully enjoyed by New Yorkers who served in our armed forces.

In New York City, about two in three apartment buildings are co-ops. If you have been to New York, you know that is a lot of co-ops. Co-ops, on average, are more affordable in New York than condos or homes. They offer a realistic option for working class New Yorkers to own a home and build equity. Currently, a veteran or servicemember can use their VA home loan to purchase a condo, townhouse, mobile home, or manufactured home, but not a co-op.

Last year, a recently married servicemember in the New York Army National Guard reached out to my office asking why he could not use a major benefit like the VA Home Loan on New York's most affordable housing option. His story is common amongst the roughly 200,000 veterans that call New York City home, and to the

countless other veterans in towns and cities across the country where co-ops are present, like Palm Beach, Minneapolis, Philadelphia, and Baltimore.

It is our job to serve those who served us. Let us serve them by increasing the accessibility of home ownership to more veterans. Let us expand the American dream that the VA Home Loan program helped define 80 years ago. Let us give veterans and servicemembers access to co-ops.

Thank you again for your time and consideration of this matter. I ask the chairman, ranking member, and distinguished members of this subcommittee to please support my Fair Access to Co-ops for Veterans Act. Thank you.

Mr. VAN ORDEN. Thank you, Ms. Meng. While you were testifying, Ranking Member Levin and I decided that the next time people are read onto the subcommittee that you will be receiving a gift bag. Thank you for coming.

Ms. MENG. I will be here more often.

Mr. VAN ORDEN. All right.

Ms. MENG. Thank you.

Mr. VAN ORDEN. We are encouraging. Thank you very much for coming today, and the witnesses are now excused, and I hope you are going to sit and listen to the second panel.

On our second panel, we will hear from the following witnesses, Ms. Nadine Bullock-Pottinga. Did I get that? Man, I am batting a thousand today. Chief Development Officer of Hire Heroes USA. Mr. Gregory John, Founder and President of Infinity Flight Group. Mr. Matthew Schwartzman, Director of Legislation and Military Policy of Reserve Organization for America, and Ms. Kristina Keenan, the Deputy Director of National Legislative Service for the Veterans of Foreign Wars. I do have to tell you, that my cover, getting my paid up for life being sewn on right now at my post 1530 in La Crosse, Wisconsin. Normally I would be wearing that with you. Marquis Barefield, Assistant National Legislative Director for Disabled American Veterans.

I would now like to welcome the witnesses and ask you to please stand and raise your right hand.

[Witnesses sworn.]

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

Ms. Bullock-Pottinga, you are now recognized for 5 minutes to deliver your testimony.

#### **STATEMENT OF NADINE BULLOCK-POTTINGA**

Ms. BULLOCK-POTTINGA. Chairman Van Orden, Ranking Member Levin, and members of the subcommittee, thank you for the opportunity to speak today on this pending legislation. My name is Nadine Bullock-Pottinga, and I am the Chief Development Officer with Hire Heroes USA, the nation's leading veteran and military spouse employment nonprofit.

Many of the bills up for discussion today would greatly impact employment outcomes and economic opportunity for our Nation's transitioning servicemembers, veterans, and military spouses. I would like to focus my remarks on proposed improvements to the transition process, as I believe the period of separation from mili-

tary service to civilian life to be most critical for a veteran's career success.

First, let me briefly describe Hire Heroes USA. Hire Heroes USA was founded in 2005 and has secured employment for more than 93,000 clients. We offer comprehensive one-on-one employment services in all 50 states to over 20,000 individuals annually at no cost.

Hire Heroes USA strongly supports H.R. 7732, which includes comprehensive and sustainable reforms to the Transition Assistance Program, or TAP. This bill would improve the experiences of servicemembers nearing separation or veterans who have recently separated. With approximately 200,000 servicemembers transitioning out of the military annually, TAP must be designed and implemented in ways that maximize impact and effectiveness. We believe that various provisions of this legislation would address long standing concerns about the structure and performance of TAP.

Hire Heroes USA is especially supportive of the bill's proposal to codify and improve the Department of Labor's Employment Navigator and Partnership program, ENPP. Initially a pilot program, ENPP began at 13 military installations in April 2021 and has expanded to over 30 locations. The program is intended to complement the standard TAP coursework by offering more individualized employment services tailored to the unique needs of each transitioning servicemember and their spouse. Under the program, DOL staff work with employment partner organizations, including Hire Heroes USA, to assist clients with job placement, training and various other career or wraparound services.

ENPP was originally established under DOL's authority to provide employment and training opportunities as part of TAP. However, this program has never been codified into statute, a step that we believe is critical for ensuring the long-term success of TAP. Beyond codifying ENPP, the bill language also makes important improvements to the program's administration of contracts with employment partners. To date, DOL has not provided any compensation to ENPP partners and instead has relied on voluntary participation, placing the financial burden on Veteran Service Organizations (VSO).

However, the success of ENPP strongly depends on the involvement of non-governmental partners. We deliver direct assistance to transitioning servicemembers and military spouses, while complying with all DOL regulations and requirements around data management and program evaluation. ENPP partners do this without any resources to support these expenses, an approach that challenges the long-term sustainability of this program.

Hire Heroes USA alone has supported over 2,000 client referrals from this program since 2021. As the ENPP continues to grow, especially if codified, it is essential that the partners taking on a significant volume of referrals receive the appropriate support to sustain their participation. This would take the form of competitively awarded contracts for the highest impact and farthest-reaching employment partners. To be clear, we also support the continuation of voluntary ENPP partnerships, in addition to those organizations selected for contracts.

The language should further clarify this to ensure small and local service providers can continue to participate voluntarily. Together, these proposed changes to ENPP would promote the long-term success of the program and ultimately benefit tens of thousands of servicemembers every year.

Beyond ENPP, Hire Heroes USA also supports the bill's provisions that would establish a DOD pilot program for military spouses to receive one-on-one counseling services based on the TAP curriculum. While some specific transition resources exist, there is still a need for more comprehensive programming covering the full range of topics relevant to transitioning military families.

On behalf of Hire Heroes USA, I would like to thank again, chairman, ranking member, and the members of the subcommittee for your ongoing commitment to the cause of veteran and military spouse employment. I welcome any questions. Thank you.

[THE PREPARED STATEMENT OF NADINE BULLOCK-POTTINGA APPEARS IN THE APPENDIX]

Mr. VAN ORDEN. Thank you, Ms. Bullock-Pottinga. The written statement of Ms. Bullock-Pottinga will be entered into the hearing record.

Mr. John, you are now recognized for 5 minutes to deliver your testimony.

#### **STATEMENT OF GREGORY JOHN**

Mr. JOHN. Thank you, chairperson, honorable members of the committee. My name is Gregory John. I am the president of Infinity Flight, one of the largest flight training organizations in the country based at the Trenton-Mercer Airport in New Jersey. We collaborate with Mercer county college to provide veterans with an opportunity to become professional airline pilots, a lucrative, desperately in-demand career path. Today, I stand before you to express my unwavering support for the proposed language in H.R. 7613 that would implement a lifetime cap of \$100,000, adjusted for inflation, on veterans' entitlement use for flight training fees at public institutions of higher learning.

The proposed cap is not only a financial safeguard, but a strategic move toward creating a more equitable, efficient, and responsible system for utilizing the educational benefits earned by veterans. By setting a clear limit, we are helping to ensure these benefits are used in a manner that maximizes veteran success in the civilian workforce, while protecting the integrity of the GI Bill against exploitation.

Further, implementing a lifetime cap encourages training programs to prioritize quality, safety, and effectiveness. In the Mercer County College program, we have seen firsthand how clear, defined boundaries foster an environment where every single flight hour and every single training opportunity is utilized to its fullest potential. This focus on quality over the quantity of flight hours ensures that veterans receive the best possible education and training, preparing them for successful careers in aviation and at the airlines.

Additionally, the cap addresses a critical issue that has plagued the system for far too long, the misuse of VA funds through what has been termed "blank-check loophole," which has allowed bad-actor institutions to inflate the cost of flight training, charging the



VA far beyond the amount necessary for a quality education. By setting a reasonable flight fee cap, Congress will put an end to this exploitation, ensuring VA funds are used responsibly, and more veterans have access to flight training opportunities without the risk of unnecessary financial waste.

In my opinion, establishing the inflation adjusted cap at \$100,000 is appropriate based on the actual cost of obtaining a comprehensive flight education. Furthermore, applying the cap exclusively to programs offered by public institutions of higher learning encourages veterans to pursue their education at institutions already benefiting from an array of existing governance safeguards, ensuring financial protections for both the veterans and the GI Bill, as well as the delivery of a high-quality education.

In conclusion, I urge Congress to adopt this language into law. It represents a balanced, thoughtful approach to supporting our veterans' educational aspirations while safeguarding the resources dedicated to their success. Let us honor their service by ensuring that their path to a new career in aviation is both secure and fruitful.

Thank you for considering my testimony on this critical matter. I am confident that together we can make a positive change that benefits our veterans, the aviation industry, and the Nation overall. Thank you.

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

Mr. VAN ORDEN. Thank you, Mr. John. Hey, I appreciate your testimony, but I am going to go ahead and gender myself. I will be addressed as Chairman Van Orden. Thank you. The written statement of Mr. John will be entered into the hearing record.

Mr. Schwartzman, you are now recognized for 5 minutes to deliver your testimony.

#### **STATEMENT OF MATTHEW SCHWARTZMAN**

Mr. SCHWARTZMAN. Thank you very much, Mr. Chairman. Chairman Van Orden, Ranking Member Levin, and distinguished members of the Economic Opportunity Subcommittee, on behalf of the Reserve Organization of America (ROA), the only National Military organization that solely and exclusively supports the Reserve and National Guard, thank you for the opportunity to testify on pending legislation and on ways to improve military to civilian transitions for our Nation's citizen warriors and their families.

For this hearing, ROA is prepared to provide technical assistance on most of the proposed bills. Our advocacy, however, is focused on those measures that uniquely relate to the needs of the reserve component community, are reinforced by an ROA resolution, or are aligned with our congressional charter.

Ladies and gentlemen, the days of Reserve and National Guard servicemembers being weekend warriors, they are long gone. They constitute close to 50 percent of the total force, more than 50 percent of the army, and fight in our Nation's wars. While these citizen warriors may not be widely referred to as minutemen in the modern era, even today they must be ready for duty at a minute's notice.

Despite being required to maintain the same readiness as their active component counterparts, the reserve components are often treated as a secondary class within their own military. ROA is thankful that today's hearing includes several bills that address these inequities head on. H.R. 7323, for example, requires the VA to disapprove courses offered by a public institution of education that are not charged at the in-state tuition rate under the Montgomery GI Bill Selected Reserve, despite being the first VA educational program to directly assist members of the Selected Reserve, it will be one of the last to receive this important protection. ROA thanks you, Mr. Chairman and Representative McGarvey, for sponsoring H.R. 7323 and urges the members of this subcommittee to advocate its swift codification in public law.

Another example is H.R. 6225, the expanding Home Loans for Guard and Reservist Act. This bill expands the VA Home Loan program to Reserve and National Guard servicemembers that spend 30 or more consecutive days on Active Duty for training. From ROA's perspective, this bill serves as a cost concern compromise on similar legislation that passed the House in the previous Congress. ROA thanks Representatives Jen Kiggans and Pat Ryan for sponsoring this bill, which recognizes the intensive nature of service during Active Duty for training and provides a solvent pathway forward toward homeownership for reserve component members and their families.

Another bill that ROA sees great promise in but cannot yet lend its support to is the draft measure aiming to improve the Transition Assistance Program. Unfortunately, in its current form, TAP fails to meet the unique transition needs of Reserve and National Guard servicemembers and their families. This fact was recently validated by a Research and Development (RAND) report published last year that even went as far as to recommend establishing a reserve component curriculum track within TAP, which ROA wholeheartedly endorses.

To resolve the current TAP dilemma, which is caused by its one size, two components construct, ROA proposes a five step action plan, which we refer to as the Delivering Reservist Integration and Veterans Education plan, also known as the DRIVE plan. ROA's DRIVE plan, if adopted by Congress, would drive forward much needed reforms by increasing access to component focused counseling and resources, while simultaneously providing reserve affiliated participants with additional flexibilities in navigating their respective TAP track.

Support for these proposals, among others detailed in our statement, would vastly improve military to civilian transitions for reserve component members and their families, who, unlike their active component counterparts, must make this transition frequently during their time in service and may even wait many years to receive their earned retirement benefits.

Thank you again, Mr. Chairman, for inviting ROA to testify today. I look forward to answering any questions you may have.

[THE PREPARED STATEMENT OF MATTHEW SCHWARTZMAN APPEARS IN THE APPENDIX]

Mr. VAN ORDEN. Thank you, Mr. Schwartzman. Excuse me. Yes, the record will reflect that Mr. Schwartzman's written testimony will be entered into the record.

Ms. Keenan, you are recognized for 5 minutes to give your testimony.

#### **STATEMENT OF KRISTINA KEENAN**

Ms. KEENAN. 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 and its auxiliary, thank you for the opportunity to provide our remarks on legislation pending before the subcommittee. The views on all the bills can be found in my written testimony. I will take the opportunity to briefly highlight a few.

The VFW supports the Expanding Home Loans for Guard and Reservist Act to expand the eligibility of the VA Home Loan to members of the National Guard and Reserves who have performed Active Duty for training for 30 consecutive days or more. The VFW supports this expansion to ensure that these servicemembers and their family have housing stability needed to perform efficiently their duties as they balance military service and their civilian lives.

Continuing on the topic of housing, the VFW supports the Fair Access to Co-ops for Veterans Act to extend the VA Home Loan to veterans seeking to purchase residential cooperative housing units or co-ops. Most of the co-op housing in the United States is located in New York, which also has statistically lower rates of veteran home ownership. We have worked with the New York City Department of Veterans Affairs, who brought this issue to our attention. Expanding VA home loans to include co-ops would help provide long term housing stability for more veterans around the country.

The VFW supports the Restore Act to ensure that beneficiaries of VA education benefits are protected if an educational institution is found to have violated certain prohibitions regarding advertising, sales, and enrollment practices. Schools found in violation would be required to repay funds to the Department of Veterans Affairs, and VA would restore entitlements to beneficiaries. Requiring schools to be responsible for repayment would ensure that taxpayer supported federal funding is safeguarded and student veterans are protected. We hope the committee will consider combining the Restore Act with the similar bill H.R. 1767, the Student Veteran Restoration Act, which passed on a full committee. Combining these would provide even more protections against fraud for student veterans.

Last, the VFW supports the intent of the Enhancing Servicemember Transition Act. The VFW strongly supports the provisions which would improve the transition to VA, including requiring accredited representatives be included in the Transition Assistance Program. This would enable servicemembers to have a point of contact to begin their pre-separation claims. We also support the bill's inclusion of pre-enrollment in VA medical care during transition. This would provide veterans with their earned benefits the day they leave the military. A warm handoff to the VA can potentially mitigate risk factors for suicide during that critical first year after service.

Also, regarding the bill, we suggest modifications to certain provisions pertaining to Title 10. For example, we find that screening for potential homelessness and food insecurity to be a great addition, though it should also occur closer to discharge because these factors may not be known yet one year in advance during TAP. Additionally, including spouses in TAP would be a great addition, but the bill also creates a separate TAP specifically for spouses, which seems like a duplication.

We are also concerned about withholding DD-214s from servicemembers who do not complete tap, as this could be harmful to them as they seek housing, education, and employment. We want to find effective ways to hold commanders accountable. We would be happy to discuss our specific concerns further to avoid any unintended consequences.

Chairman Van Orden, Ranking Member Levin, this concludes my testimony. I am prepared to take any questions you or the subcommittee members may have.

[THE PREPARED STATEMENT OF KRISTINA KEENAN APPEARS IN THE APPENDIX]

Mr. VAN ORDEN. Thank you, Ms. Keenan. I appreciate it greatly. A vote has been called in another committee that I serve on, so this subcommittee will stand a recess subject to the call of the chair. I expect this to be a very short recess and return as quickly as possible. Mr. Barefield, you should be good to go. We will be back in a few minutes. This committee stands in recess.

[Recess]

Mr. VAN ORDEN. This committee is now in session.

Mr. Barefield, you are now recognized for 5 minutes to deliver your testimony.

#### **STATEMENT OF MARQUIS BAREFIELD**

Mr. BAREFIELD. Thank you. Chairman Van Orden, Ranking Member Levin, and members of the subcommittee, thank you for inviting DAV to testify at today's hearing of the Subcommittee on Economic Opportunity to consider the nine pieces of legislation up for discussion this afternoon. My written statement has been submitted for the record, and I will now highlight a few of the bills that are important to DAV and our membership.

In my early years of being a veterans advocate with DAV, one of the things that I remember the most about helping veterans, dependents, and survivors, was the time that they would have to wait to speak with someone at VA about their claims. Clients would tell me that they would wait for over 20 minutes to sometimes an hour on the phone before they were able to speak with someone from VA about their claims. This was frustrating as a representative, and I wanted to know what could be done to resolve these long wait times for our clients.

H.R. 6656, the Stuck on Hold Act, which DAV supports, would address these long wait time periods for all veterans, dependents, and survivors, calling VA about the status of their claims. This bill would give a waiting client the time it would take before their call was answered and the option to receive a callback if the wait time was over 15 minutes.

As of March 1 of this year, VBA has over 992,000 pending claims. VBA has estimated that one claim generates eight separate contacts to the call centers. This means that VA can expect at least 8 million calls this year. With the increase in claims and phone calls, VA must be prepared now. The Stuck on Hold Act is a positive step in the right direction.

DAV supports H.R. 7703, the Fair Access to Co-ops for Veterans Act. The ability for service disabled veterans and their families to have more options to obtain affordable housing in some areas of the country is of extreme importance. The provisions in this bill would give VA the ability to advertise this type of loan through notification to eligible veterans, participating lenders, and interested realtors of such loans. In many places where affordable housing is scarce, these co-ops offers families the opportunity to find housing that meets their needs. Affordable housing options are one of the top priorities for service disabled veterans, especially those transitioning from Active Duty.

DAV also supports H.R. 6225, the Expanding Home Loans for Guard and Reservist Act. This legislation expands the existing eligibility to the VA Home Loan program and corrects gaps identified in Public Law 116-315, which expanded the VA Home Loan program eligibility to National Guard servicemembers who perform full time National Guard duty for at least 90 days, of which 30 were consecutive.

The draft bill to make improvements to certain programs for a member nearing separation or for a veteran who recently separated from service is mostly supported by DAV. We have concerns with a section that deals with no members shall be provided with their DD-214 until they have completed their preseparation counseling. Besides the noted exceptions listed in the draft bill, it is not clear how the program would handle a situation that is beyond the servicemember's control that would prevent them from finishing their required counseling. As such, it appears this legislation would punish the servicemember by not allowing them to receive their DD-214 in a timely manner.

Finally, Mr. Chairman, H.R. 7653 would change the language in the statute from employment handicap to employment barrier. Words matter, and the word handicap has been perceived to have a negative connotation. Word choices can either make people feel included or excluded depending on the situation. Word choices can either uplift or demean differences or sustain or disperse stereotypes about persons with disabilities.

According to the National Education Association, we should be conscious of antiquated words that have negative connotations for people with disabilities. Advocates of person first language believe that a person with disabilities is an individual first and should not be identified by their disability. DAV supports this change in the terminology in the statute and believe it encompasses VA's VR&E programs and removes obstacles for employment. Words matter.

This concludes my testimony, and I am happy to answer any questions you or members of the subcommittee may have.

[THE PREPARED STATEMENT OF MARQUIS BAREFIELD APPEARS IN THE APPENDIX]

Mr. VAN ORDEN. Thank you, Mr. Barefield. I appreciate it. Mr. Barefield's written statement will be entered into the record. By the way, I have a good family friend. Their name, Marquez. That is how they pronounce your name, so please forgive me, Marquis. I appreciate that greatly.

Now we are going to proceed to questioning. We are supposed to have one more witness, Mr. Santo. Is it Mr. Santo or Mr. Santos?

Ms. BULLOCK-POTTINGA. I am witnessing in his place.

Mr. VAN ORDEN. Yes, I understand he has a family emergency and I hope that everything is going Okay. Please, will you just follow up with the subcommittee staff so we know he is all right and his family is Okay?

Ms. BULLOCK-POTTINGA. Yes, absolutely will do.

Mr. VAN ORDEN. It is not a personal thing. I think we need to take a little time to take care of each other.

Ms. BULLOCK-POTTINGA. Yes, agreed.

Mr. VAN ORDEN. I appreciate that greatly.

The chair now recognizes myself for 5 minutes.

Okay, Ms. Keenan and Mr. Barefield you both brought up issues with the DD-214. I am going to start with you, Ms. Keenan. What do you think the gripe is with the DOD? Why they do not want to issue these DD-214s in a timely manner?

Ms. KEENAN. I cannot speak for them, so I am not sure why. I guess our main concern is holding chain of command and commanders accountable. I think that is what we want to try to achieve. You know, we are just saying we are a little concerned that servicemembers could get caught up in trying to enforce the transition. I think we want every service member to go through TAP, go through the transition properly. Any way that we can work together to try to achieve that, we are definitely willing to do.

Mr. VAN ORDEN. Very well. Mr. Barefield, were you in the service?

Mr. BAREFIELD. Yes, United States army.

Mr. VAN ORDEN. Okay. In the Navy we have got a term, it is called "scuttlebutt." It is a water cooler. That is what I was asking, Ms. Keenan. Have you heard any scuttlebutt about why the DOD would not want to do this? Have you heard any, Mr. Barefield?

Mr. BAREFIELD. No, not at this time. I have not heard anything about it.

Mr. VAN ORDEN. Okay. Well, I will tell you what. We are going to try to make them do this because that is just silly. Our veterans are waiting, and it is true our active and reserve folks, they are on, they are off. They are on, they are off. To have them sitting around waiting for a piece of paperwork so they can get a home loan or whatever it is, that is just dumb. I am sure that the ranking member and I agree on that.

We do have an issue with TAP, and that is under this committee's purview. As you articulated, Ms. Keenan, I think it is very clever the first 12 to 24 months is when our veterans wind up committing suicide, and because they do not understand what is going on and we are not equipping them well enough. I want to have language written in for accountability. It is not the first line supervisor. That is what they call them in the Air Force, I think it is

so funny. They have career fields and dormitories as opposed to jobs and barracks. Just throwing that out there, Air Force folks.

This needs to be part of an OER, which is an officer's evaluation or a FitRep, that is in the Navy. I want to hold commanding officers accountable for their troops going to TAP, and we are going to try to figure out how to do that. That is under the purview of House Armed Services Committee (HASC). Until someone is held accountable, and until an officer, not a Non-Commissioned Officer (NCO), until an officer does not get promoted because their people did not go to TAPs, nothing is going to change. That is from personal experience. I was in for 26 years, and you can throw a bunch of enlisted people in a woodchipper and they are just going to give you another enlisted person to throw in the woodchipper, until our officers start getting held accountable. It is not going to change.

Mr. JOHN, what is the average cost to get somebody qualified to fly an airplane?

Mr. JOHN. Today, from 0 hours, no experience, through commercial and flight instructor license is about \$85 to \$90,000.

Mr. VAN ORDEN. Okay, so for essentially \$90,000, we can get someone like me. I mean, dear God, hopefully they are younger than me. You do not want me flying a plane. Just throwing that out there. You can get somebody that gets out of the service, and for about \$90,000, you can get them instrument rated, multi-engine rated, and they can start at a regional airline working in what period of time?

Mr. JOHN. About 12 to 24 months. Within 24 months of the day you start training, you could be at airline.

Mr. VAN ORDEN. That is just tuition. That is not tuition and housing and all that?

Mr. JOHN. That is correct, that is just tuition.

Mr. VAN ORDEN. All right, let us do the math on this to make sure that we get this right, because you are right. I do not want people taking advantage of this. We do have a finite amount of money to deal with, and I want to make sure it is focused. I appreciate that, and I would hope that everyone would support that, making sure that we have this geared, and as long as it is tied to inflation and all the rest of the stuff that is written in the bill.

By the way, I read everybody's testimony thoroughly, and it is very good. Those are all the questions I have. In accordance with committee rule 5(e), I ask unanimous consent that my good friend, the representative from North Carolina, Mr. Davis, be permitted to participate in today's subcommittee. Hearing no objection, we will proceed.

I now yield back and recognize Ranking Member Levin for 5 minutes for his questions.

Mr. LEVIN. Thank you, Mr. Chairman. Mr. Schwartzman, good to see you. You stated in your testimony that you believe there are issues with the current construction of TAP, especially for reserve component servicemembers, and I completely agree with that.

For example, while I understand the frustrations that led to the proposal before us to allow Guard and Reserve servicemembers to waive out of TAP if they have taken TAP courses recently. I do not think it addresses the underlying problem, which is that the cur-

rent TAP curriculum is not tailored to reservists. What can Congress do to address this?

Mr. SCHWARTZMAN. Thank you very much, Ranking Member Levin. Let me also just say thank you for your long standing leadership on the Guard and Reserve GI Bill Parity Act, ensuring that every day in uniform counts toward eligibility. As I stated in my oral remarks, and as I detail further in my written statement, there are five steps that Congress can take to improve the Transition Assistance Program as currently constructed.

The first, is amend the eligibility criteria to participate in TAP. Right now, the requirement is that servicemembers spend 180 consecutive days on Active Duty to qualify for participation. Unfortunately for members of the Reserve and Guard, they may be left behind with that requirement. ROA recommends amending that to provide servicemembers with the ability to participate if they spend 180 days cumulative of active service, which would also include drill weekends and Active Duty Training (ADT) as well.

The second, would be to provide those reserve component members who may be taking TAP multiple times with diminishing returns the opportunity to waive their mandatory TAP requirements. Although ROA does believe it is important to first ensure that the member and their spouse are properly educated on any of the changes in TAPs elements that may have occurred in the preceding period before following through on such a waiver request. We also feel that consideration ought to be granted for not providing that waiver in the instance of an anticipated or unanticipated retirement or separation from service.

The third step that can be taken is to add reserve component specific matters to the TAP pre-separation checklist. We have detailed these further in our written statement. One example would include information, advice, and counsel for how those reserve component members can receive separation of service documentation, and then properly utilize that documentation in order to ensure they have the best position possible to obtain those service earned benefits.

Mr. LEVIN. If you could briefly summarize four and five.

Mr. SCHWARTZMAN. Establish a reserve component curriculum within TAP, so a separate program entirely, but also ensuring that those members meet those needs. Then the fifth is going to be to integrate military spouses into the service spouses TAP process entirely. Those are the plans.

Mr. LEVIN. Appreciate that. During our subcommittee's hearing on transition in May, we discussed the disconnect between DOD's mission statement and its authority over TAP. Sadly, this disconnect has meant TAP is not prioritized by those with the power to improve it, and while our committee stands ready and is eager to tackle these issues as our primary responsibility is to care for those who have served. TAP is largely outside of our jurisdiction, and you have heard the chairman's frustration, and I have shared that frustration over the years with the lack of interest or focus at DOD on TAP.

My question for you, Mr. Schwartzman, would you be in support of moving the jurisdiction of transition to House Veterans' Affairs Committee (HVAC)?



Mr. SCHWARTZMAN. Unfortunately, Ranking Member Levin, ROA does not have a resolution specific to that. If I were to ask my members if they would be supportive of that, what I would offer is this. Long as that was in accordance with the constitution, so long as it is in accordance with the standing rules and parliamentary procedure of the House, and so long as that would lead to a more expedient passage of the proposals we are asking for, then, yes, we would be in support of moving that jurisdiction. We will work with anyone.

Mr. LEVIN. Do you, in your professional assessment, believe that, in fact, moving the jurisdiction would be in accordance with those criteria you just laid out?

Mr. SCHWARTZMAN. Unfortunately, I cannot answer that question with finality. I would have to go back and check the rules a little bit more.

Mr. LEVIN. Well, what is your gut tell you?

Mr. SCHWARTZMAN. My gut tells me yes.

Mr. LEVIN. Excellent answer. Thank you, appreciate that. With the time I have left, Ms. Keenan, I will turn to you. Not to embarrass you, but I was told by staff, your parents are in the audience, and I hope that you are as proud of Ms. Keenan as we are grateful to work with her. The Isakson and Roe Act extended VA work-study to specific activities in the Offices of Members of Congress, but there are some limitations there. One limitation is that, as written, these activities would not be permitted in member offices. Would you expand to member offices as well?

Mr. VAN ORDEN. The gentleman's time has expired. If you would like to do—

Mr. LEVIN. Yes or no? Yes or no? Then I am done.

Ms. KEENAN. We would be open to that, yes.

Mr. LEVIN. You would open to that. Excellent. Yield back.

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

The chair now recognizes my great friend from Kentucky, Mr. Morgan McGarvey, for 5 minutes.

Mr. MCGARVEY. Thank you, Mr. Chairman, and thank all of you guys for your testimony. I am really glad we get to dive a little deeper into these issues today, and I am happy to see that most of them are strong bipartisan bills that we can just polish a little bit here in this committee. I am also grateful that two of the bills I am co-leading with Chairman Van Orden and Rep. Kean are included in today's hearing.

I wanted to focus on the discussion draft of the TAP reform bill, because I really want to make sure we get this one right. I think I speak for a lot of my colleagues, and they have spoken for themselves today, this is one where we do have some concern. There are some major areas for improvement within the Transition Assistance Program, and we need to make sure that TAP is accomplishing its mission, that it is not just death by PowerPoint. I appreciate the focus on TAP with this bill, but I want to guarantee that any version that makes it to markup seriously takes into consideration the views of the VSOs and is truly a comprehensive reform that works in tandem with the House Armed Services Committee to ensure smooth passage.

Deciding if and how to pursue education is a huge part of any veteran's transition. We know that the Post-9/11 cohort is quickly becoming the largest and most educated veteran demographic in the United States. Yet the TAP reform bill in its current form does not touch much on this subject. Mr. Barefield, what educational elements would you suggest adding to the TAP reform bill? Have your members expressed particular concerns or items they would like to see in TAP regarding their GI Bill education benefits and what their options are?

Mr. BAREFIELD. Thank you for the question. When it comes down to education and the TAP program, our members would like to have someone be able to fully explain to them in a timely fashion what their education benefits would be and how they could utilize them to the best of their ability. Like you said, death by PowerPoint. The TAP program, as it is right now, does not have enough timeframe to adequately give that information. We would like to see that education piece expanded just a little bit more where they will be able to have a full discussion of all their education benefits and how they could utilize them to the best of their ability.

Mr. MCGARVEY. Thank you. Mr. Schwartzman, with the unique position of your members, what are you hearing from those who went through TAP or who will go through TAP regarding their education and what are the biggest gaps in information for their education options?

Mr. SCHWARTZMAN. Thank you very much. What I am hearing from my members is that the biggest challenge is in the presentation not accounting for those distinctions, those differences that may negatively impact our members in relation to accessing their service earned benefits. For example, there is a complicated line of duty determination process that the member must go through in order to qualify for certain service earned benefits through the VA. That is just one example. What we are hearing from those that do qualify, we are also hearing from members that unfortunately do not qualify, is that the curriculum just is not tailored to their needs.

Mr. MCGARVEY. Thank you very much. I appreciate those. Mr. Chairman, I will yield back.

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

The chair now recognizes the gentlelady from Illinois, Ms. Ramirez, for 5 minutes.

Ms. RAMIREZ. Thank you so much, Mr. Chairman. First, let me start by thanking every one of you that is here today, and everyone also that has been listening to the hearing today. It is really, really great to be able to hear from you and the ways that you continue to do the work to support our veterans and certainly our servicemembers as well.

When I came to this committee, it was my goal that every veteran had access to benefits they rightfully earned. That was a priority for me and continues to be. At the same time, it was important that I was also advocating for policies that protect veterans from being defrauded or exploited by bad-actors. It is why I was so proud that my bill, H.R. 1767, the Student Veteran Benefits

Restoration Act, passed through this committee with bipartisan support, something we do not do much in this Congress.

This bill would restore the GI Bill benefits of student veterans who are wrongfully defrauded by for profit colleges and universities. I know, as you do, that education is one of the many pathways toward self improvement, toward self-sufficiency, and it provides communities the opportunity to better their lives economically, socially, and professionally. Access to a quality education is one of the promises we made to our veterans, and we have to deliver.

Today, we have been discussing another restoration bill, and while I am in support of any policy that protects our veterans and helps improve their lives, we also have to make sure we are not short-changing progress for our veterans by advocating for smaller reforms.

That said, I have just a couple of questions I want to ask in the time that I have. Some of these are yes or no. For each of the witnesses here, could you answer the following questions with a yes or a no? We are considering another restoration bill today. Would this bill help students in the Department of Justice brings action against a fraudulent school? Mr. Marquis.

Mr. BAREFIELD. Can you repeat the question, ma'am?

Ms. RAMIREZ. My question is the bill that we are actually taking up now, the other version of my bill, would that bill help students when the Department of Justice brings action against a fraudulent school?

Mr. BAREFIELD. Yes.

Ms. KEENAN. Yes, it would.

Mr. SCHWARTZMAN. Yes, it would.

Mr. JOHN. I do not have knowledge of that, so I do not know that I can answer.

Ms. BULLOCK-POTTINGA. I am the same. I would have to look more into that before answering. Thank you.

Ms. RAMIREZ. Actually, the version that we have will not be able to bring justice against fraudulent schools in the way that the bill that we passed out of here was doing. Thank you for your answers. I know you have seen a lot of bills.

Let me answer another one for you here. The bill that we have now will not be able to give state approving agency acts to fraudulent schools. The question I have is, is it reasonable to say that while the bill we are discussing today makes good change, this bill is less comprehensive than my bill, which this committee marked up and passed unanimously back in July? I would like to ask this question to Ms. Keenan.

Ms. KEENAN. Thank you for the question. The VFW supports both bills. Whether passing them individually or combining them into a larger bill, what we really want to do is protect servicemembers, protect veterans and their benefits. We do not want them penalized if a school is acting badly. We think, you know, using provisions within both would give a wider range of protections against schools that commit fraud.

Ms. RAMIREZ. Last, any witness can answer this. Should not we prioritize bipartisan, bicameral solutions to ensure veterans receive

the restitution they deserve for education fraud? Mr. John, Ms. Keenan, any of you can answer.

Mr. JOHN. Perhaps within the scope of this committee, given the chairman's opening remarks, I would offer we should endorse non-partisan reconciliation of the differences.

Ms. RAMIREZ. We should prioritize bipartisan bicameral solutions to ensure that our veterans receive the restitution they deserve for education fraud. Thank you so much. I just want to put for the record that this is one of the committees where we actually pass bipartisan legislation. I look forward to working with Chairman Van Orden to make sure that we provide the absolute most support and protection for our student veterans.

With that, I yield back.

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

The chair now recognizes my great friend from North Carolina, the honorable Mr. Davis, for 5 minutes. Welcome aboard.

Mr. DAVIS. Thank you so much, Chairman Van Orden, to Ranking Member Levin. I really count it an honor to be here today and to appear at this hearing held by the House Veteran Affairs Subcommittee on Economic Opportunity.

Before I go any further, I would like to just pause here as I see the representatives of VFW, our Disabled American Veterans, as well as Hire Heroes USA, and all those in the audience, thank you, for those who have served our country, that has worn the uniform, and those who have sacrificed. To all veterans and especially our disabled veterans, I salute you and thank you again.

As we come before you today, I wish to speak in particular in support of bipartisan legislation that I introduced last week with my colleague and House Veterans Armed Services Committee member, Mr. Juan Ciscomani from Arizona. North Carolina's first district is the home of 46,000 veterans who we are fighting for every single day. H.R. 7653 is the 7th Veterans affairs related bill that I have personally worked on and sponsored in the 118 Congress. This piece of legislation will make a technical fix to the Veteran Readiness and Employment program to replace the term, as we mentioned, employment handicap with employment barrier, and the term serious employment handicap with serious employment barrier.

While leaving the definitions unchanged, the word handicap is outdated and it does not adequately represent veterans. Our disabled vets have given life, limbs, to preserve our most cherished freedoms, and I believe we must do everything to return dignity and respect to them. In any contact with the VA, we must ensure they feel represented and heard. VA services must not only remain available, they must be accessible, and to all our heroes who have once worn the uniform of our Nation. For those who have provided incredible service to our country, they deserve in return quality service that considers them. As it was said, and I add, words indeed matter.

Thank you so much for being here today. I come to join my colleagues to urge support for H.R. 7653. May God bless each and every one of you as you are advocating every single day for those who served our country. May God continue to bless this subcommittee. Thank you, Mr. Chair, for allowing this opportunity. I

would like to in particular, also thank Mr. Ciscomani for helping and lead the way on this.

Mr. VAN ORDEN. Mr. Davis, you are always welcome here. You were not here earlier, but the ranking member and I decided to give people read onto the committee gift bags in the future. Come back. That is all I am saying. Very well.

I want to thank everybody for attending this hearing. I appreciate the discussion today on these bills, and a lot of them need improvement, and that is good. That is why we do these things. This does provide a way for us to get feedback from people that are affected by these and whose vocation really is to protect our veterans. I appreciate everybody for that. I thank the members of the staff, the subcommittees. I think you guys are working very well together, and I know Mike and I have had discussions about this. We are very thankful for that. That you guys are putting aside partisan crap and just focusing on the veterans. That is very impressive. I really like to see that.

I just want to have a couple closing remarks. Mr. Schwartzman do not let perfect be the enemy of great. When I read your 14 pages of testimony here, you know what? I am just going to give you some encouragement, make it eight pages of stuff that is much more hyper focused. When we get down so far in the granular level, you are weighing down the ability of these subcommittee staff to actually get to what is really pertinent, and the stuff you are saying is pertinent. I think that if we really look at that sort of stuff, we are going to see that we could have put a bunch of that aside and really get something great going because nothing is ever going to be perfect. I have only been in Congress for a little bit and figured that out within 4 seconds.

During the TAP process, I want to make sure that we are holding individual people accountable. The Army, the Navy, the Air Force, the DOD, the VA, those are not individuals. Those are organizations. Until, again, we hold commissioned officers directly responsible on their FitReps or OERs for their promotion or transfer their servicemen and—women are not going to TAP until they are held personally accountable with a big red check mark on that evaluation form, nothing is going to change.

On that note, the Department of Defense show up. I am going to speak directly to the Secretary of Defense again. Mr. Austin, show up, so we know what is important to you by giving the one thing back that you can never or giving the one thing that you can never get back, and that is your time. Again, you have over 2 million servicemen and—women that are underneath your purview, and you could send one person here to show these veterans that you actually care about them and the Active Duty servicemen and—women that you actually care about them. I am sick and tired of getting lip service from the Department of Defense about our veterans. It has been statistically proven that providing a good transition and off ramp to the civilian community does not encourage people getting out of the military earlier. Knock it off and show up, Mr. Secretary.

You know what? I am going to give you an invitation right now, Secretary Austin. Mr. Levin, you okay with this?

Mr. LEVIN. Yes.

Mr. VAN ORDEN. Good. The ranking member and I would like to extend a formal invitation to the Secretary of Defense to take one of those chairs and explain to us why apparently, he does not care enough about the Transition Assistance Program to send at least one of his subordinates.

With that, that ends my comments. I now yield to Ranking Member Levin for his closing statements.

Mr. LEVIN. Well, I appreciate everybody's hard work. I share the chairman's frustration that we have not gotten the time and attention of DOD on TAP, and I have been at this now for 5 years. We keep at it, though, and we just have to continue to collectively request their participation. We all have our different communication styles, but I certainly share the sentiment. I just want to thank all of our VSOs, again, for their tireless dedication and for their collaboration. I also share the chairman's thoughts around staff working together in a productive manner. That is critically important. We have to keep that up. As I said at the outset, the time is running short this Congress before it becomes a silly election season again. We have got to get everything done we can as quickly as we can.

With that, Mr. Chairman, yield back.

Mr. VAN ORDEN. Thank you, Ranking Member Levin. Again, thank you all for your participation today in this hearing. I have received a number of statements for the record which will be submitted, again, for the record, as long as they meet submission requirements.

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

[Whereupon, at 12:31 p.m., the subcommittee was adjourned.]



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

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## PREPARED STATEMENTS OF WITNESSES

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### Prepared Statement of Melissa Cohen

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 Department of Veterans Affairs (VA) programs and services. Joining me today is Mr. Nathan Sanfilippo, Executive Director of Multichannel Technology at the Veterans Experience Office; Mr. Garth Miller, Executive Director of Member Services at the Veterans Health Administration; and Mr. Thomas Alphonso, Assistant Director of Education Service at the Veterans Benefits Administration (VBA).

#### **H.R. 6656 “Stuck on Hold Act”**

Section 2(a)(1) of this bill would require VA, for each VA customer service telephone line, to implement an automated system that informs callers about the anticipated wait time and automatically offers a callback to any caller with an anticipated wait time of more than 15 minutes. Section 2(a)(2) would require VA to issue guidance as necessary to reduce the average wait time of callers to VA customer service telephone lines to not more than 15 minutes. This section would also require all calls to be answered in the order in which they are received.

**VA does not support this bill.** VA provides superior customer service for Veterans and other stakeholders; and, currently, for all major VA contact centers, average wait times are less than 15 minutes, with some significantly less than 15 minutes. VA does not support section 2(a)(1) as callback systems are already available, and legislative authority is not required to obtain this functionality. Furthermore, for certain contact centers that use them, VA callback systems are activated for callers for wait time thresholds under 15 minutes.

VA's Enterprise Contact Center Council (ECCC) was established in 2018 to improve contact center customer experience with participation from 22 VA single-lead contact centers. The ECCC is responsible for VA contact center modernization, developing capabilities to enhance touchpoints with Service members, Veterans, their families, caregivers, and survivors. VA contact center modernization and enhancement continues to be a multi-year journey, and the ECCC evolves as we move forward in these efforts. In Fiscal Year 2023, VA contact centers answered nearly 60 million calls with 77 percent of customers satisfied with the experience.

VA does not support section 2(a)(2), as the section would require VA to issue guidance necessary to reduce the average wait time of callers to not more than 15 minutes. As previously mentioned, all major VA contact centers have wait times less than 15 minutes, with some significantly less. Therefore, changes to contact center guidance aren't necessary and would not significantly impact wait times. Creating a meaningful impact on wait times would require additional resources to hire more contact center representatives. To do so, VA would require additional funding.

Section 2(a)(2) would also require all calls to be answered in the order in which they are received. VA currently provides preferential queuing for certain call types, such as survivors or Veterans in crisis, to service callers needing a quicker or more sensitive level of customer service. Under this bill, VA would not be able to provide preferential queuing to these vulnerable stakeholders.

Mandatory and discretionary costing have not been evaluated as VA does not support the draft legislation.

#### **H.R. 7323 (Disapproval of Courses Due to a Public Institution of Higher Learning Not Charging In-State Tuition to In-State Veterans)**

Under current law, VA must disapprove a course of education provided by a public institution of higher learning if the institution does not charge in-state tuition and fees for in-state “covered individuals.” “Covered individuals” include beneficiaries under 38 U.S.C. chapters 30, 31, 33, and 35. This bill would amend 38 U.S.C. § 3679(c) to include as “covered individuals” beneficiaries receiving edu-

cational assistance under the Selected Reserve Service Program pursuant to 10 U.S.C. chapter 1606.

The amendments would take effect on the date of the bill's enactment and would apply with respect to an academic period that begins on or after August 1, 2024.

**VA supports this bill.** This bill would allow chapter 1606 beneficiaries to receive the same protections under the law as beneficiaries who receive benefits under other VA educational programs.

No mandatory or discretionary costs are associated with this bill.

#### **H.R. XXXX “Fair Access to Co-ops for Veterans Act of 2024”**

The bill would amend 38 U.S.C. § 3710(a)(12) to reauthorize VA to guarantee certain loans for the purchase of stock or membership in a cooperative housing (co-op) corporation. The bill would also revise section 3710(h) so that VA could not guarantee a co-op loan until after the Secretary prescribes regulations setting forth requirements for underwriting, loan processing, project standards, share eligibility, valuation, and other criteria the Secretary determines necessary. Revised subsection (h) would additionally require the Secretary to ensure that such regulations are consistent, to the extent the Secretary determines suitable, with Federal National Mortgage Association (Fannie Mae) requirements for the purchase or securitization of co-op loans.

The bill would amend 38 U.S.C. § 3729(b) to require Veterans to pay a fee of 2.03 percent of the total loan amount for any cooperative loan, including an assumption of a cooperative loan, in addition to the statutory loan fee required under the same section. The bill would also require VA to use existing authority under 38 U.S.C. § 532 to advertise the availability of VA-guaranteed co-op loans. Last, the bill would allow VA to issue guidance implementing the new authority prior to the agency's promulgation of regulations.

**VA would support this bill, if amended.** VA supports the opportunity for VA to begin guaranteeing co-op loans for Veterans. VA also believes the Fair Access to Co-Ops for Veterans Act of 2024 could provide a good start toward that opportunity; however, there are several amendments that must be made before VA could implement the program successfully, and this testimony highlights a number of them. VA would also need resources to overcome operational challenges to success. Consequently, while VA applauds the bill as a good starting point, VA could support the bill if it were amended and supported with appropriations and if Congress identified offsets to the new benefits costs and administrative costs.

Perhaps the most significant concern is that the bill would not give Veterans access to enough funding for the benefit to be of much help, if any. This is because the bill would keep intact 38 U.S.C. § 3703(a)(1)(A)(iv), which allows VA to guarantee a loan exceeding \$144,000, but that currently excludes co-op loans. By leaving the provision unchanged, co-op loans would effectively be capped at \$144,000. This conflict alone would make the benefit unusable for most co-op purchases.

VA is also concerned about a potential statutory conflict relating to lien priority. Section 3703(d)(3) requires that, for the most part, VA-guaranteed loans are to be secured by a first lien on the realty. But a borrower in a co-op receives shares in a corporation (and a right to occupy a specific unit), not a title to realty, meaning VA's guaranteed loan would not be secured by the realty itself and, as a result, could not be secured by a first lien against it. In short, compliance with the plain language is not possible. Even if VA were to consider the interest in the shares as tantamount to a lien on the realty, Veterans would still be unable to meet the requirement in many situations. This is because inferior lien positions are not uncommon among co-op loans. Instead, co-op projects are often subject to outstanding liens that take priority over the individual shareholder's. Thus, if Congress intends for VA to assume the risk of guaranteeing an inferior lien—which is a prospect VA could support in cases where the project can demonstrate a strong enough financial undergirding—VA believes a statutory change would be necessary.

It is also uncertain whether the occupancy requirements of 38 U.S.C. § 3704(c) or the statutory loan assumption requirements of 38 U.S.C. § 3714 would be enforceable for co-op loans. Those sections apply to “residential property.” VA is concerned that the plain language term “residential property” could be read to exclude shares in a corporation, creating a loophole for the purchase of investment properties or for circumventing assumption processing.

Another uncertainty relates to refinances. VA supports the bill's authorization of purchases only, rather than further expanding to include refinances. VA believes the focus should be on developing a viable co-op purchase program before adding extra layers of complexity. Nevertheless, the only way to ensure against legal challenges for VA following the law (i.e., for VA refusing to guarantee a refinance of a co-op

loan) would be to insert a provision specifically excepting co-op loans from qualifying for refinance.

Another issue requiring detailed attention involves procedures around loan termination. The bill does not direct VA how to handle complications that could arise from a default on a guaranteed co-op loan. Generally, under 38 U.S.C. § 3732, holders that foreclose VA-guaranteed loans have a statutory option to convey the liquidated property to the Secretary, post-foreclosure, in exchange for VA's "net value" payment. However, with co-op loans, borrowers typically receive an ownership share of the corporate entity, not a title interest in a particular housing unit. VA is uncertain how the liquidation, possession, and resale of the fractional corporate shares would fit within section 3732's prescribed procedures on default. At a more fundamental level, VA does not support the concept of the Secretary becoming a shareholder in co-op housing projects. There are several reasons for VA's position, not least of which is that the Secretary is an officer of the United States, but serving as a shareholder in a cooperative housing unit could lead to conflicts with that role. Therefore, VA believes it is essential to craft a unique loan termination procedure specifically for co-op loans.

Relatedly, the bill does not address default by the corporate entity when the co-op project becomes insolvent or is dissolved due to no fault of the Veteran. For example, the bill provides no authority to help a Veteran whose shares have been significantly devalued through the corporation's bankruptcy or who lives in a co-op project that is foreclosed. VA is concerned that the current statutory authority does not offer the right tools to help Veterans who find themselves in such a situation. VA has not had time to fully analyze how to address these sorts of circumstances and believes that consulting experts in the co-op industry is necessary.

A final legal concern for VA is the potential shortage of liquidity for the program. While this bill would reauthorize VA-guaranteed co-op loans, the availability of loans to Veterans would depend heavily on the willingness of private lenders to make them. In large part, cashflows for lenders that originate VA-guaranteed loans derive from investors in mortgage-backed securities (MBS). The Government National Mortgage Association (Ginnie Mae) is the principal entity that pools VA-guaranteed loans into MBS. It is VA's understanding that, presently, Ginnie Mae accepts only certain co-ops, i.e., Federal Housing Administration co-op loans, into MBS. Therefore, VA recommends consulting Ginnie Mae to address any changes they may see as necessary for the authorization of VA-guaranteed co-op loans. Otherwise, without a clear investment vehicle for the loans, and given the complexities of co-op lending, VA anticipates lender participation may be low.

Co-op share purchase loans present a unique ownership framework as compared to the more traditional ownership and housing credit transactions VA currently oversees in its housing loan program. Given that VA has not had authority to guarantee co-op loans for over a decade and there have been significant changes in the housing market since 2011, VA does not have personnel with the expertise needed to implement this legislation. VA anticipates needing to hire at least 11 full-time employees, all of whom would need experience and expertise, to help VA establish and maintain a world-class co-op housing loan program for Veterans.

VA readily acknowledges that the list of statutory challenges is long and complex, but VA is committed to working with Congress and co-op housing stakeholders to ensure a viable co-op loan program. It is for this same reason—that is, to ensure a viable program for Veterans—that VA must also emphasize the importance of Congress providing the agency with the adequate administrative resources. Success depends on it.

VA estimates new benefits costs of \$5,000 in the first year, \$15,000 over 5 years, and \$80,000 over 10 years. VA also estimates \$2 million in new administrative costs in the first year, \$11.4 million over 5 years, and \$24.8 million over 10 years.

#### **H.R. XXXX "Combat Veterans Pre-Enrollment Act of 2024"**

This bill would require VA to establish a pilot program that would permit certain members of the Armed Forces to pre-enroll in VA's health care enrollment system.

Section 2(a) of the bill would require VA, by January 1, 2025, to establish a program to carry out, to the maximum extent practicable, all activities necessary to permit a member of the Armed Forces described in subsection (b) to enroll in VA health care on the date of separation of the member.

Section 2(b) would define as eligible members of the Armed Forces those who: (1) are performing active service; (2) served on active duty in a theater of combat operations or in combat against a hostile force during a period of hostilities after November 11, 1998; and (3) would be eligible for enrollment in VA health care on the date of the separation of such member.

Section 2(c) would require VA, in conjunction with the Department of Defense (DoD) and the Department of Homeland Security (DHS), to establish a mechanism to permit a member of the Armed Forces to elect to participate in the pre-enrollment program during the 180-day period that precedes the date of separation of the member from active service. Within 180 days of the date of enactment, and annually thereafter, the VA-DoD Joint Executive Committee would be required to submit to Congress a briefing on the efforts of VA and DoD to implement the mechanism described above.

Section 2(d) would require VA to submit an annual report to Congress that includes information on the results of this program, including demographic data of participants.

Section 2(e) would require the Comptroller General to submit to Congress an analysis of the effectiveness of this program and recommendations with respect to methods to improve such program.

Section 2(f) would provide that the authority to carry out the program described in subsection (a) ends on the date that is 3 years after the date of the enactment of this Act.

**VA does not support this bill.** VA fully supports the intent of this legislation and is working in a number of ways that would complement or exceed the requirements of this bill, but VA does not believe this legislation is necessary as it would provide no new authority in this area.

Currently, there are 43 VA Liaisons for Healthcare located at DoD installations and Military Treatment Facilities (MTF). In addition, there are 5 Regional VA Liaisons for Healthcare who provide virtual services to all other DoD installations and MTFs. The VA Liaisons support pre-enrollment for transitioning Service members by coordinating their transition of health care from DoD to VA and facilitating access to VA care. The VA Liaisons, who are nurses and social workers, educate Service members and their families about VA health care with a focus on their specialized care needs. They also connect Service members with their home VA health care facility prior to discharge from the military. VA Liaisons for Healthcare coordinate Service members' initial VA health care registration with their home VA facility and secure health care appointments prior to military discharge. Active-duty Service members who are not yet eligible for enrollment into the Patient Enrollment System can be registered into the Patient Enrollment System, and VA can proactively schedule appointments pending enrollment once the Service member is issued a Certificate of Release or Discharge from Active Duty (DD Form 214) and VA verifies Veteran status. Engaging with transitioning Service members while they are still on active-duty status reduces the gap between DoD and VA immediately post-service and limits the potential for disruptions or lapses in care. Most of VA's efforts are focused on Service members who have known health conditions that will require ongoing health care; these individuals may have been injured or incurred an illness or disability during service, and such conditions could have manifested outside of combat situations. In this regard, the bill's focus on only combat Veterans would be narrower than VA's current efforts. VA Liaisons for Healthcare also work with the Transition Assistance Program (TAP) and with VBA outreach experts to facilitate these transitioning Service members in applying for both health care and benefits.

Additionally, VA has already established mechanisms with several of the branches of the Armed Forces to facilitate transmission of discharge documents (specifically, the DD Form 214) that establish a Veteran's qualifications and military history; this information is necessary to processing enrollment applications by ensuring that former Service members meet the threshold eligibility criteria (such as a qualifying discharge under 38 U.S.C. § 5303 and minimum duty requirements under 38 U.S.C. § 5303A).

While there are fewer members of the Coast Guard who qualify for VA health care based on combat status, the Regional VA Liaisons for Healthcare that serve smaller DoD sites also serve Coast Guard locations to provide a comprehensive transition into VA health care.

We note that under section 111 of the Honoring our Promise to Address Comprehensive Toxics Act of 2022 (Pub. L. No. 117-168), combat Veterans now have 10 years from the date of separation or discharge to qualify for VA health care under 38 U.S.C. § 1710(e)(1)(D). This bill would seemingly further enhance this benefit by facilitating a quicker enrollment process for these separating Service members.

VA has concerns with the timelines set forth in this bill. Initially, it is not clear that VA could establish all of the mechanisms required by January 1, 2025. Additionally, it is not clear that VA could enroll every Veteran on the date of discharge or release, as there could be delays in the receipt of key documents (such as the DD Form 214), or such documents may be submitted too late in the day for VA to process them on the same day. Delays with instances where the Service member's

character of discharge requires adjudication by the Veterans Benefits Administration (VBA). VA recommends the bill be amended to provide further flexibility in this regard.

VA does not believe the bill would result in a material change in enrollment or utilization rates given current efforts to enroll transitioning Service members. However, VA would require additional staff and resources to facilitate this type of engagement for all separating Service members and to provide the reports required by this bill. Mandatory and discretionary costing have not been evaluated as VA does not support the draft legislation.

#### **H.R. XXXX [Title 10 TAP Reform]**

Section 2(a)-(g), (i) and (n)(1) of this bill would require DoD to establish a pre-separation counseling program provided by a third party. **VA defers to DoD regarding these provisions.**

#### **VA cites concerns with sections 2(h), 2(k), 5, and 6 of this bill.**

Section 2(h) would require a presentation by a Veterans Service Organization that promotes VA benefits available to Veterans. This section would require VA to review and approve the presentation in advance. This section would also require the presentation to be presented by a national representative of a Veterans Service Organization (VSO) recognized under 38 U.S.C. § 5902. **VA cites concerns with section 2(h)**, which would create redundancy with the 1-day course already provided by VA as described below.

First, established in 1991, TAP consists of five core curricula shared among the interagency partners (VA, DoD, Department of Labor (DOL), and Small Business Administration (SBA)). These courses are developed and maintained through these partnerships to ensure continuity, consistency, and relevance while reducing redundancy for the transitioning Service members. VA, DoD, DOL, and SBA collaborate through an annual evaluation process by reviewing and approving the TAP curricula through the interagency governance structure. Each agency is responsible for the delivery or facilitation of its curriculum.

The 1-day VA Benefits and Services (BAS) course helps Service members and their families understand how to navigate the resources within VA, including how to access the benefits and services they have earned through their military careers. More specifically, the BAS course provides the skills, resources, and tools needed to support emotional and physical health, career readiness, and economic stability in civilian life.

Further, on January 2, 2024, VA launched VSO participation in the BAS course. VA-accredited VSO representatives play an integral role in assisting transitioning Service members and Veterans, as well as their spouses, families, and caregivers, throughout pivotal stages in their transition from military to civilian life. VA extended an invitation to VA-accredited VSO representatives working on or near military installations to directly connect with attendees during the structured 45-minute session at the end of VA TAP One-Day to:

- Highlight the value of using a VA-accredited VSO representative and how they can serve as a trusted advocate and resource before, during, and after their transition.
- Inform transitioning Service members that VA-accredited VSO representatives help ensure they have access to responsible and qualified representation during the VA benefits claims process.
- Remind transitioning Service members that VA-accredited VSO representatives provide services without charge and offer professional assistance to help transitioning Service members, Veterans and their families receive the benefits they have earned and deserve—health care, disability, employment, education, financial benefits, and more.
- Provide information on the unique programs and resources that are available from their respective VSO.

The goal of this collaborative effort is to educate, inform, and empower attendees by providing valuable VSO information and resources, fostering connections with VSOs, and increasing benefit utilization.

Section 2(j) would require DoD to transmit VA Service member information to include contact information. **VA defers to DoD.**

Section 2(k) would prohibit DoD from providing a DD Form 214 until the Service member receives the required pre-separation counseling. **VA cites concerns with this section.**

Proof of separation is required to apply for Veterans' Group Life Insurance (VGLI) or the Servicemembers' Group Life Insurance Disability Extension (SGLI DE). Separating members have 1 year and 120 days to apply for VGLI, but if they apply within the first 240 days after separation, they can be approved without answering any health questions. They can apply for the SGLI DE any time within 2 years following separation to receive a free extension of their Servicemembers' Group Life Insurance coverage for up to 2 years following separation. Given these deadlines to apply and understanding that there are extenuating circumstances that may prevent a member from receiving a pre-separation briefing, withholding the DD Form 214 could prevent a separating member from being able to obtain needed life insurance coverage because they are unable to provide proof of their separation from service.

DD Form 214 is often utilized by VA claims processors as a ready means to determine whether a former Service member is eligible for VA benefits. Former Service members may submit the DD Form 214 directly to VA for that purpose as a means of expediting their claims. VBA is concerned that withholding a DD Form 214 from former Service members who do not complete required pre-separation counseling may needlessly delay claims processing and could also impede automated claims processing efforts.

VA notes that the use of the term "provide" in section 2(k) allows for multiple interpretations. If a Service member did not complete required pre-separation counseling, it is unclear if the intent is for DoD to generate the DD Form 214 and withhold the Veteran copy from the Service member, or if the intent is for DoD not to generate a DD Form 214 and potentially maintain the Service member on active duty. If the intent is the former, VA notes that when a Service member separates from active duty, the Service Department provides a copy of the DD Form 214 to VA. As such, if a DD Form 214 is generated and provided to VA, Service members may request a copy of the form from VA. VA believes such a process may diminish any meaningful incentive withholding a DD Form 214 could provide to encourage Service members to receive pre-separation counseling. VA recommends adding clarity as to the intent of the provision. VA is also concerned that it may be an inefficient use of administrative resources and be disrespectful to Service members who were unable to avail themselves of pre-separation counseling due to extenuating circumstances.

Section 2(l) would require DOL, in consultation with VA, DoD, and DHS, to enter into contracts with public, private, and nonprofit entities under which such entities would provide individualized employment counseling for members of the Armed Forces and their spouses. **VA defers to DOL and DoD on this section.**

Section 2(m) would require DoD, in consultation with VA and DOL, to establish a curriculum based on TAP to support a pilot program for spouses of Service members. This section would require counseling under the pilot program. **VA notes that DoD has equities involved and recommend that the Committee solicit views from DoD.**

Separating members receive a significant amount of information about military and VA benefits at TAP briefings and having the spouse participate would help to ensure that both the member and spouse are aware of all the benefits and services available to them, particularly life insurance benefits which have strict deadlines to apply. VA anticipates additional resources would be required for implementation of this section and looks forward to working with Congress.

Section 2(n)(2) would require VA to submit a report on VSOs that presented, as would be required under section (h), the number of Service members who attended the presentations, and any recommendations regarding changes to the presentations. **VA has no objection to this section as it relates to VA reporting on VSO participation in our Benefits and Services Course.**

As stated above, VA has already approved and deployed a standardized VSO presentation into VA's BAS 1-day course. VA is already monitoring the program and looking for areas of opportunity for continuous improvement.

Section 3 would require the Comptroller General to conduct a study on the Skillbridge programs under 10 U.S.C. § 1143(e). **VA defers to DoD and the Government Accountability Office on this section.**

Section 4(a) would amend 38 U.S.C. § 4101 by including a Service member eligible for TAP in the definition of "eligible person" for purposes of chapter 41, which governs job counseling, training, and placement services for Veterans. Section 4(b) would amend 38 U.S.C. § 4103A(a)(1) by including Service members eligible for TAP as persons who may receive intensive services and placements from Disabled Veterans' Outreach Program specialists under chapter 41 to meet their employment needs. **VA has no objection to section 4.**

**VA does not support section 5.** Under current 38 U.S.C. § 6320(b)(1), VA Solid Start (VASS) employees conduct individualized conversations tailored to the needs

of recently separated Service members to increase awareness and utilization of VA benefits and services. VASS calls are not scripted and are driven solely by the needs of the individual at the time of each interaction. VASS employees have the necessary training and resources to provide information about all VA benefits to interested Veterans. If amended, section 5(b) of the bill would require the VASS program to provide TAP materials to all VASS-eligible individuals, regardless of their interest in the materials. This could overwhelm Veterans in their pursuit for specific, individualized information as TAP materials cover all VA benefits. VASS is designed to augment TAP by narrowing information specific to individuals after they have transitioned from active service by providing materials and electronic links specifically discussed during the one-on-one call between the VASS representative and the Veteran. This includes access to the online TAP curriculum, if appropriate or requested. This requirement would undermine the goal of a personalized experience.

Section 5(c) would require the VASS program to gather and analyze data assessing the effectiveness of TAP, a program for which it has no operational access or oversight. VA TAP already assesses the effectiveness of the VA TAP program and seeks opportunities for continuous improvement.

Section 6 would require VA to establish a pilot program that would permit certain members of the Armed Forces to pre-enroll in VA's healthcare enrollment system. This section is identical to the unnumbered bill discussed above titled "Combat Veterans Pre-Enrollment Act of 2024. As noted above regarding the "Combat Veterans Pre-Enrollment Act of 2024" bill, **VA does not support section 6 of this bill.**

#### **H.R. XXXX [Relating to Flight Training]**

This bill would amend 38 U.S.C. § 3313(g)(3)(C) to limit the amount of educational assistance payable for flight training under the Post-9/11 GI Bill. This bill would establish a \$100,000 maximum total amount payable for flight training fees for an individual first pursuing a flight training program offered by a public institution of higher learning (IHL) on or after August 1, 2025. For each fiscal year, the Secretary would have to provide a cost-of-living percentage increase in the maximum amount payable.

**VA would support this bill, if amended.** VA supports establishing a \$100,000 fee cap that is adjusted annually by the Consumer Price Index for flight training programs. This approach is consistent with VA's published Fiscal Year 2024 legislative proposal that aimed to prevent VA from providing unlimited amounts of payment for flight training at public schools. However, it is unclear whether the lifetime cap would apply to both degree and non-degree flight programs offered by public IHLs. Additionally, VA has concerns with the effective date, as implementation would require IT system changes and may significantly impact the timeline for full implementation of the Digital GI Bill initiative. VA welcomes the opportunity to work with the Committee to provide technical assistance to ensure that this bill meets its intended goal.

Mandatory savings to the Readjustment Benefits account are estimated to be \$0 in 2024, \$2.2 million over 5 years, and \$5.0 million over 10 years. No VBA administrative costs are associated with this bill. VA estimates the information technology costs associated with the enactment of this legislation to be \$3.2 million. VA would implement the new rules into the Digital GI Bill (DGIB) platform solution and make these changes within the current modernization effort. Specifically, changes to the data interfaces and microservices for Benefits Manager, My Education Benefits, and changes to our "Rules" and "Letters" standard requirements would be necessary. Due to current DGIB priorities (retiring the Benefits Delivery Network and increasing Automation), VA would not be able to start implementing this solution until the last quarter of calendar year 2025. This estimate is based on current priorities and funding levels staying as is.

#### **H.R. XXXX [Restoration of Entitlement to Educational Assistance due to Violation of Prohibitions]**

This bill would restore entitlement to educational assistance to individuals who pursue a course or program of education at an educational institution found to have violated certain prohibitions on advertising, sales and enrollment practices.

**VA supports this bill.** This bill would amend 38 U.S.C. § 3696 to authorize VA to restore entitlement to individuals who received educational assistance under 38 U.S.C. chapters 30, 31, 32, 33 or 35 or 10 U.S.C. chapters 1606 or 1607 at an educational institution when the Under Secretary for Benefits determines that the educational institution violated 38 U.S.C. § 3696(a), (c), or (d). Those provisions prohibit educational institutions from engaging in substantial misrepresentation; limit certain commissions, bonuses, and other incentive payments; and require educational



institutions to maintain records of all advertising, sales, or enrollment materials utilized by or on behalf of the institution during the preceding 2-year period.

Additionally, this bill would amend 38 U.S.C. § 3696(h) to require that an educational institution or the owner of an educational institution, upon a final determination by the Under Secretary for Benefits, repay to VA all amounts of educational assistance paid to the educational institution by or on behalf of an individual who pursued a course or program of education at the institution during the time period when the violation occurred. Educational institutions must agree to this repayment as a condition of approval. Finally, this bill would add a new 38 U.S.C. § 3679(g) that would permit VA to disapprove a course or program of education offered by the educational institution until the educational institution repays the amount of educational assistance to VA. This bill would apply to a violation that occurs on or after the date that is 180 days after the date of enactment.

VA supports the protections this bill seeks to afford our Nation's Veterans and believes this bill would help safeguard taxpayers' dollars when violations are found. However, VA believes this bill should also apply when disapproval actions are taken by the State Approving Agencies (SAA) under 38 U.S.C. § 3679(f)(2). Doing so would expand oversight and allow for the most expeditious process for safeguarding the integrity of the GI Bill. VA is also concerned that, if a SAA were to disapprove a program, this bill would not provide VA with the authority to recoup educational assistance from the educational institution. For this reason, VA recommends amending the bill to allow for restoration of entitlement and recoupment of educational assistance whenever there is a finding under 38 U.S.C. § 3696 by either the SAA or the Under Secretary for Benefits.

Savings to the mandatory Readjustment Benefits account are estimated to be \$0 in 2024, \$10.7 million over 5 years, and \$29.1 million over 10 years. No discretionary costs are associated with this bill.

#### **H.R. XXXX [Related to the Work Study Allowance]**

This bill would amend 38 U.S.C. § 3485(a)(5) to include employment activities at the offices of a committee of the Senate or House of Representatives. The bill would also include, as qualifying work-study activities, activities supporting casework, policymaking, and oversight related to VA activities carried out at the offices of the Senate or House of Representatives, the Congressional Research Service, the Government Accountability Office, or the Congressional Budget Office.

**VA supports this bill.** This bill would expand eligible activities that qualify for the work-study allowance.

Mandatory costs to the Readjustment Benefits account are estimated to be \$348,000 in 2024, \$4.7 million over 5 years, and \$12.1 million over 10 years. No discretionary costs are associated.

#### **H.R. XXXX [Terminology Regarding Veteran Employment]**

This bill would update terminology in title 38, United States Code, by replacing the term "employment handicap" with "employment barrier."

**VA supports this bill.** Additionally, VA recommends an additional amendment to the bill to replace the term "serious employment handicap" with "serious employment barrier" in title 38.

No mandatory or discretionary costs are associated with this bill

#### **Conclusion**

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

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### **Prepared Statement of James Rodriguez**

#### **Introduction**

Chairman Van Orden, Ranking Member Levin, and distinguished Members of the Subcommittee, thank you for the invitation to testify today. It has been an honor to lead the U.S. Department of Labor's (DOL) Veterans' Employment and Training Service (VETS) for the last 3 years.

VETS' mission is to prepare America's veterans, service members, and military spouses for meaningful careers, provide them with employment resources and expertise, protect their employment rights, and promote their employment opportunities. VETS administers programs designed to address the employment, training, and job security needs of over 196,000 military service members who transition to civilian

life each year,<sup>1</sup> 8.6 million military veterans in the U.S. civilian labor force,<sup>2</sup> over 775,000 Selected National Guard and Reserve members,<sup>3</sup> and nearly 920,000 military spouses (578,952 active duty and 344,716 Guard and Reserve spouses).<sup>4</sup> Along with our partners, we are committed to ensuring the best transition for our service members and their families. Below, VETS provides its views on the legislation being considered at this hearing:

**H.R. XXX, to amend titles 10 and 38, United States Code, to make improvements to certain programs for a member nearing separation, or for a veteran who recently separated, from the Armed Forces, and for other purposes.**

Section 2 of the bill contains several amendments related to the Transition Assistance Program (TAP). Subsection (l) of Section 2 would amend 10 U.S.C. § 1144 to codify the Employment Navigator & Partnership Program (ENPP) into law. While we support the intent of codifying the program, as drafted, this subsection would enact a variety of highly prescriptive requirements that would limit which entities could enter into contracts with DOL to provide “individualized employment counseling for members of the Armed Forces and their spouses.” Further, the subsection would limit the number of those partnerships to a minimum of five and a maximum of ten organizations. And it would require that each entity be compensated based on each individual who receives employment services provided by the entity.

DOL is currently carrying out ENPP under our current TAP statutory authority. While we support specifically codifying ENPP into law, we strongly oppose the restrictive requirements in the bill, which seem designed to ensure federal contracts for a limited number of large organizations at the expense of other mid-sized and smaller organizations. These anticompetitive requirements are not needed and run contrary to the goal of providing ENPP to all service members and their spouses through 59 (and growing) non-governmental partner organizations in all parts of the world, including communities where smaller and more local organizations may be better situated to provide those services.

We have serious concerns about compensating ENPP partner organizations for each individual who receives employment services provided by the entity, as ENPP currently does not incur such costs to the Federal Government or participants. Under the VETS program model, Employment Navigator services are incorporated within the overall VETS TAP contract. ENPP partner services (such as job placement, hiring events, training services, and local supportive services) are provided through no-cost agreements with the individual partner organizations. Currently, for eligibility, organizations applying to be ENPP partners need to demonstrate that their programs are mature, self-sufficient, and at no direct cost to DOL, the Transitioning Service Members (TSMs), or their spouses. For those eligible organizations, DOL enters into agreements for ENPP partnerships. In effect, Employment Navigators are referring TSMs to organizations, under ENPP voluntary partnerships with DOL, to receive services that those organizations already provide. DOL believes this current model is effective and allows the maximum flexibility for ENPP partners and ENPP operations. On the other hand, creating a payment structure as required by this subsection would create a strong financial incentive for ENPP partner organizations to serve as many TSMs as possible, regardless of how successful they are in placing them into employment with good wages and job quality or considering the service members’ own satisfaction in the job placements. Moreover, the subsection provides no direct mechanism for DOL to improve those outcomes or otherwise hold those contractors accountable. I would also like to highlight that scaling the ENPP worldwide for all TSMs would require additional resources for VETS. Moreover, incorporating the cost structure outlined in this subsection would require additional resources for successful implementation.

ENPP is designed to provide an individualized approach for our service members and their spouses, by taking the concepts of what they learn in our TAP workshops

<sup>1</sup> See Department of Defense Congressional Report, *Improvements to the Transition Assistance Program*, August 2022.

<sup>2</sup> See Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey, Household Data Annual Averages 2023, *Table 48-Employment status of persons 18 years and over by veteran status, age, and sex*, available at: <https://www.bls.gov/cps/cpsaat48.htm>.

<sup>3</sup> Department of Defense, Defense Manpower Data Center, Military Personnel Report, Selected Reserve Personnel by Reserve Component and Rank/Grade (Updated Monthly), July 2023, available at: <https://dwp.dmdc.osd.mil/dwp/app/dod-data-reports/workforce-reports>

<sup>4</sup> Military OneSource – Demographics Profile of the Military Community, 2022, available at: <https://demographics.militaryonesource.mil/>.

and putting them into practice. Each TSM served by ENPP may have differing needs, be at different stages of career readiness, and could need different levels of assistance. For example, some of our ENPP clients meet monthly with an Employment Navigator over the course of their last year of service. During these meetings, our Employment Navigators assist these individuals with developing a career plan; reviewing their resumes; and connecting them with apprenticeship and SkillBridge opportunities, hiring events, mentorship and networking opportunities, and/or additional support such as legal, health care, housing, or financial assistance in addition to searching for employment opportunities through our partners. As an individual's needs are identified, Employment Navigators facilitate their connection to an approved ENPP partner organization(s) that can assist them either where they are currently stationed or where they are looking to transition. VETS believes all of the Employment Navigator and partner services encompass the suite of employment-related services that a TSM may require throughout their transition and believes this flexible and holistic model should continue. As explained in more detail below, there is clear evidence that ENPP is an innovative and effective program.

In addition, subsection (m) of Section 2 would require the Department of Defense (DoD), in coordination with the Department of Veterans Affairs (VA) and DOL, to establish a 3-year pilot program to provide counseling at military installations to military spouses of TSMs on the benefits and assistance available to military families and veterans from each Department. DOL supports this proposal and notes that our Transition Employment Assistance for Military Spouses (TEAMS) curriculum would form an excellent foundation for, and complement to, this pilot. The TEAMS workshops are designed to help military spouses plan and prepare for their job search in pursuit of their employment goals. In Fiscal Year (FY) 2023, VETS provided 398 TEAMS workshops to more than 2,075 military spouses and caregivers. We continue to work with DoD to schedule and promote TEAMS events.

Section 4 of the bill would amend the authorizing language for the Jobs for Veterans State Grants (JVSG) program to add members of the Armed Forces eligible for TAP as persons eligible to receive priority for DOL's intensive services and the placement service program conducted by Disabled Veterans' Outreach Program specialists. DOL supports the goal of expanding JVSG eligibility, as it will allow TSMs to receive career services in American Job Centers from the staff who are well qualified to help them navigate the wide range of services available to them through the public workforce system.

We welcome the opportunity to provide detailed technical assistance on these aspects of the bill and to work with the Subcommittee on our shared goals, so that we can continue the success of the ENPP and JVSG programs and build on the TEAMS pilot effort.

The bill would make a variety of other changes to the portions of the TAP program administered by DoD and VA, and to other programs outside of the purview of DOL. On these matters, VETS defers to the respective Departments where their equities are impacted.

#### **Other Bills Considered by the Subcommittee**

As to the remaining bills under consideration for this hearing, DOL defers to other respective Departments where their equities are impacted. Of course, should these bills be amended in a way that raises DOL equities, we would be happy to further review them and provide technical assistance upon request.

#### **TAP Overview**

In considering this legislation, it may be helpful for the Subcommittee to review the current structure of TAP, DOL's role in the program, how we are working to transform employment opportunities during the transition process, recent program data, and related matters.

TAP provides training, resources, and assistance to separating and retiring service members on active duty, Guard, Reserve, and their spouses, as defined in 10 U.S.C. § 1144. TAP is a cooperative effort by VETS, DoD, the Department of Education (ED), the Department of Homeland Security (DHS), the VA, the Small Business Administration (SBA), and the Office of Personnel Management (OPM).

Congress originally established TAP in the National Defense Authorization Act (NDAA) for Fiscal Year 1991 (P.L. 101-510). This enactment authorized the development of a voluntary program consisting of transition assistance counseling and employment assistance for separating service members and their spouses. In 2011, the Veterans Opportunity to Work (VOW) to Hire Heroes Act of 2011 (P.L. 112-56) mandated TAP participation for all TSMs – including pre-separation counseling and completion of courses provided by the newly established interagency partnerships –

to start no later than 90 days prior to an anticipated date of transition. DOL, DoD, VA, and SBA collaborated to prepare new curricula and expand training, education, and transition activities to include Career Readiness Standards, a set of common and specified activities for service members to achieve.

The John S. McCain NDAA for Fiscal Year 2019 (P.L. 115–232) requires TAP classes to occur no later than 365 days prior to an anticipated date of separation or release from active duty or 24 months prior to retirement. These requirements allowed TAP to evolve from a one-size-fits-all program where service members had to transition to civilian life in a condensed timeframe to an individualized program tailored specifically to the needs of each service member under a more suitable timeline.

VETS works with its interagency partners to provide program oversight. The NDAA for Fiscal Year 2024 (P.L. 118–31, § 1805) codified DOL as a Co-Chair with DoD and VA on the Joint Executive Committee. This enhanced DOL's preexisting collaboration with DoD and VA, with VETS co-chairing the Transition Executive Committee, Senior Transition Steering Group, Transition Working Group, and six functional working groups. Interagency members including DOL, DoD, VA, ED, DHS, SBA, OPM, and the military services meet and coordinate on a regular basis to ensure that the partners are supporting and advancing TAP, as well as to reduce redundancy, better serve unique populations, and improve coordination of services across program areas.

### DOL TAP Employment Workshops

In Fiscal Year 2023, TSMs and military spouses attended VETS' TAP employment workshops in significant numbers. TAP employment workshops provided instruction to 242,984 participants.<sup>5</sup> There are three core VETS TAP employment workshops. First, VETS is responsible for the delivery of the Employment Fundamentals of Career Transition (EFCT) Workshop, which is a mandatory, 1-day course for employment preparation.

- **One-Day EFCT Workshop:** The EFCT lays the foundation for transitioning from military to civilian life, introducing the essential tools and resources needed to evaluate career options, gain information for civilian employment, and understand the fundamentals of the employment process. In Fiscal Year 2023, VETS provided EFCT workshops to 148,560 participants.

In addition, based on service members' individual needs, VETS offers two elective tracks to acquire additional skills through a 2-day workshop: (1) the DOL Employment Workshop (DOLEW), and (2) the Career and Credential Exploration (C2E) Workshop. TSMs must elect one 2-day track during their individual counseling; however, they are encouraged to attend any additional track(s) and attend the courses more than once (as their unit missions allow) to prepare them for their transition.

- **Two-Day DOLEW:** The DOLEW is intended for those pursuing the employment track and covers emerging best practices in career employment, including in-depth training to learn interview skills, build effective resumes, and use emerging technology to network and search for employment. In Fiscal Year 2023, VETS provided DOLEW workshops to 78,473 participants.
- **Two-Day C2E Workshop:** For those on the vocational track, VETS implemented an updated C2E workshop on January 1, 2024, which provides guidance and assistance in conducting several self-assessments to determine a career path to align with interests, aptitudes, and work values. Further, this update includes guidance on tailoring a resume for apprenticeships. Attendees will complete a comparison of technical training institutions. In Fiscal Year 2023, VETS provided C2E workshops to 15,951 participants.

VETS workshops are highly rated by attendees. Fiscal Year 2023 Transition Assistance Participant Assessment results indicated that 96 percent would use what they learned in their own transition planning, and 96 percent reported that the EFCT enhanced their confidence in transition planning.

### Employment Navigator and Partnership Program

ENPP began at 13 military installations worldwide on April 1, 2021. ENPP leverages the Secretary's authority (10 U.S.C. § 1144) to assist TSMs and their

<sup>5</sup>Note that an individual service member may attend more than one workshop. References to the total number of TAP workshop participants do not track unique participants.

spouses with identifying and connecting to employment and training opportunities. The pilot was designed in response to feedback from veterans who stated that, while their TAP classroom experience was educational, they desired a more personalized approach. ENPP provides one-on-one, tailored services for TSMs and their spouses. From April 1, 2021, to September 30, 2023, VETS successfully piloted ENPP as a proof of concept. VETS implemented the pilot in close coordination with the military services and initial partner organizations. Employment Navigators were able to provide value-added one-on-one career support services. VETS successfully incorporated partner organizations into the pilot and implemented a formal partner application process. Initial analysis of employment outcome data indicates a positive impact from ENPP engagement. Based on these factors, VETS established ENPP as a program on October 1, 2023. VETS is prepared to make ENPP part of the regular DOL TAP established under 10 U.S.C. § 1144. As funding allows, and in coordination with the TAP interagency governance and military services, VETS will continue to extend ENPP to serve as many TSMs and their spouses as possible.

Through our full-time contract Employment Navigator staff and our employment partners, ENPP clients receive assistance with their resumes and career direction, as well as referrals to vetted partner organizations and American Job Centers (AJCs), which provide additional personalized support. ENPP Partners are required to select a primary service from nine possible categories of services, which include: digital employment opportunity matching, training services, employment mentorship, hiring events, employment networking, Registered Apprenticeship opportunities, referrals to employment opportunities, placement services, and wrap-around services. A list of our current partners can be found on the VETS ENPP Partner Page,<sup>6</sup> and organizations that are interested in partnership with us can submit an application.<sup>7</sup> In Fiscal Year 2023, 5,747 TSMs and 383 military spouses received services through ENPP.

Also, at ENPP sites, the lead Employment Navigators serve as the initial points of contact for TSMs receiving a “warm handover”, a person-to-person connection between the TSM and an AJC. No later than 90 days prior to separating, TSMs will go through Capstone, a process by which the military service branch evaluates whether service members have met the Career Readiness Standards (CRS). To meet the employment track CRS for employment, a service member must have either a completed resume or confirmation of employment. If a service member fails to meet the CRS for employment, they are provided a warm handover, which connects them to designated services and follow-up resources as needed.

During a warm handover, at ENPP sites, Employment Navigators connect TSMs to a designated AJC point-of-contact who verifies with DOL that they have received the contact information and reached out to the client to offer assistance. In addition to being connected with the State AJC where they reside, many service members receiving a warm handover also receive services from our Employment Navigators and partners. VETS believes that providing TSMs with additional support from Employment Navigators will enable more service members to meet the CRS and lead to a reduction in the number of TSMs who are required to receive a warm handover for employment.

According to participant surveys, ENPP has been a great success. As of February 1, 2024, 97 percent of ENPP survey respondents reported positive feelings after meeting with their Employment Navigators and would recommend ENPP to a friend or colleague. Additionally, 97 percent felt ENPP partners met or exceeded their employment-related expectations. As one ENPP survey respondent stated, “The value of the Employment Navigator is having a one-on-one conversation to go back over the plethora of information you received in TAP classes and give guidance and recommendations specific to your situation.”

VETS is very proud of the progress that has been made through ENPP and looks forward to continuing and expanding this initiative. To better understand its success and effectiveness, VETS has initiated a number of evaluations of the program. First, in December 2021, VETS launched the TAP Employment Navigator System (TENS), a case management system created for ENPP to be used by Employment Navigators (who are contracted staff), ENPP partners, and VETS staff to capture data, develop reports, and manage ENPP processes. TENS includes an integrated client request meeting scheduler, program reporting, policy/guidance storage, and client record management.

<sup>6</sup> <https://www.dol.gov/agencies/vets/programs/tap/employment-navigator-partnership/enpp-partnerships>

<sup>7</sup> <https://www.dol.gov/sites/dolgov/files/VETS/files/tap/DOLVETSENPPPotentialPartnerApplicationForm.pdf>

With DOL's TAP Evaluation and Employment Navigator (TEEN) Study, VETS built a new one-of-a-kind dataset to better understand the role of ENPP on employment outcomes for TSMs and their spouses. What's even more notable about this dataset is that we will be able to follow employment outcomes of TSMs longitudinally. This was a multi-year effort to combine wage and employment information from the Department of Health and Human Services-administered National Directory of New Hires (NDNH), Armed Forces' administrative data through the Veteran Data Exchange Initiative with DoD, and ENPP program data through TENS from VETS. This effort included data-sharing agreements with the aforementioned federal agencies, approval process with OMB, and upgrading IT systems required to receive, store, and analyze the merged data. VETS produced an initial NDNH-related analysis at the end of Fiscal Year 2023 and identified employment outcomes, including wages, to track in Fiscal Year 2024. VETS aims to establish a baseline year to fine-tune the measurement tools and ensure accuracy.

Based on preliminary findings from early analyses in the TEEN Study, we see that TSMs who received ENPP services have notably better outcomes than those service members who did not receive those services. For example, preliminary findings indicate an increase of 10 percent (to \$11,005) higher median quarterly wages earned for enlisted TSMs who participated in ENPP compared to their counterparts (\$9,993) who did not participate. VETS will continue analyzing the data and will be able to provide more nuanced information as data sets increase and analysis matures.

Additionally, VETS' ENPP Evaluation is underway to understand how Employment Navigators provide support to service members to find employment faster and obtain higher wages. The key components of this study are: 1) a rigorous implementation and outcomes evaluation; 2) an evaluability assessment on the feasibility of an impact evaluation; 3) a study to understand the customer experience through the eyes of service members and military spouses; and 4) collaboration with other DOL workforce navigator evaluations to synthesize findings on cross-cutting topic areas, such as equity to access of services. The evaluation is expected to be completed in Fiscal Year 2027.

### **Expanding Off-Base Transition Training Pilot**

On January 11, 2022, VETS announced the launch of a 5-year Off-Base Transition Training (OBTT) pilot program, in accordance with section 4303 of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (P.L. 116–315), which was enacted on January 5, 2021. Section 4303, which amended section 301(a) of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (P.L. 112–260), directed DOL to provide TAP to veterans and their spouses at locations other than active military installations for a period of 5 years to improve employment-related outcomes in areas with high veteran unemployment. The OBTT pilot launched in eight metropolitan areas across five states (California, Massachusetts, North Carolina, Pennsylvania, and Texas) and, by December 2023, VETS expanded the pilot to 26 metropolitan areas in 10 states (adding Colorado, Illinois, Nevada, New York, and Oregon). OBTT features ten 2-hour, instructor-led employment skills and workforce development workshops, provided in classrooms and virtually. In Fiscal Year 2023, 6,293 veterans or their spouses were provided employment-related training through OBTT.

### **Conclusion**

As the lead federal agency on veteran employment, DOL VETS looks forward to working with this Subcommittee and our many partners and stakeholders to create opportunities to ensure that all veterans, service members, and their spouses, can have a good job and opportunity for advancement.

Chairman Van Orden, Ranking Member Levin, and distinguished members of the Subcommittee, this concludes my statement. Thank you for the opportunity to be a part of this hearing, and I welcome your questions.

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### **Prepared Statement of Nadine Bullock-Pottinga**

Chairman Van Orden, Ranking Member Levin, and Members of the Subcommittee, thank you for the opportunity to speak today on this pending legislation. My name is Andrew Sandoe, and I am the CEO of Hire Heroes USA—the nation's leading veteran and military spouse employment nonprofit. As a former Marine helicopter pilot of 9 years, I have experienced firsthand the challenges of transitioning

from military to civilian life and understand the support systems that are critical to veterans and military families.

Many of the bills up for discussion today would greatly impact employment outcomes and economic opportunity for our Nation's transitioning service members, veterans, and military spouses. I'd like to focus my remarks on proposed improvements to the transition process, as I believe the period of separation from military service to civilian life to be most critical for a veteran's career success.

First, let me briefly describe Hire Heroes USA and the essential work that we do. Hire Heroes USA was founded in 2005 and has secured employment for more than 93,000 clients. Hire Heroes USA offers comprehensive, one-on-one employment services in all 50 states to over 20,000 individuals annually, at no cost to our clients.

The size and diversity of our client population provide us with unique insights into ways that the Nation can better support veteran employment and economic opportunity. It is my pleasure to share some of these insights with the Subcommittee today.

Hire Heroes USA strongly supports the draft legislation that includes comprehensive and sustainable reforms to the Transition Assistance Program (TAP). This bill would meaningfully improve the experiences of service members nearing separation or veterans who have recently separated. With approximately 200,000 service members transitioning out of the military annually, TAP and other related federal programs must be designed and implemented in ways that maximize their impact and effectiveness. We believe that various provisions of this legislation would address long-standing concerns about the structure and performance of TAP.

Hire Heroes USA is especially supportive of the bill's proposal to codify and improve the Department of Labor's Employment Navigator and Partnership Program (ENPP). Initially a pilot program, ENPP began at 13 military installations in April 2021 and has expanded to over 30 locations.

The program is intended to complement the standard TAP coursework by offering more individualized employment services, tailored to the unique needs of each transitioning service member or their spouse. Under the program, DOL staff work with employment partner organizations, including Hire Heroes USA, to assist clients with job placement, training, and various other career or wrap-around services.

ENPP was originally established under DOL's authority to provide employment and training opportunities as part of TAP. However, this program has never been codified in statute, a step that we believe is critical for ensuring the long-term success of TAP. Beyond codifying ENPP, the bill language also makes important improvements to the program's administration of contracts with employment partners.

To date, DOL has not provided any compensation to ENPP partners and instead has relied on voluntary participation, placing nearly all of the financial burden on VSOs. However, the success of ENPP strongly depends on the involvement of non-governmental partners. We deliver direct assistance to transitioning service members and military spouses while complying with all DOL regulations and requirements around data management and program evaluation. ENPP partners currently do this all without receiving any resources to support these expenses, an approach that challenges the long-term sustainability of this program.

Hire Heroes USA alone has supported over 2,000 client referrals from the program since 2021. As ENPP continues to grow, especially if codified, it is essential that the partners taking on a significant volume of referrals receive the appropriate support to sustain their participation. This would take the form of competitively awarded contracts for the highest-impact and farthest-reaching employment partners. To be clear, we also support the continuation of voluntary ENPP partnerships, in addition to those organizations selected for contracts. The language should further clarify this to ensure small and local service providers can continue to participate voluntarily. Together, these proposed changes to ENPP would promote the long-term success of the program and ultimately benefit tens of thousands of service members every year.

Beyond ENPP, Hire Heroes USA also supports the bill's provision that would establish a DOD pilot program for military spouses to receive one-on-one counseling services based on the TAP curriculum. While some spouse-specific transition resources exist, there is still a need for more comprehensive programming covering the full range of topics relevant to transitioning military families.

As the bill's language ensures, counseling must be adequately tailored to the unique needs of each participating military spouse, including flexible scheduling arrangements. The creation of this pilot program would yield long-term success much in the same way that TAP, despite some of its shortcomings, has gradually improved civilian outcomes for our Nation's veterans.

On behalf of Hire Heroes USA, I'd like to again thank the Chairman, Ranking Member, and Members of the Subcommittee for your ongoing commitment to the

cause of veteran and military spouse employment. I welcome any questions you may have for me.

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**Prepared Statement of Gregory John**

Chairperson, honorable members of the committee,

My name is Gregory John and I am the President of Infinity Flight, one of the largest flight training organization in the country based at Trenton-Mercer Airport in New Jersey. We collaborate with Mercer County College to provide veterans with an opportunity to become professional airline pilots, a lucrative, in-demand career path. Today, I stand before you to express my unwavering support for the proposed language in H.R. 7613 that would implement a lifetime cap of \$100,000, adjusted for inflation, on veterans' entitlement use for flight training fees at public institutions of higher learning.

The proposed cap is not only a financial safeguard, but a strategic move toward creating a more equitable, efficient, and responsible system for utilizing the educational benefits earned by veterans. By setting a clear limit, we are helping to ensure these benefits are used in a manner that maximizes veterans' success in the civilian workforce, while protecting the integrity of the GI Bill against exploitation.

Further, implementing a lifetime cap encourages training programs to prioritize quality, safety, and effectiveness. In the Mercer County College program, we have seen firsthand how clear, defined boundaries foster an environment where every flight hour and every training opportunity is utilized to its fullest potential. This focus on quality over quantity of flight hours ensures that veterans receive the best possible education and training, preparing them for successful careers in aviation.

Additionally, the cap addresses a critical issue that has plagued the system for too long: the misuse of VA funds through what has been termed the "blank-check loophole," which has allowed bad-actor institutions to inflate the cost of flight training, charging the VA far beyond the amount necessary for a quality education. By setting a flight fee cap, Congress will put an end to this exploitation, ensuring VA funds are used responsibly and more veterans have access to flight-training opportunities without the risk of unnecessary financial waste.

In my opinion, establishing the inflation-adjusted cap at \$100,000 is appropriate based on the actual cost of obtaining a comprehensive flight education. Furthermore, applying the cap exclusively to programs offered by public institutions of higher learning encourages veterans to pursue their education at institutions already benefitting from an array of existing governance safeguards, ensuring financial protections for both the veteran and the GI Bill, as well as the delivery of a high-quality education.

In conclusion, I urge Congress to adopt this language into law. It represents a balanced, thoughtful approach to supporting our veterans' educational aspirations, while safeguarding the resources dedicated to their success. Let us honor their service by ensuring that their path to a new career in aviation is both secure and fruitful.

Thank you for considering my testimony on this critical matter. I am confident that, together, we can make a positive change that benefits our veterans, the aviation industry, and the Nation as a whole.

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**Prepared Statement of Matthew Schwartzman**

The Reserve Officers Association of the United States, now doing business as the Reserve Organization of America, is a military service organization incorporated under Internal Revenue Service Code section 501(c)(19), and comprising all ranks of servicemembers, veterans, and family members of our Nation's eight uniformed services separated under honorable conditions. ROA is the only national military service organization that solely and exclusively supports the reserve components.

ROA was founded in 1922 by General of the Armies John "Black Jack" Pershing, during the drastic reductions of the Army after World War I. It was formed to support a strong national defense and focused on the establishment of a corps of reserve officers who would be the heart of a military expansion in the event of war. Under ROA's 1950 congressional charter, our purpose is unchanged: To promote the development and execution of policies that will provide adequate national defense. We do so by developing and offering expertise on the use and resourcing of America's reserve components.

Executive Director:



Maj. Gen. Jeffrey E. Phillips, U.S. Army (Ret.)

202-646-7701

Director, Legislation and Military Policy:

Matthew L. Schwartzman

202-646-7713

**DISCLOSURE OF FEDERAL GRANTS OR CONTRACTS**

The Reserve Officers Association of the United States, now doing business as the Reserve Organization of America, has not received any grants, contracts, or sub-contracts from the Federal Government in the past 3 years.

**CURRICULUM VITAE**

Matthew Schwartzman serves as the legislation and military policy director for the Reserve Organization of America. Responsible for the development, management, and execution of ROA's government relations program and public policy portfolio, Matthew has more than 5 years of experience in government and legislative affairs, policy analysis, and membership services.

Matthew is also a co-chair for The Military Coalition's Guard and Reserve Committee and Taxes and Social Security Committee, representing, on select issues, a consortium of more than 30 military and veterans service organizations with approximately 5.5 million members collectively.

**INTRODUCTION**

Chairman Van Orden, Ranking Member Levin, and distinguished members of the House Veterans Affairs Subcommittee on Economic Opportunity, on behalf of the Reserve Organization of America (ROA), the only national military organization that solely and exclusively supports the Reserve and National Guard, thank you for the opportunity to testify on pending legislation and ways to improve military to civilian transitions for citizen-warriors and their families.

Unlike their active duty counterparts, members of the Reserve and National Guard (also referred to as the reserve components) and their families must frequently transition between their military and civilian lives throughout their time in service.

For reserve component service members, spouses, and families, this presents unique challenges to overcome and additional responsibilities to shoulder.

Unfortunately, current laws, policies, and programs intensify these challenges and make such responsibilities more difficult to manage.

Examples of this include a TRICARE system that forces reserve component service members and retirees to pay substantially more for healthcare, inequities in accessing service-earned benefits such as disability compensation from the Department of Veterans Affairs (VA), and a Transition Assistance Program (TAP) that fails to meet the needs of reserve affiliated participants.

While the reserve components are expected to provide an equal capability to the active components, they are often not treated as such. This is true within the armed forces and the uniformed services.

The days of seeing Reserve and National Guard service members as "weekend warriors" or "draft dodgers" must be put behind us.

They are citizen-warriors. Constituting 46.9 percent of the Total Force, they are now more integral to national security than ever before.

ROA is prepared to provide its technical assistance and expertise on most of the proposed bills subject to this hearing.

However, most, if not all, of this written statement focuses on measures that uniquely relate to the transition needs of reserve component service members and their families, are reinforced by an ROA resolution, or are aligned with our congressional charter, signed by President S. Harry S. Truman on June 30, 1950, which reads: ". . . to support and assist in the development and execution of a military policy for which the United States shall provide adequate National Defense."

**H.R. 6656, STUCK ON HOLD ACT**

This bill, introduced by Reps. Ken Calvert (CA-41) and Henry Cuellar (TX-28), directs the Secretary of Veterans Affairs and the Commissioner of Social Security to implement automated systems with callback functionality for each customer service telephone line of the VA and the Social Security Administration (SSA).

Such a functionality would inform any caller of the anticipated wait time and offer a callback to those with an anticipated wait time of more than 15 minutes.

Quality customer service is vital to meeting the customer's need(s), which in turn is vital to institutional integrity.

I can personally attest that the only thing worse than being on hold waiting for a customer service representative is the call being abruptly and unexpectedly ended without ever speaking to the representative.

In fact, I remember one time joking with my parents that "I understand what it means to be an adult, now that I've been on hold with the IRS [Internal Revenue Service]."

Ironically, this legislation seeks to expand the callback feature now scaled nearly enterprise wide by the IRS to the VA and SSA.

The IRS first began developing its Customer Callback System (CCB) in Fiscal Year (FY) 2019 and has since expanded it to more than 100 telephone services, representing 95 percent of callers seeking live assistance deemed viable for a callback.<sup>1</sup>

When it comes to reducing the amount of time taxpayers spend waiting on hold, this feature has proven highly effective. In Fiscal Year 2022, for example, the IRS' CCB saved taxpayers an estimated 3.6 million hours of hold time (with an accepted callback saving an average of 34 minutes of hold time per caller).

ROA supports the desired end-state of this proposal: improvements in customer service and experience.

However, we recommend first providing the VA and SSA with the opportunity to "pilot" their own CCBs<sup>2</sup> and report to the House and Senate Committees on Veterans Affairs on the successes and failures of the pilot (prior to scaling enterprise wide).

Further, ROA believes the metrics used to measure mission success and failure should go beyond the amount of time on hold saved and include:

- The number of callers that elected to receive a callback.
- The number and percentage of callers that received a callback.
- The number and percentage of callers that answered the callback.
- The number and percentage of callers that had their customer service need(s) met on the first callback.
- The overall time it took for callers that requested a callback to have their customer service need(s) met.
- The overall time it took for callers eligible for a callback but stayed on hold to have their customer service need(s) met.
- Any increase(s) in fraudulent or predatory behavior(s) from scammers claiming to be affiliated with the government.
- Additional matters deemed relevant.

ROA asks for this because of lessons learned from the IRS' efforts to bring its CCB to scale.

According to an analysis of call volumes of the IRS' telephone system for Fiscal Year 2022 performed by the Treasury Inspector General for Tax Administration, of the 26 million calls considered for a callback:

- 15 million were ineligible because of business rules applied.<sup>3</sup>
- 11 million callbacks were made.
- 5 million callbacks were not accepted.

While the *Stuck on Hold Act* protects against the business rule that resulted in a large share of callers' ineligibility for a callback (wait time exceeding more than 60 minutes), ROA urges the members and staff of this Subcommittee to further ensure that any business rule applied by the VA or SSA does not undermine the proposal's intent.

<sup>1</sup>In Fiscal Year 2019, the IRS started its CCB pilot program on one telephone service. This expanded in Fiscal Year 2020 to five, in Fiscal Year 2021 to 16, in Fiscal Year 2022 to 31, and in Fiscal Year 2023 to 43, with plans to increase to 116 services by Aug. 2023.

<sup>2</sup>The VA, for example, has existing software (Caller Elected Callback) and technology (Avaya Callback Assist) that can allow callers waiting on hold to elect to receive a callback from the enterprise without losing their spot in queue.

<sup>3</sup>To receive a callback from the IRS' CCB: (1) the customer's wait time must be between 15 and 60 minutes, (2) the call must be on a telephone line with callback capacity, (3) the callback queue must be at an acceptable level to minimize reconnect time, (4) a virtual port is needed to route calls via a contracted telephone service provider, (5) the call must arrive between 6:30 a.m. and 7 p.m. (CST), and (6) the customer must not have another callback scheduled (<https://www.tigta.gov/sites/default/files/reports/2023-07/202310046fr.pdf>).

ROA also believes that an important part of this conversation ought to include ensuring and validating safeguards against fraudulent behaviors from scammers that claim to be affiliated with the government.<sup>4</sup>

Under no circumstance should the time between the callback request and the callback itself present increased opportunities for our Nation's veterans or their spouses and caregivers to succumb to such predatory practices, which are becoming increasingly sophisticated.

If the "pilot" proves effective in improving customer service and fulfillment and ensures the security and privacy of sensitive information, then ROA will endorse scaling the CCB enterprise wide at the VA.

**H.R. 7323, TO AMEND TITLE 38, UNITED STATES CODE, TO DIRECT THE SECRETARY OF VETERANS AFFAIRS TO DISAPPROVE COURSES OF EDUCATION OFFERED BY A PUBLIC INSTITUTION OF HIGHER LEARNING THAT DOES NOT CHARGE THE IN-STATE TUITION RATE TO A VETERAN USING CERTAIN EDUCATIONAL ASSISTANCE UNDER TITLE 10 OF SUCH CODE**

This bill, introduced by Rep. Van Orden (WI-03) and Rep. Morgan McGarvey (KY-03) directs the VA to disapprove courses offered by a public institution of higher learning not priced at the in-state tuition rate to Montgomery GI Bill Selected Reserve (MGIB-SR) enrollees, regardless of their state of residence.

The MGIB-SR is the first GI Bill to provide educational and training assistance to eligible members of the Selected Reserve.

As of Fiscal Year 2023, the MGIB-SR program serves 39,849 enrollees, representing approximately 5 percent of the total GI Bill population.<sup>5</sup>

Title 38, U.S.C., Sec. 3679(c) requires the VA to disapprove programs of education for payments of benefits under the Post-9/11 GI Bill, Montgomery GI Bill-Active Duty (MGIB-AD), and Survivors' and Dependents' Educational Assistance (DEA) program if students are not charged in-state tuition, regardless of their state of residence.

This protection was most recently extended in 2021 to DEA with the signing of Public Law No: 117-68, the *Colonel John M. McHugh Tuition Fairness for Survivors Act*.

However, it has not yet been extended to MGIB-SR.

The cost of attending public institutions of higher learning is continuing to increase for most students. So too is the gap between in-state and out-of-state tuition rates.<sup>6</sup>

Requiring these institutions to charge in-state tuition under MGIB-SR, regardless of the student's state of residence, is essential to ensuring the solvency and sustainability of the VA's educational benefits program and the financial readiness of reserve component enrollees.

H.R. 7323, the MGIB-SR *Tuition Fairness Act*, simply extends this existing protection to citizen-warriors enrolled in MGIB-SR.

ROA thanks you, Mr. Chairman, and Rep. McGarvey for sponsoring this bill and urges Congress to codify it in public law no later than the conclusion of the 118th Congress.

As an aside, this is not the only bill pending before Congress that addresses a federal loophole excluding citizen-warriors from receiving educational benefits.

Title 20, U.S.C., Sec.1091(c) excludes Reserve and National Guard service members on active duty orders of 30 days or less from "prompt readmission" into their institution of higher learning (IHL) under 34 CFR 66.18(a)(2).

This means that if a reserve component member of the armed forces is called to serve on active duty orders of 30 days or less, the member may be forced to disenroll from their educational institution prior to readmission. They must also reapply to their IHL through the standard readmission process, prohibiting eligibility for the benefits of prompt readmission, which include (but are not limited to):

- Tuition at the same price as the semester they first enrolled in.
- Maintaining the same curriculum or degree program at the time of forced disenrollment.
- Preserving the same academic program at the beginning of the next semester.

While 21 States have closed this loophole, ROA believes this must be solved federally.

<sup>4</sup> <https://news.va.gov/92256/consumer-fraud-alert-tips-for-avoiding-va-home-loan-scams/>

<sup>5</sup> <https://www.benefits.va.gov/REPORTS/abr/docs/2023-education.pdf>

<sup>6</sup> <https://www.forbes.com/advisor/education/student-resources/in-state-vs-out-of-state-tuition/>

H.R. 4244/S. 2076, the *Servicemember Enrollment and Readmission for Valuable Education Act*, simply amends Title 20 U.S.C. 1091c(a) to allow all reserve component members of the armed forces called on active duty for any amount of time to receive “prompt readmission” under 34 CFR 66.18(a)(2).

ROA thanks Reps. Matt Cartwright (PA-08) and Mike Ezell (MS-04) and Sens. Cindy Hyde-Smith (MS) and Maggie Hassan (NH) for sponsoring these bills and urges the members of the Subcommittee to co-sponsor H.R. 4244.

**H.R. XXXX, TO AMEND TITLE 38, UNITED STATES CODE, TO PROVIDE FOR A LIMITATION ON THE AMOUNT OF ENTITLEMENT OF EDUCATIONAL ASSISTANCE PAYABLE FOR FLIGHT TRAINING UNDER THE POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS**

This draft bill places a \$100,000 cap, subject to an annual percentage increase, on the total assistance payable for flight training under the Post 9/11 GI Bill to enrollees of public IHL’s.

ROA does not oppose the draft bill.

However, prior to taking an official position, ROA requests additional information on:

- The total amount paid, every FY over the last 10 FYs, in educational assistance for flight training under the Post 9/11 GI Bill.
- The average amount paid, every FY over the last 10 FYs, in educational assistance for flight training per enrollee under the Post 9/11 GI Bill.
- The number and percentage of enrollees who, following the completion of their flight training under the Post 9/11 GI Bill, were employed in a paid occupation related to their flight training program (every FY over the last 10 FYs).
- The number and percentage of enrollees who, following the completion of their flight training, were never employed in a paid occupation related to their flight training under the Post 9/11 GI Bill program (every FY over the last 10 FYs).
- The number and percentage of enrollees who used their flight training under the Post 9/11 GI Bill to become a: student pilot; recreational pilot; sport pilot; private pilot; commercial pilot; flight instructor; airline transport pilot; ground school instructor (every FY over the last 10 FYs).

ROA requests this information as part of a larger effort to ensure there is no waste, fraud, and abuse within the educational programs offered by the VA.

ROA also believes that legislation requiring similar reporting requirements on all VA educational programs would be worthwhile of consideration and support.

**H.R.XXXX, TO AMEND TITLE 38, UNITED STATES CODE, TO PROVIDE FOR THE RESTORATION OF ENTITLEMENT OF INDIVIDUALS ENTITLED TO EDUCATIONAL ASSISTANCE UNDER THE LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS WHO USE SUCH ENTITLEMENT TO PURSUE A COURSE OR PROGRAM OF EDUCATION AT AN EDUCATIONAL INSTITUTION FOUND TO HAVE VIOLATED CERTAIN PROHIBITIONS ON ADVERTISING, SALES, AND ENROLLMENT PRACTICES**

The draft bill allows the VA Under Secretary for Benefits to restore and recapture educational assistance payments and entitlements if an educational institution is guilty of violating Title 38, U.S.C., Sec. 3696.

ROA supports the draft bill as written and sees much value to its desired end-state.

However, ROA also seeks further information on if or how this draft bill conflicts with the future advancement of H.R. 1767, the *Student Veteran Benefit Restoration Act*, which passed the House Veterans Affairs Committee on July 26, 2023.

**H.R.XXXX, TO AMEND TITLES 10 AND 38, UNITED STATES CODE, TO MAKE IMPROVEMENTS TO CERTAIN PROGRAMS FOR A MEMBER NEARING SEPARATION, OR FOR A VETERAN WHO RECENTLY SEPARATED, FROM THE ARMED FORCES, AND FOR OTHER PURPOSES**

TAP has a significant role in ensuring service members and their families are equipped to manage the transition(s) between military and civilian life.

Unlike their active duty counterparts, reserve component members and their families must frequently transition between their military and civilian lives prior to separating from service.

Also, some reserve component retirees, referred to as “gray area” retirees, are required to wait many years before they begin receiving their retirement benefits, including retirement pay and healthcare under TRICARE Prime, TRICARE Standard, TRICARE for Life, and the U.S. Family Health Plan.<sup>7</sup>

> Read more about affordable “gray area” retiree healthcare on page 21.

This presents unique challenges for reserve component members and their families to overcome and additional responsibilities to shoulder.

Despite this, TAP *is not* uniquely structured to meet the transition needs of citizen-warriors and their families.

This fact was recently validated by a RAND report required by Senate Report 114–255, which directed the Department of Defense (DoD) to research the transition experiences of Reserve and National Guard service members and make recommendations to the Senate Committee on Armed Services on how to better meet their transition needs or, alternatively, suggest a program specifically designed for the reserve components (which it did).

ROA provides the following excerpts from the report for Subcommittee consideration, which capture numerous challenges reserve component members and their families face throughout their many transitions between military and civilian life:

- “Many reserve component members feel that, in its current form, TAP does not adequately address reserve component needs.” (page vii)
- “. . . research has demonstrated that some reserve component members experience difficult transitions back to civilian life after prolonged active military service of 180 consecutive days or more.” (page 1)
- “Unfortunately, for many reserve component members heading back to college, their schools do not provide specific guidance or programming to address their particular needs.” (page 14)
- “Research shows that reserve component members desire more time than they received to readjust to their civilian lives.” (page 15)
- “. . . service providers noted that reserve component members need assistance in better understanding the details of the GI Bill.” (page 17)
- “Service providers noted that TAP course content could be better suited to address reserve component members’ needs.” (page 19)
- “. . . the needs of reserve component do not end once they have fully transitioned from the military to civilian world.” (page 21)
- “The retiring reserve component subpopulation is more dispersed and less connected to their represented services, especially for those members for whom there is a gap in active service between meeting their 20-year service requirement and reaching retirement age.” (page 23)<sup>8</sup>

Also validated by the RAND report was TAP’s “one-size two-components” construct, which places reserve component members in a position where:

- They may not qualify for TAP and must partake in an unorganized, non-standardized out-processing.
- They are required to participate in TAP many times with diminishing returns.
- Commanders question their readiness.
- The information received through TAP is not tailored to their needs.
- The location and timing of TAP is inconvenient at best and obstructive at worst.

ROA believes this must be solved—and it must be solved quickly. While ROA believes this draft bill should be the legislative vehicle for the 118th Congress to address these issues, ROA **does not support** the draft bill in its current form.

Below is an analysis of many of the draft bill’s sections with ROA’s recommendations to strengthen its prospects as it relates to Reserve and National Guard service members and their families:

<sup>7</sup> <https://themilitarywallet.com/gray-area-retirement-benefits/>

<sup>8</sup> [www.road.org/resource/resmgr/legislation/rand\\_rc\\_tap\\_improvements.pdf](http://www.road.org/resource/resmgr/legislation/rand_rc_tap_improvements.pdf)

SEC. 1(b) PROVISION OF PRESEPARATION COUNSELING: THIRD PARTY COUNSELORS; IN-PERSON TO THE EXTENT PRACTICABLE.

Preseparation counseling is vital to the transition and separation process. Not only must the topics covered relate to the needs of the service member and their family, but the counselor(s) must also be equipped to understand those needs. This is also true for TAP course instructors.<sup>9</sup>

SEC. 1(b) as written outsources the entire preseparation counseling process to a single third-party entity. Further, it does so without offering any qualifications for the entity or metrics to analyze the entity's capability and performance.

While ROA is not opposed to the idea of preseparation counseling being staffed and executed by a third-party entity, ROA believes this should first be "piloted" at installations and locations deemed to have the most significant preseparation counseling inadequacies.

From there, ROA believes the successes and failures of the pilot should be studied and reported to the House and Senate Committees on Veterans Affairs and Armed Services prior to scaling or standardizing the correct approach.

Such a study, ROA believes, must incorporate feedback from reserve component members and their spouses as part of a focus group, like the RAND report.

SEC. 1(c) WAIVER FOR CERTAIN MEMBERS OF THE RESERVE COMPONENTS.

SEC. 1(c) as written allows reserve component service members to waive their preseparation counseling requirement(s) if they received such counseling during the period of 3 years preceding the date of the waiver request.

ROA appreciates the consideration this grants to those reserve component members required to participate in TAP at an inconvenient time and location and for a non-useful purpose.

However, ROA recommends amending SEC. 1(c) to require reserve component service members seeking the waiver (and their spouses) be properly educated and informed on any changes to TAP's elements (since last receiving preseparation counseling) prior to following through on the request.

Further, ROA urges consideration of not allowing the waiver in the case of an anticipated retirement, unanticipated retirement or separation, or a retirement or separation for disability.

One of the reasons that Reserve and National Guard service members report diminishing returns on TAP is because its curriculum and processes are not catered to their needs at the time they exist.

A citizen-warrior going through TAP while coming off an intensive deployment, for example, is likely not "looking" for the same thing(s) as a citizen-warrior seeking retirement. This is why consideration must be granted to the timing of the waiver request in relation to the circumstances triggering the member's eligibility for TAP.

That said, what remains unaddressed by this proposal is a means to ensuring adequate access to TAP.

Currently limiting access severely is Title 10, U.S.C., Sec.(a)(4)(a), which requires service members to spend "180 continuous days" on active duty to qualify for TAP.

Further limiting this is Sec.(a)(4)(c)(i) which bars inactive duty for training (IDT, also referred to as a "drill weekend") and active duty for training (ADT) as qualifying duty days.

ROA recently spoke with a retired Air Force Master Sergeant who described in detail their separation and retirement experience in the absence of TAP:

*"At the beginning of my out processing, I was given a bunch of literature and told to ask questions if confused. If done right, retirement is something you do only once. So, going in, I didn't know exactly what questions to ask. Frankly, I only really learned those questions when going through the motions. I've been out for a little over a year now and I'm still learning. It would have been nice*

<sup>9</sup>Multiple "non-TAP service providers" recommended to RAND that "TAP instructors be ex-military members because they have firsthand experience in transitioning from the military to civilian life and personally understand the process." Further, it was suggested that "effective" TAP instructors have "complementary employment experience outside the military" and "would be individuals who have successfully made the transition between from the military to the civilian world." (page 20)

*to sit down in an auditorium or seminar just to make sure I was doing everything I had to do and to learn more about my benefits.”*

To ensure adequate access to preseparation counseling and instruction, ROA urges Subcommittee support for amending existing law to allow reserve component members that serve 180 cumulative days of active service (which includes IDT and ADT) to participate in TAP.

ROA submits its draft *Delivering Reservist Integration and Veterans Education (DRIVE) Act* as an attachment to this statement, which includes suggested legislative language (SEC. 3) for this action.

#### SEC.1(e) ELECTIVE INCLUSION OF THE SPOUSE OF A MEMBER.

SEC. 1(e) as written enables further integration of military spouses in the TAP process.

ROA supports.

> Read more about the importance of integrating military spouses into their service spouses’ TAP on page 13.

#### SEC.1(h) PRESEPARATION BY A VETERANS SERVICE ORGANIZATION.

SEC. 1(h) as written allows Veterans Service Organizations (VSOs) recognized under Title 38, U.S.C., Sec. 5902, to provide a “standardized” presentation that promotes the benefits available to veterans under laws administered by the Secretary of Veterans Affairs and provides information on how VSOs can assist service members in filing a claim.

ROA supports this provision and thanks those VSOs that provide claims assistance to our Nation’s veterans and their families.

However, ROA seeks clarity on whether the word “standardized” limits these VSOs to delivering a singular version of the presentation regardless of the member’s service component.

If this is the case, ROA recommends amending SEC. 1(h) to allow recognized VSOs to provide a standardized version of the presentation by the service member’s component.

The reason for this is simple: reserve component members and their families face systemic obstacles to accessing the VA and having their claims approved. This fact was validated by an Oct. 30, 2023, report from the U.S. Government Accountability Office (GAO) which found the VA approved 11 to 20 percent fewer initial disability compensation claims from Reserve and National Guard service members than those in the active components.<sup>10</sup>

As an aside, ROA believes systemic problems require systemic solutions.

While the presentation provided for by SEC.1(h) would better educate reserve component members and their families on VA benefits and the claims process, ROA believes more can be done to affect the “core” of the problem.

To that end, ROA urges the establishment of an Interagency Task Force on Reserve Component Benefits and Resources through legislation.

ROA envisions the Task Force, on a biennial basis, reviewing relevant statutes, policies, regulations, programs, trainings, and services to provide recommendations for ensuring uniformed services reserve component members and their families have adequate access to benefits available under the laws administered by the VA.

ROA’s *DRIVE Act* includes suggested legislative language (SEC. 2) for this action.

#### SEC.1(k) PROHIBITION OF PROVISION OF DD FORM 214 FOR CERTAIN MEMBERS WHO DO NOT COMPLETE PRESEPARATION COUNSELING.

ROA wishes to gain a better understanding of the intent of this provision, as it remains unclear.

However, on its facade, ROA strongly opposes it.

This provision, if implemented, would unreasonably restrict access to necessary documentation and have unintended consequences, such as delaying a reserve component service members return to their civilian career.

Further exacerbating this issue is the fact that VA and other federal, state, and local government agencies normally require veterans to provide a copy of the DD 214 form to qualify for veteran benefits.

<sup>10</sup> <https://www.gao.gov/assets/d24105400.pdf>

And despite the recent announcement of a new DD Form 214–1 for reserve component members when they retire or separate from service, that form is not expected until at least next year (*it should be available now*).

#### SEC.1(m) PILOT PROGRAM FOR MILITARY SPOUSES.

SEC. 1(m), as interpreted by ROA (although it is unclear), establishes a pilot program for military spouses to receive one-on-one counseling on matters tailored to the spouse, with at least 1 hour of counseling covering the benefits and assistance available to military families and veterans.

ROA understands that military spouses have unique needs that must be met throughout the transition process.

However, ROA and the National Military Family Association (NMFA) believe military spouses (and by extension, military families) would be better served if they were further integrated into their service spouse's TAP experience, as opposed to having their own separate counseling and curriculum.

SEC. 1(e) of the draft bill as written is a good step in the right direction toward this end.

That said, consideration of this provision speaks to the congressional recognition (and necessity) of ensuring TAP is as narrowly tailored as possible to the needs of its participants.

That is why ROA and NMFA also support:

1) The establishment of a reserve component curriculum track within TAP.

ROA and NMFA envision the curriculum track being structured around the unique battle rhythm of reserve service and how it impacts the member, spouse, and family.<sup>11</sup>

This includes consideration of curriculum elements being accessible at the member and spouse's election and administered virtually.

More specifically, the curriculum would administer and provide resources, services, counseling, and assistance for reserve component members and their spouses:

- Throughout each phase of the deployment cycle (as a complimentary asset to DoD's Yellow Ribbon Reintegration Program).
- Prior to and upon separation or retirement.
- Throughout retirement, including for "gray area" retirees.

ROA's *DRIVE Act*, endorsed by NMFA, includes suggested legislative language (SEC. 5) for this action.

2) The addition of reserve component-focused requirements to the pre-separation counseling "checklist" (DD Form 2468) and process.

SEC. 4 of ROA's *DRIVE Act* establishes additional matters to be included on the DD Form 2468 and covered by TAP pre-separation counselors for reserve component members and their spouses, including:

- An explanation of the circumstances under which the member may be subject to a retired recall to active duty.
- Information on financial planning assistance, including consumer protections afforded under the *Servicemembers Civil Relief Act and Military Lending Act*.
- Information, discussion, and counsel on pathways to obtain and properly use military service records for the purpose of accessing service earned benefits.
- Information, discussion, and counsel on pathways to report and document health conditions and duty status, during time in service and following separation from service, for the purpose of accessing service earned benefits.
- Information and discussion on the Retirement Points Accounting System, including verifying retirement point calculations and retirement benefits to which the member may be entitled to receive.

To be clear: ROA and NMFA are not "married" to the legislative language proposed by these sections of the *DRIVE Act*.

<sup>11</sup>Unlike their active duty counterparts, for example, Reserve and National Guard service members and their families do not typically move every few years for a permanent change of station. Rather, they must prepare for yearly mandatory minimum service requirements (such as IDT and ADT) and deployments (which have increased significantly in length and frequency in the Post 9/11 era and often come as a surprise). What makes this preparation even more challenging is the changes in benefits that occur depending on the length of the order(s).



We are, however, “married” to the core competency it establishes: a TAP tailored to the unique needs of reserve component service members and their spouses and families.

As such, ROA and NMFA urge your support for amending the draft bill to include legislative language that:

- Establishes additional matters to be covered by TAP preseparation counselors focused on the unique battle rhythm of reserve service (ROA’s *DRIVE Act* SEC. 4).
- Establishes a reserve component curriculum track within TAP (ROA’s *DRIVE Act* SEC. 5).

#### **H.R. 6225, EXPANDING HOME LOANS FOR GUARD AND RESERVISTS ACT**

This bill, which passed the House last Congress, expands eligibility to the VA home loan program for Reserve and National Guard service members who spend 30 or more consecutive days on ADT.

ROA thanks Reps. Jen Kiggans (VA–02) and Pat Ryan (NY–19) for sponsoring this bill and urges the Subcommittee to support it.

Public Law No. 116–135, the *Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act*, expanded VA Home Loan eligibility to National Guard service members who perform “full-time” duty for at least 90 days, of which 30 are consecutive.<sup>12</sup>

However, affordable housing is now a serious national problem.

And like most Americans, Reserve and National Guard service members and their families are facing significant challenges in finding affordable housing.

Unaffordable housing: fast facts

- As of 2022, median home prices and rents in America hit all-time highs.<sup>13</sup>
- Data shows a 22 percent annual decline in the number of mortgages originated to first-time homebuyers in 2022, including a year-over-year drop in the fourth quarter (of 2022) of nearly 40 percent.
- Monthly payments on the U.S. median-priced home, including taxes and insurance, increased from \$2,200 in Jan. 2022 to \$3,100 in Oct. 2022 after the annual interest rate on 30-year fixed rate mortgages increased from 3.4 percent to 6.9 percent (resulting in millions of renter households being priced out of homeownership).<sup>14</sup>

Like drill weekends, time spent on ADT is no joke.

ADT’s main purpose is to instill and ensure the skills most likely required to support military operations or future mobilizations within the first 30 days of deployment.<sup>15</sup>

ROA has long advocated that every day in uniform, including IDT and ADT, should count toward eligibility for many benefits, including the Post 9/11 GI Bill and TAP.

This call to action has intensified in recent times on pivotal programs designed to maintain the integrity of the All-Volunteer Force.

It has also intensified as the responsibilities shouldered by the Reserve and National Guard have increased in scale and significance in relation to national security and the cost of reserve service has increased, especially for junior enlisted service members.<sup>16</sup>

Increased access to the VA home loan program will help sustain financial readiness and enable reserve component members and their families to have a solvent pathway toward home ownership, which ROA believes will help facilitate more favorable recruiting and retention conditions.

#### **H.R.XXXX, TO AMEND TITLE 38, UNITED STATES CODE, TO AUTHORIZE THE USE OF DEPARTMENT OF VETERANS AFFAIRS WORK-STUDY ALLOWANCE TO CARRY OUT CASEWORK, POLICY MAKING, AND OVER-**

<sup>12</sup> <https://www.Congress.gov/116/plaws/publ315/PLAW-116publ315.pdf>

<sup>13</sup> <https://www.theguardian.com/us-news/2023/may/10/us-housing-market-prices-increasing>

<sup>14</sup> [https://www.jchs.harvard.edu/sites/default/files/reports/files/Harvard\\_JCHS\\_The\\_State\\_of\\_the\\_Nations\\_Housing\\_2023.pdf](https://www.jchs.harvard.edu/sites/default/files/reports/files/Harvard_JCHS_The_State_of_the_Nations_Housing_2023.pdf)

<sup>15</sup> [https://www.dami.army.pentagon.mil/g2Docs/Foundry/r350\\_1.pdf](https://www.dami.army.pentagon.mil/g2Docs/Foundry/r350_1.pdf)

<sup>16</sup> In 2017, Public Law No: 115–97, the *Tax Cuts and Jobs Act*, made it impossible for drilling reservists and guardsmen driving up to 100 miles to their drilling location to deduct mileage and other travel expenses when they file their annual tax returns.

## **SIGHT RELATED TO THE ACTIVITIES OF THE DEPARTMENT AT CERTAIN CONGRESSIONAL OFFICES.**

This draft bill expands the Work-Study Allowance program to eligible participants working in the offices of a committee of the House or Senate.

ROA supports.

## **CONCLUSION**

ROA appreciates the opportunity to testify on pending legislation and ways to improve military to civilian transitions for citizen-warriors and their families.

All too often military and veterans' law and policy are developed without an understanding of or appreciation for the important distinctions between reserve and active duty service.

The members of the Reserve and National Guard invariably lose out. And so, too, their families.

That means America's military readiness loses out. We cannot afford that loss.

ROA extends its sincerest gratitude for this hearing and stands ready to provide added support on the issues covered in this statement and other areas of mutual interest.

## **ADDITIONAL PENDING LEGISLATION FOCUSED ON RC TRANSITION NEEDS**

As an aside, ROA urges the members of this Subcommittee to co-sponsor the bills under this sub-heading. They all relate to improving the transitions from military to civilian life for reserve component service members past and present and their families.

Frankly, we believe this topic is worthy of a joint hearing between both the House and Senate Committees on Veterans Affairs and Armed Services.

That said, we are thankful for the Subcommittee allowing an open dialog on issues, benefits, and programs germane to Title 10 during this hearing and look forward to engaging further on:

- H.R. 7543/S. 3873, the *Guard and Reserve GI Bill Parity Act of 2024*

ROA thanks Reps. Mike Levin (CA-49), Juan Ciscomani (AZ-06), Trent Kelly (MS-01), Andy Kim (NJ-03), Mark Takano (CA-49), Frank Mvran (IN-01), Mike Thompson (CA-04), Mike Lawler (NY-17), Derrick Van Orden (WI-03), and Chris Pappas (NH-01) and Sens. Jerry Moran (KS) and Jon Tester (MT) for sponsoring this legislation, which passed the House last Congress.

Under current law, reserve component members can accrue "qualifying days" toward receiving Post-9/11 GI Bill benefits if they have served at least 90 cumulative or 30 continuous days on active duty and are discharged with a service-connected disability or awarded the Purple Heart for service after September 10, 2001.

Reserve component members must "wear the uniform" and perform their duty responsibilities for a minimum of 39 days each fiscal year. Unfortunately, these duty days cannot be accrued toward receiving Post9/11 GI Bill educational benefits.

From ROA's perspective, this puts members of the reserve components at a distinct disadvantage for receiving their service-earned Post-9/11 GI Bill educational benefits, subjectively values certain duty days in higher regard, and does not reflect the modern-day battle rhythm of reserve component service.

In many instances, for the same training day, it is possible for an active component member to receive credit toward their GI Bill, whereas a reserve component member serving shoulder-to-shoulder would not.

H.R. 7543/S. 3873, the *Guard and Reserve GI Bill Parity Act of 2024* resolves this disparity by allowing reserve component service members to accrue all paid points days toward receiving the Post-9/11 GI Bill, whereas "all paid points days" includes days for training, active military service, inactive training, and general duty.

- H.R. 5516, the *Justice for Servicemembers Act*

ROA thanks Ranking Member Takano for sponsoring this legislation and urges the members of the Subcommittee to support it.

The *Justice for Servicemembers Act* simply prohibits the use of forced arbitration of disputes covered by the *Uniformed Services Employment and Reemployment Rights Act* (USERRA) and the *Servicemember Civil Relief Act* (SCRA).

Under USERRA, veterans and service members have some protection from discrimination based on their military service; they have the right to return to their civilian jobs once their active service ends.

However, arbitration is an alternate dispute resolution method that can be very pro-employer and anti-employee.

As in many other areas of employment law, federal courts have dismissed USERRA legal claims where the plaintiff has been forced to sign an agreement requiring that employment-related legal claims to go to arbitration.

Arbitration is a type of private proceeding that results in a decision concerning a matter in dispute between the employee and employer. Normally, the employer chooses an arbitrator or a panel of arbitrators who sit as judge and jury. This creates an incentive for arbitrators to decide in the employer's favor so they can make more money handling future cases for the employer.

Depending on the wording of the agreement, the arbitration process can present significant drawbacks for employees. In some cases, the employer pays for the arbitration. In others, the parties could split the costs, or the party losing the case could pay for the arbitration and possibly the fees and costs incurred by the winning party.

In some cases, the parties are required to keep their dispute private, so the proceedings cannot be disclosed. This means that an employer can systemically and repeatedly violate the law, and no one will know about it. The ability of the parties to obtain evidence can be restricted. It can also be very difficult to have such an agreement ruled invalid by a judge or have an arbitration ruling overturned in the court system because arbitration is generally not appealable.

This practice undermines USERRA and negatively impacts the career and financial readiness of those it seeks to protect. Eliminating these forced arbitration requirements is common sense, from ROA's perspective, and merely seeks to reinforce the integrity and enforceability of USERRA and SCRA.

- H.R. 4221, the *Healthcare for Our Troops Act*

ROA thanks the House National Guard and Reserve Components Caucus Co-Chairs Andy Kim and Trent Kelly (MS-01) for sponsoring this legislation and urges the members of this Subcommittee to "sign on" as co-sponsors.

Discontinuities in TRICARE can cause confusion and irreparable injury to reserve component service members and their families.

130,000 members of the Reserve and National Guard, for example, are presumably not enrolled in any health insurance plan **right now** because of TRICARE Reserve Select's (TRSs) increasing prices.

These "injuries" are exacerbated during the transition process, as reserve component members and their families must navigate between different insurance plans depending on the orders they serve, which often creates lapses in coverage.

According to the frequently cited RAND Report, "Without careful management, this constant state of flux can cause gaps in health care coverage for service members and their families. Relatedly, reserve component members may not be able to find local health care providers that accept the military's health plans, especially if they live farther from highly populated areas and military installations."

The most effective way, within the current construct, to solve this is to make TRS more affordable. The *Healthcare for Our Troops Act* accomplishes this by eliminating the cost of medical and dental care under TRS.

In alignment with Gen. Daniel Hokanson, Chief of the National Guard Bureau, ROA urges the members of this Subcommittee to ease transitions between military and civilian life for reserve component service members and their families by co-sponsoring H.R. 4221, the *Healthcare for Our Troops Act*.

This bill is also supported by The Military Coalition, representing 5.5 million service members, veterans, and their families.

- H.R. 3668/S. 1670, the *TRICARE Fairness for National Guard and Reserve Retirees Act*

ROA thanks Reps. Bill Johnson (OH-06) and Dean Phillips (MN-03) and Sens. Rob Portman (OH) and Elizabeth Warren (MA) for sponsoring this bill and urges the members of the Subcommittee to co-sponsor it.

Reserve and National Guard service members can retire after at least 20 "good years" of service. A good year requires a minimum number of points.

Members of the reserve components must wait until age 60 before they can receive retirement pay.

However, there is a pathway to early age retirement. Public Law No: 110-181, the *Fiscal Year 2008 National Defense Authorization Act*, reduced the retirement age for certain eligible reserve component servicemembers from age 60 to no less than 50.

Early age retirement recognizes the increased reliance on the reserve components in Operations Iraqi Freedom and Enduring Freedom and rewards certain citizen-warriors who served – it only includes certain active duty orders on or after January 29, 2008.

These reserve component servicemembers are commonly referred to as “gray area” retirees, as they have retired, but have not yet attained the age required for benefits.

However, the Fiscal Year 2008 NDAA did not provide these gray area retirees with access to the same subsidized healthcare benefit(s) offered to all other military retirees under TRICARE Prime (Title 10 U.S.C. 1074(b)).

In 2009, Congress created the TRICARE Retired Reserve (TRR) program, which provides these retirees with access to non-subsidized healthcare. As a result, TRR healthcare costs are substantially more expensive than other TRICARE programs.

TRR is currently about 2,000 percent more expensive than TRICARE Prime and close to 4,000 percent more than TRICARE Select (for both the member and the member and their family). These costs are simply unaffordable for too many of these retirees, who earned the right to receive the same healthcare benefit(s) as their brothers and sisters in arms.

The *TRICARE Fairness for National Guard and Reserve Retirees Act* eliminates this unfair, congressionally created access barrier to healthcare.

This bill is also supported by The Military Coalition, representing 5.5 million service members, veterans, and their families.

- H.R. 3253, the *Reservist Pay Equity Act*

ROA thanks Reps. Jimmy Panetta (CA–19), Brad Wenstrup (OH–02), Don Beyer (VA–08), and Blake Moore (UT–01) for sponsoring this bill and urges the members of the Subcommittee to sign on as co-sponsors.

USERRA affords many protections to members of the reserve components.<sup>17</sup>

In several amicus curiae briefs and “Law Review” articles, ROA has stated this includes paid military leave to an employee who is away from his or her civilian job for training of service. Despite several circuit court rulings, this is not widely recognized by adjudicators or industry practices.

However, employers can help reserve component service members on orders and their families by offering differential pay as a benefit of employment.

There is currently a tax credit that seeks to incentivize the offering of this benefit, which “refunds” employer’s 20 percent of up to \$20,000 in differential wage payments made per reserve component employee.

However, the incentive has not kept pace with the current rate of inflation or the increased reserve component op-tempo.

By increasing the tax credit from 20 to 50 percent of up to \$20,000 commensurate with economic conditions, this bill simply enhances dual-career path opportunities for employees and incentives employer support of the reserve components.

Further, it enhances the financial readiness of reserve component members and families throughout their transition(s) from civilian to military duty.

### Prepared Statement of Kristina Keenan

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. 6225, Expanding Home Loans for Guard and Reservists Act**

The VFW supports this legislation, which would expand eligibility for the VA Home Loan Guaranty program to service members of the National Guard and Reserves who have performed active duty for training for thirty consecutive days or more. Currently, only full-time National Guard service for ninety cumulative days, which includes thirty consecutive days, qualifies for the home loan. The VFW supports this expansion to ensure that members of the National Guard and Reserves have the housing stability needed to effectively perform their duties as they balance military service and civilian lives.

#### **H.R. 6656, Stuck on Hold Act**

The VFW supports this legislation to require the Department of Veterans Affairs (VA) to improve each of its customer service telephone lines by implementing an automated system to inform callers of the anticipated wait time, and to automatically generate a return call to anyone waiting longer than 15 minutes. It would also require VA to issue guidance on how to reduce overall caller wait times to 15 min-

<sup>17</sup> <https://www.dol.gov/agencies/vets/programs/userra/USERRA-Pocket-Guide#:~:text=The%20Uniformed%20Services%20Employment%20and%20Reemployment%20Rights%20Act%20of%201994,for%20all%20uniformed%20service%20members.>

utes or less. The VFW recognizes the importance of this proposed improvement to VA telephone lines to better serve callers and ensure they connect with a VA professional to address their needs.

**H.R. 7323, To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to disapprove courses of education offered by a public institution of higher learning that does not charge the in-state tuition rate to a veteran using certain educational assistance under title 10 of such Code.**

The VFW supports this legislation to include the Montgomery GI Bill Selected Reserve benefit to the in-state tuition waiver within title 38 of the United States Code. Currently, VA can disapprove programs and courses offered by institutions of higher learning that do not offer veterans in-state tuition rates. Chapter 30, 31, 33, and 35 benefits are included in the law presently. This legislation would add Chapter 1606 of title 10, the Montgomery GI Bill Selected Reserve. The Selected Reserve is a key component of the Reserve forces. These service members train regularly and can be called to active duty at any time. Their education benefits should be equally protected as compared to other VA programs, and they should be fairly charged in-state tuition rates.

**H.R. 7613, Veterans Flight Training Responsibility Act of 2024**

The VFW supports this proposal to set limitations on the use of the GI Bill for certain flight training. Years ago, the GI Bill was essentially a blank check to allow certain flight schools to charge uncapped amounts of money. Flight training is expensive, and currently pilots are in demand across the country. However, the VFW believes there should be reasonable limitations on the amount of money spent on flight training, and that this legislation is a fair balance for veterans who pursue flight training through the GI Bill.

**H.R. 7643, Veterans congressional Work Study Act**

The VFW supports this proposal to expand the VA work-study program to include work focused on VA-related casework, policy, or oversight in a House or Senate committee, the Congressional Research Service, the Government Accountability Office, or the Congressional Budget Office. The program focuses on work entirely related to VA and veterans, and currently allows for work in VA medical facilities, offices, cemeteries, and the Board of Veterans' Appeals. The proposed expansion would be consistent with VA's focus, while providing meaningful work opportunities for student veterans in additional career fields.

**H.R. 7653, Veterans Employment Readiness Yield (VERY) Act of 2024**

The VFW supports this proposal to update terminology in United States Code regarding the Veteran Readiness and Employment (VR&E) program. Currently, veterans may be eligible for this benefit if they experience an "employment handicap" due to their service-connected disabilities. This proposal would change the language to "employment barrier." The VFW supports modernizing this terminology to more accurately reflect the effects that service-connected disabilities can have on veterans and their employment.

**Discussion Draft, To amend title 38, United States Code, to provide for the restoration of entitlement of individuals entitled to educational assistance under the laws administered by the Secretary of Veterans Affairs who use such entitlement to pursue a course or program of education at an educational institution found to have violated certain prohibitions on advertising, sales, and enrollment practices, and for other purposes**

The VFW supports this proposal to ensure that veterans and beneficiaries of VA education benefits are protected if an educational institution is found to have violated certain prohibitions regarding advertising, sales, and enrollment practices. Schools found in violation would be required to repay funds to the Department of Veterans Affairs. VA would also restore entitlements to beneficiaries. Requiring schools to be responsible for repayment if they engage in unauthorized activities would ensure that taxpayer-supported federal funding is managed properly.

The VFW also supports H.R. 1767, which would provide similar relief to veterans as this proposal. We hope the subcommittee works to combine these two bills to retain the best aspects of both to provide full restitution for veterans who need their education entitlements restored.

**Discussion Draft, Enhancing Service Member Transition**

The VFW supports the intent of this bill, but has some concerns regarding the details of certain title 10, Department of Defense (DOD), portions of this proposal. The VFW works with approximately 10 percent of the separating force every single year, and has direct knowledge of how TAP works and how it *should* work.

This bill contains many great elements such as language from the *TAP Promotion Act* and the *Combat Veterans Pre-Enrollment Act*, both of which the VFW strongly supports. This draft bill also includes reports that would ensure regular updates on critical aspects of transition such as timeliness, attendance, pathway participation, and frequency of participation. The VFW has spoken about the elements in this proposed legislation during numerous hearings before this subcommittee and before the Senate.

However, we have concerns about some of the changes to the title 10 aspects of the bill that we know are well-intentioned, but may have unintended consequences or are not clear enough. For example, we think prohibiting a member of the armed forces from providing pre-separation counseling is a good aspect, but believe prohibiting civilian employees of the Department from doing so may force DOD toward outside contractors, which would further distance counselors from congressional oversight.

Addressing homelessness and food insecurity is a great addition to pre-separation counseling, but pre-separation counseling should happen 365 days prior to separation. We believe adding this screening and a subsequent one closer to separation would provide a more accurate assessment of those needs upon separation. A service member may not be facing homelessness 1 year from separation, and conducting screening only at that moment may not give an accurate assessment.

We believe the prohibition of providing a DD Form 214 to service members who do not complete counseling is a well-intentioned attempt to force compliance. However, we have knowledge that most junior enlisted service members who do not complete the Transition Assistance Program (TAP) do not do so because they are limited by commanders. This could potentially penalize troops for command failures. We strongly believe there needs to be accountability for DOD to follow the law. Commanders should be held responsible for ensuring their transitioning service members attend TAP in a timely manner. We do not believe withholding a DD Form 214 would accomplish that goal.

The VFW believes the private sector should be used to help improve outcomes in TAP. The portion of this proposal that would incorporate that into the program is potentially beneficial, but it may be too restrictive. We believe the scope of the requirements for partnerships with the private sector should be refined. Currently, there are not many organizations that provide career services to at least 5,000 individuals. There are not enough organizations with a national presence that meet this criteria and could offer services to the entire separating force. Many organizations provide outstanding services to separating service members, but operate at a slightly lesser scale than what is proposed. We believe a pilot program with multiple mid-sized organizations at various locations would be a good start to integrating the private sector into TAP.

The waiver for Reserve Component members is a reasonable provision for those who do not need the assistance, but lack of standardization of resources is a major concern. Simply adding an attendance waiver for certain Reserve Component troops without also adding standardized resources addresses only half of the problem. The VFW believes this is a great start to a transition reform bill, but the issues listed above would need to be addressed before we fully support this language. We hope this subcommittee engages with us to help refine this proposal to ensure it provides the great resources it intends.

#### **Draft Discussion, Fair Access to Co-ops for Veterans Act of 2024**

The VFW supports this draft proposal to extend the VA Home Loan Guaranty program to veterans seeking to purchase residential cooperative housing units (co-ops). Since the program does not currently include co-ops, veterans who live in cities where these housing options are prevalent are disproportionately affected. New York City is the prime example. In that city alone, co-ops comprise almost two-thirds of all multi-family housing, for which veterans cannot use VA home loans. Veteran home ownership in New York City is significantly lower than the rest of the country, which is concerning. Other cities where co-ops are prevalent are Baltimore, Chicago, Los Angeles, Miami, Minneapolis, Newark, Palm Beach, Philadelphia, San Francisco, and Washington, DC. Expanding the VA home loan program to co-ops would help fix an equity issue for veterans who live in these areas, and provide long-term housing stability.

Chairman Van Orden, this concludes my testimony. Again, the VFW thanks you and Ranking Member Levin for the opportunity to testify on legislation pending be-

fore 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 2024, 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.

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#### **Prepared Statement of Marquis Barefield**

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 pleased to provide 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.

#### **H.R. 6225, Expanding Home Loans for Guard and Reservists Act**

The Expanding Home Loans for Guard and Reservists Act would amend title 38, United States Code, Section 3701(b) for the term veteran to include individuals who performed active duty for training for a period of 30 consecutive days.

VA helps veterans, service members, and eligible surviving spouses become homeowners. As part of VA's mission to serve, they provide a home loan guaranty benefit and other housing-related programs to help those that are eligible buy, build, repair, retain, or adapt a home for their own personal occupancy.

The Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, signed into law Jan 5, 2020 (PL 116–315) expanded the VA Home Loan program eligibility to National Guard service members who perform “full-time National Guard duty” for at least 90 days, of which 30 are consecutive.

Since then, gaps have been identified that makes it more difficult for certain National Guard service members conducting Active Duty training to receive the full credit for their time served and subsequent access the VA home loan benefit. This legislation provides a technical fix to ensure that each of our men and women in uniform can earn the benefits they have earned through their full-time National Guard duty and service to our country.

DAV supports this legislation as it expands the existing eligibility to the VA Home Loan program and corrects the gaps identified in PL 116–315. Veterans clearly know the price of protecting the American dream and those who served should have access to achieve it.

#### **H.R. 6656, Stuck On Hold Act**

The Stuck On Hold Act would require VA's telephone call line to include an automated response system that would do two things: 1) advise the caller of the anticipated wait time and 2) offer the caller the ability to receive a callback if the wait time is over 15 minutes. The goal of this bill is to keep veteran wait times to 15 minutes or less.

The Veterans Benefits Administration (VBA) is responsible for processing veterans' claims and appeals for myriad benefits and services. In 2022 alone, VBA completed more than 1.7 million disability compensation and pension claims. As of March 1, 2024, VBA had 992,344 pending claims. With these high numbers, veterans should not have to wait on the phone for an extended period of time to receive assistance or the latest information about their claims or appeals. VBA has estimated that one claim generates eight separate contacts to the call centers. This means that VA could expect eight million calls yet this year.

DAV proudly supports H.R. 6656, the Stuck On Hold Act, in accordance with DAV Resolution No. 220, which calls on Congress and VA to support significant and meaningful processes to reform VA's overall workloads.

**H.R. 7323, a bill to direct the VA Secretary to disapprove courses of education offered by a public institution of higher learning that does not charge the in-state tuition rate to a veteran using certain educational assistance**

H.R. 7323 would allow members of the selected reserve along with individuals who receive benefits under title 38, United States Code, Chapters 30, 31, 33 or 35, to be able to pay the in-state tuition rates for educational benefits received by the VA. This legislation would take effect on August 1, 2024.

Upon separation from service, many veterans do not always fully understand the scope and breadth of their earned benefits and how to access those benefits. Furthering their education and seeking gainful employment to support themselves and their families becomes a veteran's immediate focus upon leaving service.

By allowing a veteran to pay in-state tuition rates while pursuing their post-secondary education would save them thousands of dollars as opposed to them being subjected to paying out-of-state tuition rates.

In accordance with DAV Resolution No. 542, we support H.R. 7323, as it opens the door for more veterans to be able to secure a benefit to help them pursue their educational goals and at a more affordable rate.

**H.R. 7613, Veterans Flight Training Responsibility Act of 2024**

The Veterans Flight Training Responsibility Act would authorize the VA to pay a public institution of higher learning up to \$100,000 for a veteran enrolled in flight training. An annual percentage increase would be available over the maximum rate and tied to the Consumer Price Index (CPI). The rates noted in this legislation would become effective for those individuals who first pursue a program of flight training on or after August 1, 2025.

According to the U.S. Bureau of Labor Statistics, there were 142,000 jobs available for airline and commercial pilots in 2022. Overall employment of airline and commercial pilots is projected to grow 4 percent from 2022 to 2032. About 16,800 openings for airline and commercial pilots are projected each year, on average, over the next decade. Many of those openings are expected to result from the need to replace workers who transfer to different occupations or exit the labor force into retirement.

DAV fully supports H.R. 7613, the Veterans Flight Training Responsibility Act in accordance with DAV Resolution No. 542, as it would provide unique opportunities for service-disabled veterans to become airline or commercial pilots and overcome their employment barriers.

**H.R. 7643, a bill to authorize the use of VA work-study allowance to carry out casework, policymaking, and oversight at certain congressional offices**

H.R. 7643 would allow individuals in the VA Work Study program the opportunity to work in the offices of the Senate and House of Representatives, the Congressional Research Service, the Government Accountability Office or the Congressional Budget Office. The individuals selected for this program would be involved in supporting casework, policymaking and oversight in those offices.

This legislation would increase the opportunities for individuals in the VA work-study program. Currently, work-study students can only work at VA facilities, educational facilities, state agencies or other non-VA facilities. The work performed by work-study students must be entirely related to VA and veterans.

In accordance with DAV Resolution No. 542, we strongly support H.R. 7643, as it would expand the VA work-study program and give service-disabled veterans more career options to explore while meeting their educational goals.

**H.R. 7653, to update certain terminology regarding veteran employment**

H.R. 7653 would change the language in title 38, United States Code, from "employment handicap" to "employment barrier" and "employment handicaps" to "employment barriers."

There is perception that the word "handicap" has a negative connotation. According to the National Education Association (NEA), language matters. Word choices can either create inclusive or exclusionary environments, create or disrupt barriers



to inclusion, uplift or demean differences, or sustain or disperse stereotypes about persons with disabilities.

The NEA notes we should be conscious of antiquated words that have negative connotations for people with disabilities (e.g., “handicapped” or “crippled”). Advocates of person-first language believe that a person with disabilities is an individual first and shouldn’t be identified by their disability.

DAV was founded on the principle that this Nation’s first duty to veterans is the rehabilitation and welfare of its wartime disabled. This principle specifically encompasses VA Vocational Rehabilitation & Education programs and removing obstacles for employment. DAV supports this change of terminology in the statute.

#### **H.R. 7703, Fair Access to Co-ops for Veterans Act of 2024**

The Fair Access to Co-ops for Veterans Act would allow veterans the ability to use their VA home loan certificates to help purchase cooperative housing units. The VA would have to set forth the regulatory underwriting requirements to allow this type of purchase.

This bill would also set the fee for the loan to 3.25 percent and does not discriminate whether the loan is an original loan, loan assumption, or other circumstance.

Provisions in the bill would give VA the authority to advertise the availability of this type of loan through the issuance of guidance, notification to eligible veterans, participating lenders and interested realtors of such loans.

Cooperative housing, commonly known as a co-op, is a popular housing model you’ll find in major cities like New York city. Tenants or members collectively own and share responsibility for an entire building or property.

Co-ops are typically apartments in large buildings, particularly in big cities. However, several other co-op housing types exist, including the following: townhouses, duplexes, single-family homes or manufactured homes. They are generally considered more affordable housing in major cities. Co-op financing differs from financing for a traditional home because co-op owners don’t own the real estate. To finance with a co—op loan, a lender will review a co-op’s operations, its board of directors and the property’s underlying mortgage.

DAV strongly supports this legislation as it would provide service-disabled veterans more options to obtain affordable housing for themselves and their families. Affordable housing options are one of the top priorities for service-disabled veterans, especially those transitioning from active duty.

#### **Draft bill to provide for the restoration of entitlement of individuals entitled to VA educational assistance to pursue a course or program of education at an educational institution found to have violated certain prohibitions on advertising, sales, and enrollment practices**

This draft legislation would restore any used portion or aggregate period of educational assistance an individual would have lost due to being enrolled in an educational institution that violated title 38, United States Code, Section 3696 subsections (a), (c) or (d). This covers individuals that are in the following educational programs: Chapter 30, 31, 32, 33, 35 or Chapter 1606 or 1607 of title 10.

Once it has been properly determined that the owner of an educational institution or the educational institution is in violation of the statute, it will be required to repay the VA or the individual all moneys received during the time period of the violation.

If the educational institution or owner of the educational institution does not repay the individual or the VA, then the VA has the ability to disapprove a course or program of education offered by that school until the debt is repaid in full. Once the debt has been repaid, the school can request reinstatement for that course or program of education.

If an institution of higher learning has been caught in violation of this statute 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. This draft legislation would restore the student veterans’ benefits that would have been lost if the institution of higher learning wasn’t caught violating the statute.

DAV supports this draft legislation, in accordance with DAV Resolution No. 542, because it will help student veterans maintain their benefits if an institution of higher learning is caught in violation of the statute due to no fault of the veteran.

**Draft bill to make improvements to certain programs for a member nearing separation, or for a veteran who recently separated, from the Armed Forces**

The transition from military service to civilian life is very difficult for many veterans who must overcome obstacles to successfully obtain employment. Current law authorizes comprehensive transition assistance benefits and services for separating service members and their spouses. The Transition Assistance Program (TAP) program was created to help our separating service members successfully transition to the civilian workforce, start a business or pursue training or higher education and is now mandatory for active-duty personnel.

This draft legislation would make changes to the program parameters of TAP. Based on certain criteria, a member may have up to three to 5 days of entitlement to the program. Certain members of the reserve component can request a waiver for pre-separation counseling if they have received pre-separation counseling during the 3-year period preceding such request.

TAP counseling would not be given by a member of the armed forces or a civilian employee. Pre-separation counseling must be provided in person to the extent possible. If the member cannot appear in person then counseling can be provided remotely. As part of the pre-separation process, a member that is separating, retiring or is discharged from service will have their contact information and a determination by the releasing branch of service provided to the VA as part of the VA Solid Start Program.

Veterans Service Organizations (VSOs) are allowed to provide an hour-long presentation during pre-separation briefings. VSO briefings provide information on how the organization can assist the member obtain benefits from the VA and are not permitted to encourage a member to join their organization during the briefing. Participation by veteran service organizations, like DAV and others in the TAP program is essential for service members to gain a full understanding of entitlements and free assistance and representation available to them upon discharge from military service. An annual report is required to be furnished for TAP participation and VSO presentations.

This legislation has a Department of Labor (DOL) portion that encourages the use of its Employment Navigator and Partnership Program. The DOL program has various components, to include private sector culture, resume writing, career networking and opportunities for spouses to use the program.

This legislation would also implement a 3-year pilot program for military spouses. This program would be on a voluntary basis and include a curriculum, counseling and be carried out on not less than four military bases. At the conclusion of the program, a report would be required by the Department of Defense on the success of the pilot program and note if it should be made permanent.

An area of concern for DAV is the provision in this draft legislation that mentions "No member shall be provided with their DD Form 214 [military discharge document] until they have completed their pre-separation counseling. The only exceptions are for members who are being retired or separated for disability and those who are receiving discharges that are not characterized as honorable or general." Besides the noted exceptions, it is not clear how the program would handle a situation beyond the service member's control that would prevent them from finishing the required counseling. As such, it appears this legislation would punish the service member by not allowing them to receive their DD-214 in a timely manner.

In accordance with DAV Resolution No. 113, we support this draft legislation and urge Congress to provide comprehensive oversight of the TAP program, its workshops, training methodology and delivery of services, and the collection and analysis of course critiques. We recommend changes to the DD-214 section of this draft legislation as noted above.

Mr. Chairman, this concludes my statement.



## STATEMENTS FOR THE RECORD

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### Prepared Statement of USAA Federal Savings Bank

On behalf of the United Services Automobile Association (USAA) and our more than 13 million members of the U.S. military, veterans who have honorably served, and their families, thank you for convening today's hearing to discuss legislation to strengthen veterans' economic security and financial well-being. We appreciate the opportunity to provide this statement of support for H.R. 6225, the bipartisan *Expanding Home Loans for Guard and Reservists Act*.

USAA is a membership association that serves members of the military community, including active duty, guard, reserve, retired and honorably separated and their families. Since our founding in 1922 by 25 U.S. Army officers, USAA has pursued a mission of empowering financial security through competitive products, exceptional service, and trusted advice. In our second century of service, we remain focused on meeting our members' needs through every stage of life – from joining the military to buying a home to retiring.

USAA employs approximately 37,000 people globally, and nearly 24 percent of our employees identify as veterans, servicemembers, or military spouses. USAA's Military Affairs team, which has over 1,400 years of combined military experience, includes more than 40 representatives who operate on and near major military installations and advocate for servicemembers' financial readiness.

Serving our members through the VA Home Loan Guaranty Program is an important component of our mission to serve military families and has allowed generations of veterans, servicemembers, and their families to achieve their dreams of homeownership. The VA loan program provides significant benefits for eligible borrowers, including 100 percent loan-to-value for purchases and the ability to avoid Private Mortgage Insurance.

However, there are opportunities for policymakers and the Department of Veterans Affairs (VA) to address persistent obstacles that challenge borrowers' ability to effectively take advantage of this earned benefit. We commend the Committee's ongoing focus on these issues. Last Congress, we were pleased to support P.L. 117-308, the *Improving Access to the VA Home Loan Benefit Act*. By directing the VA to consider improvements to its appraisal process and related requirements, this new law will help level the playing field for VA borrowers, who are often disadvantaged compared to conventional borrowers.

In addition to appraisal-related improvements, there are also opportunities to improve program eligibility challenges. We thank Representatives Jen Kiggans (R-VA) and Pat Ryan (D-NY) for reintroducing H.R. 6225, the *Expanding Home Loans for Guard and Reservists Act*. This bill will expand eligibility for VA home loans by enabling members of the Guard and Reserves to receive full credit toward their entitlement for time served on active duty training.

Servicemembers in the National Guard and Reserves make significant sacrifices to serve our country while balancing the demands of civilian employment and family life. For many, reporting for duty may result in reduced income. With deployments averaging between 6 and 12 months and sometimes coming without notice, income reductions can impose financial stress and make budgeting especially difficult. Navigating the complexities of Guard and Reserve benefits can lead to additional stress. As one of our retired Air Force Reservist employees aptly stated, "Part-time service often equates to full-time stress." And regardless of time spent performing active duty service, Guard and Reserve members make a full-time commitment to military readiness and standards.

In some instances, Guard and Reserve members who have not met the minimum active duty service requirements may be unaware that they lack full entitlement for the VA home loan program until they are deep into the homebuying process. This is a particularly devastating experience that compounds the other inherent challenges of the dual military-civilian lifestyle.

As Reps. Kiggans and Ryan note, H.R. 6225 will help ensure that all men and women in uniform, including Guard and Reserve members, can access the benefits

they have earned through service to our Nation. We look forward to consideration of H.R. 6225 during a future Committee markup and urge your support.

### **Prepared Statement of Veterans Education Success**

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

We thank you for the opportunity to share this statement for consideration during this hearing, which includes several notable bills addressing topics in higher education and veterans' education benefits. Veterans Education Success is a nonprofit organization with the mission of advancing higher education success for veterans, service members, and military families, and protecting the integrity and promise of the GI Bill and other federal education programs.

#### **Draft Bill Addressing 38 U.S.C. § 3696**

This bill proposes restoring veterans' eligibility for education benefits during any period in which an institution is found to have violated 38 U.S.C. § 3696, chiefly violations of advertising, sales, and enrollment practices. The bill would also mandate recoupment of those funds from the school, and adds an additional disapproval clause for schools which have not repaid benefits for periods of violation. We support this legislation, and believe it is long overdue. However, we believe this bill does not go far enough to ensure student veterans have the same rights as traditional students.<sup>1</sup>

We note that the bill's language limiting restoration to periods "when the violation occurred" may not allow for the restoration of benefits in the most egregious circumstances, such as when a school lured veterans into the program with substantial misrepresentations and then ended the misconduct after getting caught by law enforcement.

Here are several examples that would not be covered by the draft legislation:

A few years ago, the U.S. Department of Justice (DOJ) seized the bank accounts of the House of Prayer Christian Church – a purported "bible school" that we exposed and brought to VA's attention, as veterans were being blatantly cheated out of their GI Bill and abused by an alleged cult leader.<sup>2,3</sup>

In another example, the DOJ recouped more than \$150 million from Retail Ready Career Center and sent the owner, Jonathan Dean Davis, to jail for 19 years after he had swindled thousands of veterans, taking their GI Bill and their housing allowance but providing nothing of value in return.<sup>4</sup> But when the Federal Government recovered \$150 million, the veterans did not get their GI Bill benefits back.

Consider another example where traditional students have been able to obtain financial relief, but student veterans have not. Students with federal student loans from ITT Technical Institute have had their loans discharged due to the evidence of widespread fraud uncovered by the U.S. Department of Education (ED).

However, veterans who used their GI Bill to attend ITT Technical Institute currently have no rights to restoration of their GI Bill in cases of fraud. It seems an absolute betrayal to student veterans that they cannot get back their GI Bill benefits when traditional students get their loans discharged under Title IV rules.

The idea that veterans are defrauded out of their hard-earned GI Bill is a blatant insult counter to Congress' vision for the impact of the GI Bill. Student loans are forgiven if fraud is evident, but student veterans have no parity with regard to their U.S. Department of Veterans Affairs (VA) education benefits.

As the Subcommittee is aware, there are now several bills on this topic. The veterans community has always valued that the hallmark of the House Veterans Affairs Committee is its longstanding commitment to bipartisan work to protect veterans.

<sup>1</sup>The term "traditional students" indicates students who are ages 18–24 years old, and generally reliant on U.S. Department of Education Title IV grants or loans, or private funding, versus student veterans frequently use Title 38 education benefits as their primary source of education funding.

<sup>2</sup>*United States of America v. \$115,800.00 in U.S. Currency Funds*, available at <https://vetsedsuccess.org/us-attorney-action-against-house-of-prayer-bible-seminary-january-2023>.

<sup>3</sup>Veterans Education Success, Our Letter to VA and Georgia SAA Regarding House of Prayer Christian Church (Aug. 2020), <https://vetsedsuccess.org/letter-to-va-and-georgia-saa-regarding-house-of-prayer-christian-church/>.

<sup>4</sup>United States Attorney's Office, Northern District of Texas Press Release, *For-Profit Trade School Sentenced to Nearly 20 Years for Defrauding VA, Student Veterans* (Sept. 22, 2021), <https://www.justice.gov/usao-ndtx/pr/profit-trade-school-sentenced-nearly-20-years-defrauding-va-student-veterans>.

We encourage the Subcommittee to start work now on a bipartisan, bicameral solution that the President will sign. A bipartisan bicameral solution should ensure that student veterans have no fewer rights than non-veterans already enjoy. We believe a bipartisan solution should include the following elements:

- Establish authority for the Secretary of VA to restore GI Bill students if an educational institution faces punitive action from a state approving agency or the Secretary at any time, including seizure of property, disapproval of receiving educational assistance, or a finding of violation of a law or regulation due to fraudulent behavior and the GI Bill students were affected by the institution's action that was the subject of the punitive action.
- Establish authority for the Secretary of VA to restore GI Bill students' eligibility when ED has made a determination that the educational institution engaged in fraud entitling federal loan borrowers to financial relief and the GI Bill students would have been eligible for such financial relief had the GI Bill students had federal student loans.
- Establish authority for the Secretary of VA to restore GI Bill students' eligibility if a court of competent jurisdiction has found a school guilty of, or liable for, fraudulent behavior and has ordered the educational institution to pay financial relief to a student and the GI Bill student is in the same position as the student receiving financial relief.
- Establish authority for the Secretary of VA to restore GI Bill students' eligibility in cases where a school is found to be in violation of VA rules pertaining to fraud or misrepresentation, such as 38 U.S.C. § 3696, and the GI Bill student was negatively affected by such violation.
- Establish authority for the Secretary of VA to recoup funds from schools related to the aforementioned scenarios, but as a separate process from the question of restoration of entitlement. In other words, VA's recoupment of funds should not be a determining factor in whether or not VA should restore GI Bill entitlement.
- Establish the retroactive application of restoration not limited to the date of enactment

We also would like to note for the Subcommittee's awareness that VA has a long history of not enforcing 3696, and encourage close oversight of VA's application of this statute, or any lack thereof.<sup>5</sup> This further underscores the importance of considering additional elements for a more comprehensive restoration bill as outlined above.

We are eager to work with this Subcommittee to finally provide veterans with parity to their peers in higher education, and we thank the Subcommittee for the continued commitment to make these students whole.

#### **Draft Bill Addressing Flight Training**

This bill proposes amending 38 U.S.C. § 3313 to add subsection (m) to establish a maximum total cost ceiling of \$100,000 per beneficiary on flight training at public institutions in order to bring them in line with the cap on non-degree flight training programs at private institutions.

Presently, there is no tuition cap for flight training programs that are part of a program leading to a degree, other than the annual cap on funding for private schools.<sup>6</sup> There is an annual cap at all types of institutions for flight training programs that do not lead to a degree.<sup>7</sup> The bill would also establish annual percentage cost increases tied to the Consumer Price Index.

We believe this legislation would provide an important savings for VA and represents a reasonable cap in line with industry requirements. As one commercial

<sup>5</sup> Ochinko, Walter, "VA Still Not Enforcing 1974 Ban on Schools that Engage In Deceptive Advertising and Recruiting," Veterans Education Success, (Oct. 2019), [https://vetsedsuccess.org/wp-content/uploads/2019/10/Vets\\_Ed\\_Success\\_IB\\_3696-1.pdf](https://vetsedsuccess.org/wp-content/uploads/2019/10/Vets_Ed_Success_IB_3696-1.pdf).

<sup>6</sup> If a flight training program is part of a program leading to a degree at an institution of higher learning the payment amount is just a part of the general provisions for standard college degrees covered by 38 U.S.C. § 3313(c). The specific provision for payment amounts to a public institution is in 38 U.S.C. § 3313(c)(1)(A)(i) and it does not set a cap. If the degree is from a "non-public or foreign institution" the payment amount is covered in (c)(1)(A)(ii) which sets a cap at \$17,500 per academic year with an annual percentage increase mechanism. The cost for flight programs that do not lead to a degree is specifically covered in 38 U.S.C. § 3313(g)(3)(C). It provides a \$10,000 per year cap, with an annual percentage increase mechanism as tied to 38 U.S.C. § 3015(h), at all types of institutions for flight training that do not lead to a degree.

<sup>7</sup> *Id.*

pilot training school notes, “becoming a pilot doesn’t require an exorbitant amount of money,” and they estimate a total cost ranging from \$55,000 to \$100,000.<sup>8</sup>

The proposed cap of \$100,000, however, should not be limited to public institutions. Because the total amount of GI Bill benefits paid for flight training programs leading to a degree at non-public institutions can exceed \$100,000,<sup>9</sup> the Subcommittee should apply the proposed maximum total cost to non-public institutions as well. The Subcommittee could accomplish this by amending subsection (c) rather than subsection (g)(3)(C).<sup>10</sup>

We have previously provided testimony about our concerns regarding the historical abuses of the GI Bill by flight schools. Former House Veterans Affairs Committee Chairman, Rep. Jeff Miller, even famously stated, “The GI Bill flight school loophole is so big you could fly a 747 through it.”<sup>11, 12</sup> Veterans should have the opportunity to pursue their passion for flying without facing excessive costs from over-priced flight programs.

This Subcommittee has previously worked in a bipartisan fashion to rein in the expenses of private flight training. This bill aims to continue that effort, ensuring that veterans aren’t unfairly burdened by inflated costs. We do not want to hinder veterans from pursuing their career goals; rather, we advocate for reasonable limits on costs, especially considering past abuses by certain flight programs that took advantage of loopholes.

We support this legislation, and thank the Subcommittee for its work to make opportunities for flight training available to veterans, while balancing the interests of taxpayers.

#### **Draft Bill Addressing In-State Tuition for Montgomery GI Bill**

This bill would make the in-state tuition rate apply to Chapter 1606 (Montgomery GI Bill – Select Reserve) as a precondition of a school’s eligibility to receive Title 38 benefits. We have been long-time proponents of military-connected students’ receiving the in-state tuition rate due to the inability of these students to “claim a home state” based on the transient nature of military duty. We support this legislation offering this common sense technical change.

#### **Draft Bill Addressing Expansion of Work-Study Authorities**

This bill aims to expand the scope of the VA Work-Study program by allowing veterans to engage in casework, policymaking, and oversight activities at specific congressional offices within the Department. For instance, veterans could assist in a Member of Congress’s district office or gain valuable experience on Capitol Hill.

This legislation not only provides beneficial opportunities for veterans, but also contributes to better serving the American people. The need for such expansion is underscored by the minimal representation of veterans in Congress at the staff level, where less than 2 percent have military experience.<sup>13</sup>

The bill would create a pathway for veterans to offer constituent support and bring a unique perspective to legislative matters. Additionally, we acknowledge the importance and broad value of the VA Work-Study program, particularly for student

<sup>8</sup>Pilot Institute, “How Much Does It Cost to Become a Pilot?,” (Feb. 26, 2023), <https://pilotinstitute.com/pilot-license-cost/>.

<sup>9</sup>VA Increase in Maximum Tuition and Fee Amounts Payable Under the Post-9/11 GI Bill Notice, 88 Fed. Reg. 24665, 24665–66 (published Apr. 21, 2023), available at <https://www.Federalregister.gov/documents/2023/04/21/2023-08450/increase-in-maximum-tuition-and-fee-amounts-payable-under-the-post-911-gi-bill>. (“For the 2023–2024 academic year, the Post-9/11 GI Bill allows VA to pay the actual net cost of tuition and fees not to exceed the in-state amounts for students pursuing training at public schools; \$27,120.05 for students training at private and foreign schools...”).

<sup>10</sup> Section 2(a) of the bill adds the caveat, “Subject to the limitation under subsection (m)” and amends subsection (g)(3)(C). However, flight training programs that do not lead to a degree—regardless of the institution—have an annual cap under (g)(3)(C). Rather than amending subsection (g)(3)(C), Section 2(a) of the bill should amend subsection (c) which provides the payment amounts for programs leading to a degree at both public and non-public institutions.

<sup>11</sup>Veterans Education Success, “LEGISLATIVE HEARING ON PENDING AND DRAFT LEGISLATION,” (Oct. 11, 2017), <https://vetsedsuccess.org/wp-content/uploads/2020/03/VES-SFR-HVAC-Flight-Training-Schools.pdf>.

<sup>12</sup>Harress, Christopher, “GI Bill Flight School Benefits Could Be Slashed By Congress Amid Tuition Loophole Controversy,” International Business Times, (Feb. 9, 2016), <https://www.ibtimes.com/gi-bill-flight-school-benefits-could-be-slashed-congress-amid-tuition-loophole-2294612>.

<sup>13</sup>Shane, Leo, “Veterans welcome? Less than 2 percent of Capitol Hill staffers have military experience,” (Jan 10, 2019), <https://www.militarytimes.com/news/pentagon-congress/2019/01/10/veterans-welcome-less-than-2-percent-of-capitol-hill-staffers-have-military-experience/>.

veterans seeking to supplement their income while pursuing training and education goals.

We support extending the program's authorities to encompass various public service roles related to the federal legislative branch and endorse this legislation.

#### **Draft Bill Addressing the Transition Assistance Program**

For many veterans, they choose to enter higher education as their next step on their career pathway.<sup>14</sup> This should be no surprise, given that a majority of veterans want to change career paths from the jobs they were assigned in the military, which is also consistent with the usage rates of the GI Bill.<sup>15</sup>

We applaud the Committee's proposal to improve outcomes associated with the Transition Assistance Program (TAP), and strongly encourage consideration of the elements we propose below that focus on the issue of higher education.

Section 2 of this draft legislation would add technical requirements associated with pre-separation counseling, and prevent the U.S. Department of Defense (DOD) from separating someone who has not received the proper counseling.

The bill proposes to mandate presentations by veterans service organizations (VSOs), "warm handoffs" to VA's Solid Start Program, and would also require VA to have the Member's contact information before separation. The bill would also mandate a partnership with the U.S. Department of Labor (DoL) and their Employment Navigator program, and establish a TAP pilot specific to military spouses.

Finally, the bill would require several annual reports to monitor progress associated with the proposed changes. We see all of these proposals as common sense improvements that would enhance outcomes for service members and their families as they go through the transition process.

Section 3 proposes a U.S. Government Accountability Office (GAO) study on the outcomes of DOD's SkillBridge program, and Section 4 proposes expansion of current job counseling and placement services. Section 5 would mandate integration of VA's Solid Start Program into the overall TAP curriculum, and Section 6 would establish a pilot for VA Patient Pre-Enrollment. We also support each of these sections and appreciate their thoughtful consideration of the complexities associated with TAP.

We have the following suggestions to improve the legislation:

#### **1. Align TAP Materials to Reflect the Education Pathway as the Majority Pathway of Transitioning Service Members**

We believe this legislation would be stronger if it incorporated additional measures bolstering a stronger focus on education within the overall TAP experience. In general, we find that discussion of higher education as a transition pathway is underemphasized in both the current TAP curriculum as well as the cultural focus of DOD.

The last significant improvements to TAP came in the Fiscal Year 2019 National Defense Authorization Act, in large part thanks to the leadership of this Subcommittee and its staff.<sup>16</sup> That legislation established the mandate for DOD to create separate pathways based on a service member's background and interests. The legislation also established the various "tracks" of curriculum, including preparation for employment, education, vocational training, and entrepreneurship.<sup>17</sup>

However, most of the information and materials throughout the TAP process are focused on immediate employment.<sup>18</sup> Unfortunately, this overemphasis on "the resume" and underemphasis on "college applications" neglects the fact that the majority of transitioning service members choose to go to school as their next immediate step after the military. We believe service members would be better positioned for success if discussion of higher education as a pathway was not limited to a 2-day elective session.

<sup>14</sup> Zoli, C., Maury, R. & Fay, D., "Missing Perspectives: Servicemembers' Transition from Service to Civilian Life—Data-Driven Research to Enact the Promise of the Post-9/11 GI Bill," Syracuse University Institute for Veterans and Military Families, (Nov. 2015). <https://surface.syr.edu/cgi/viewcontent.cgi?article=1006&context=ivmf>.

<sup>15</sup> Radford, A. W., Bailey, P., Bloomfield, A., Webster, B. H. Jr., & Park, H. C., "A first look at post-9/11 GI Bill-eligible enlisted veterans' outcomes," American Institutes for Research. (2024), <https://www.air.org/sites/default/files/2024-02/First-Look-Post-9-11-GI-Bill-Outcomes-Enlisted-Veterans-February-2024.pdf>.

<sup>16</sup> John S. McCain National Defense Authorization Act for Fiscal Year 2019, (P.L. 115-232), <https://www.congress.gov/115/statute/STATUTE-132/STATUTE-132-Pg1636.pdf>.

<sup>17</sup> Defense Visual Information Distribution Service. "TAP CURRICULUM," (Oct. 2023), <https://www.dvidshub.net/publication/1235/dod-tap-curriculum>.

<sup>18</sup> Aside from the topic of benefits, the "Pre-Separation Counseling Guide" addresses employment as 75 percent of the topics covered. <https://www.dvidshub.net/publication/issues/67710>.



Fortunately, for those who do self-select to participate in DOD’s “2-Day Education Track: DOD Managing Your (MY) Education,” there are many helpful resources. For example, when discussing the differences between using Tuition Assistance resources, and post-military resources such as the GI Bill, we strongly applaud that the curriculum states, “the institution that worked best for you while connected to the military may not be the best choice for you after transition.”<sup>19</sup>

We acknowledge the reality that service members often prioritize flexibility over outcomes for Tuition Assistance classes due to the demanding nature of military service. However, we believe material like this is buried in the curriculum, and that the guide should include an executive summary highlighting the importance of being an informed consumer when approaching higher education.

The curriculum also lists several important factors to consider when selecting a school. The first factor, however, is “location” and the second and third factors, respectively, are “quality,” and “student outcomes.”<sup>20</sup> While location is a major driver, service members and veterans deserve to get the most out of their earned benefits.

We would recommend moving quality and student outcome up as the primary factors, as location will ultimately be a logistical consideration regardless of school choice and is no more important than other logistical considerations such as net cost (which is arguably, more important).

We also recommend adding the consideration of net cost, as there are some colleges that load up veterans with student loan debt in addition to taking their GI Bill, and many veterans complain to us that they were saddled with student loan debt they did not want or authorize.<sup>21</sup>

As the Subcommittee knows, the GI Bill covers the full cost of public universities and colleges, but not at some private colleges, especially for-profit programs. Sadly, too many veterans are not informed of this significant difference, which would likely change their college selection.

## **2. Share and Enhance Existing Resources to Help Transitioning Service Members Make Informed Decisions**

Unfortunately, the stark reality is that service members and veterans are often targeted by predatory institutions for their lucrative education benefits. Other service members and veterans end up with loans for an education that was more expensive than they had understood and more costly than their GI Bill would cover.

To help service members make better informed decisions related to the use of their hard-earned GI Bill benefits, vital information, including the typical earnings of graduates from specific schools – and the accompanying potential risks of wasting their GI Bill benefits at subpar schools – and the realities of net prices of private colleges, must be shared. The current TAP education track curriculum contains some information about warning signs service members and veterans should pay attention to when choosing a college or university, but they are not enough.

One example is the “Know Before You Go” campaign by VA.<sup>22</sup> While this video is shared during VA’s portion of TAP, we believe this resource should be shared sooner and more regularly throughout the military lifecycle to educate service members on what to look for when choosing a school.

Additionally, the USAA Educational Foundation created an unbranded video, available for use by any government agency, and could be included in the TAP curriculum.<sup>23</sup> The video explains how veterans can avoid known efforts to defraud students and is an example of a resource that is already available from a reliable source.<sup>24</sup>

The Subcommittee should also prioritize educating service members and veterans about student loan debt and should also introduce legislation to rename the “Master Promissory Note” as “Student Loan Agreement.” Too many military-connected students wind up with student loans they didn’t understand or need.<sup>25</sup> Additional loan

<sup>19</sup> Defense Visual Information Distribution Service. “2023 TAP Curriculum: Managing Your (MY) Education,” (Oct. 2023), <https://www.dvidshub.net/publication/issues/65989>.

<sup>20</sup> *Id.*, pgs 58–59.

<sup>21</sup> Veterans Education Success, “Veterans With Student Loans They Never Wanted or Authorized,” (Oct. 2022), [https://vetsedsuccess.org/wp-content/uploads/2022/03/VES-REPORT-Veterans-with-Student-Loans-They-Never-Authorized-or-Wanted\\_03-3.pdf](https://vetsedsuccess.org/wp-content/uploads/2022/03/VES-REPORT-Veterans-with-Student-Loans-They-Never-Authorized-or-Wanted_03-3.pdf).

<sup>22</sup> U.S. Department of Veterans Affairs, “Know Before You Go,” (Nov. 2, 2015), <https://www.youtube.com/watch?v=Z1ttkv9oRI4>.

<sup>23</sup> Awareness Video, (2020), <https://vimeo.com/370920512>.

<sup>24</sup> The Department of Defense Office of Financial Readiness has used other USAA Educational Foundation resources on its site <https://finred.usalearning.gov/>.

<sup>25</sup> U.S. Department of Education Office of Federal Student Aid. “Master Promissory Note (MPN),” <https://studentaid.gov/mpn/>.

debt education should incorporate awareness of the Consumer Financial Protection Bureau's "Paying for College" tool.<sup>26</sup>

It is imperative that the trainers and instructors leading TAP classes provide transitioning veterans with neutral, objective information, and with no vested interest in where the service members choose to pursue higher education. For example, some non-profit organizations sponsored by or representing for-profit colleges are reportedly trying to secure roles leading TAP classes with the goal of pushing veterans to use their benefits at these schools.

Having neutral advisors ensures the advice is focused on what is in the best interest of the student. Only government representatives or veterans service organizations taking no funding from colleges should lead these classes.

Furthermore, much-needed improvements to the GI Bill Comparison Tool would provide valuable information for transitioning service members and improve their ability to make informed decisions related to their education. The following recommendations would provide significant improvements to the GI Bill Comparison Tool, and make it a more effective tool for service members as they transition:

- Enable searches by major or degree sought by geographic area. The Comparison Tool is decidedly not user-friendly or modern.
- Provide student outcome metrics from ED, especially graduates' earnings (as reported by the IRS to ED) and the comparison of an institution's tuition and graduation rates to the national medians for that type of school (e.g., 2-year vs. 4-year), as well as student loan debt levels and default rates. This information is readily available at ED and could be accomplished simply by pulling data from ED's College Navigator and College Scorecard.<sup>27, 28, 29</sup>
- Establish a "Risk Index" to enable veterans to be aware of the riskiest schools.
- Improve "Caution Flags" by posting these warnings in a timely manner so that prospective students have the information as soon as possible. Currently, VA fails to update and accurately maintain Caution Flags.
- Display student veteran complaints in a timely manner, as it can sometimes take several months, even after the complaint is closed, for complaint information to show up in the Comparison Tool.
- Show all student complaints received about a school on the Comparison Tool. In 2019, reportedly at the behest of for-profit college lobbyists, VBA adopted a policy to show only the complaints received in the most recent 24 months. This is not a veteran-centric policy and clearly benefits schools with a history of complaints. This is especially true in comparison to how the Federal Trade Commission (FTC) and Consumer Financial Protection Bureau (CFPB) operate, with the goal of not limiting consumer information available to individuals. The Comparison Tool should show the full history of complaints. The history, volume, and nature of complaints is relevant information, and veterans should be allowed to decide for themselves whether a school's history of complaints matters in their decision-making. SAAs, accreditors, other federal agencies, and academic researchers also would benefit from knowing a school's history of student complaints.
- Include whether the school responded to a complaint and whether the complaint was resolved to the satisfaction of the veteran, as is the practice of the Better Business Bureau and the CFPB.<sup>30, 31</sup> It is important for student veterans to

<sup>26</sup> Consumer Financial Protection Bureau. "Paying for College," <https://www.consumerfinance.gov/paying-for-college/>.

<sup>27</sup> 38 U.S.C. 3698 requires VA to maintain various metrics on the GI Bill Comparison tool, such as (i) its public, private nonprofit, or proprietary for-profit status; (ii) the accrediting agency's name and contact details for student complaints; (iii) details on the state approving agency and its complaint contact information; (iv) participation in title IV programs under the Higher Education Act; (v) tuition and fees; (vi) median federal student loan debt upon program completion; (vii) cohort default rate; (viii) total enrollment, graduation rate, and retention rate; (ix) provision of technical, academic, and other support services; (x) policies on credit transfer from other institutions; (xi) administration of priority enrollment for student veterans; (xii) requirements for covered individuals under section 3679(e)(4); (xiii) affiliation with a religion and its denomination; (xiv) designation as a minority serving institution by the Secretary of Education or federal agency; and (xv) whether the institution is gender-specific.

<sup>28</sup> U.S. Department of Education, College Navigator, <https://nces.ed.gov/collegenavigator/>.

<sup>29</sup> U.S. Department of Education, College Scorecard, <https://collegescorecard.ed.gov/>.

<sup>30</sup> Better Business Bureau, "Complaints," (accessed Mar. 14, 2024), <https://www.bbb.org/process-of-complaints-and-reviews/complaints>.

<sup>31</sup> Consumer Financial Protection Bureau, "Consumer Complaint Data base," (accessed Mar. 14, 2024), <https://www.consumerfinance.gov/data-research/consumer-complaints/>.

know whether a school failed to respond to other student veterans' complaints received through the Feedback Tool. Disclosing information about school response rates and student satisfaction with the schools' responses adds context to complaints and helps students make informed choices.

- Maintain information about schools that close and/or lose GI Bill approval on the historical data section ("data download") of the Comparison Tool for reference and research. For instance, student veterans who may be entitled to restoration of their GI Bill when a school closes or a program loses approval have difficulty locating information about their school when it disappears from WEAMS and the historical data section ("data download") of the Comparison Tool.
- Allow student veterans who submit a complaint in the Feedback Tool to upload attachments and have the option to make the narrative portion of their complaint public on the Comparison Tool.
- Automate the ED/VA data-crosswalk as it is labor intensive for VA employees to update it manually and they fail to do so. This is a simple process of aligning VA's facility codes with ED's OPEID numbers for each school, but it is an essential alignment.

The GI Bill Comparison Tool is an important resource that is already included in TAP, and making it reliable and comprehensive is vital to veterans' long-term success. We also note that military-connected students are understandably angry when they learn that a school that cheated them is one the government already knew about.

Schools under law enforcement action have no place on military bases or receiving the government's stamp of approval for the GI Bill. This is something the Nation's leading veterans and military service organizations called for in 2016 and 2019, as did VA's Inspector General.<sup>32, 33, 34</sup>

- **Provide service members with high quality counseling.** Many of the Armed Services are not hiring qualified counselors. Without the appropriate guidance, service members will continue to elect easier, low-quality programs at unacceptable rates and pseudo-counselors are subject to the bias of industry and the entity that trains them/hires them. DOD should require all counselors to meet OMB standards for grade GS-1740-09, Guidance Counselors.
- **Restrict base access for colleges that pose a significant risk** to service members, especially after the recent loss of the 20-student rule for base access. DOD's MOU with schools has proved insufficient; the Navy eliminated all base education offices; and the Army has insufficient resources to monitor bases. It is also a security risk. Job fairs and education fairs are dominated by predatory colleges with outsized military marketing efforts and poor educational outcomes. Whistleblowers tell us that representatives from these schools are on base, giving presentations to entire units during *mandatory* duty hours. DOD has significant leeway in statute to oversee bases and voluntary education programs. DOD should immediately ban from military installations any college that has been the subject of federal, state, or local law enforcement action or punitive regulatory action within the past 5 years.

### 3. Implement a Way for Stakeholders to Provide Timely Feedback

Many changes have been made to TAP over the past few years and veteran groups such as Veterans Education Success have received useful feedback from participants. Efforts to share this feedback and make recommendations about improving the program, however, have been stifled by the absence of an efficient and timely way to do so.

DOD's Transition to Veterans Program Office Curriculum Program Manager directs stakeholders to provide their feedback and recommendations for improvement to the DoL Advisory Committee on Veterans Employment, Training, and Employer Outreach (ACVETEO). ACVETEO publishes recommendations only once a year in

<sup>32</sup>Veterans Education Success. "Twenty Three Veterans and Military Organizations Ask VA for Better Oversight of the GI Bill," (May 16, 2016), <https://vetsedsuccess.org/twenty-three-veterans-and-military-organizations-ask-va-for-better-oversight-of-the-gi-bill/>.

<sup>33</sup>Veterans Education Success. "36 Veteran and Military Organizations Ask VA for Better Oversight of GI Bill Colleges," (Feb. 14, 2019), <https://vetsedsuccess.org/36-veteran-and-military-organizations-ask-va-for-better-oversight-of-gi-bill-colleges/>.

<sup>34</sup>U.S. Department of Veterans' Affairs Office of Inspector General. "VA's Oversight of State Approving Agency Program Monitoring for Post-9/11 GI Bill Students," (Dec. 3, 2018), <https://www.oversight.gov/sites/default/files/oig-reports/VAOIG-16-00862-179.pdf>.

their annual report. The annual report is addressed to the Secretary of Labor who then would be required to share salient points with DOD.

By the time feedback and recommendations reach the relevant staff member within DOD who can make improvements, over a year of time will have passed and a great deal of relevant information likely will have been lost along the way. Stakeholders have been told by DOD that because the GI Bill program is managed by VA, VA has input into what is included in the TAP curriculum. Similarly, however, there is no efficient way for stakeholders to make recommendations and ensure they will be considered by the TAP curriculum program managers. This is not an efficient or timely means to address needed improvements.

Veterans, service members and stakeholders should have a more efficient way to keep the TAP program as current, relevant and useful as possible through timely feedback and recommendations.

### **Conclusion**

Veterans Education Success sincerely appreciates the opportunity to express our views before this Committee. As the higher education industry continues to evolve in these very dynamic times, we emphasize the importance of maintaining high standards of quality. Student veterans, taxpayers, and Congress must expect the best outcomes from the use of hard-earned GI Bill benefits. We look forward to the discussion and review of these proposals, and we are grateful for the continued opportunities to collaborate on these topics.

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

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

**Prepared Statement of Disabled American Veterans**



Washington Headquarters  
1300 I Street NW, Suite 400W  
Washington, DC 20005  
tel 202-554-3501

March 18, 2024

Representative Ken Calvert  
United States House of Representatives  
2205 Rayburn House Office Building  
Washington, DC 20515-0541

Dear Representative Calvert:

On behalf of DAV and our over one million members, all of whom were wounded, injured or made ill during wartime service, I write to offer our support for the *Stuck On Hold Act*.

The Veterans Benefits Administration (VBA) is responsible for processing veterans' claims and appeals for myriad benefits and services. In 2022 alone, VBA completed more than 1.7 million disability compensation and pension claims. As of March 1, 2024, VBA had 992,344 pending claims. With these high numbers, veterans should not have to wait on the phone for an extended period of time to receive assistance or the latest information about their claims or appeals.

DAV is excited to support the *Stuck On Hold Act*. The goal of the bill is to keep veteran wait times to 15 minutes. As VBA has estimated that one claim generates eight separate contacts to the call centers, VA could expect eight million calls yet this year. Veterans should not have to wait on hold to get claims information.

Representative Calvert, thank you for introducing this important legislation and for your continued efforts to support our nation's veterans disabled in their service.

Sincerely,

A handwritten signature in black ink, appearing to read "Shane L. Liermann".

Shane L. Liermann  
Deputy National Legislative Director

SLL:lmb

**Joint Letter from RecruitMilitary, Orion Talent, Military Talent Pipeline, LLC, Semper Forward, and ZeroMils**

March 19, 2024

The Honorable Derrick Van Orden  
Chairman  
House Veterans Affairs Subcommittee on Economic Opportunity  
360 Cannon House Office Building  
Washington, DC 20003

Dear Mr. Chairman:

RecruitMilitary, Orion Talent, Military Talent Pipeline, Semper Forward, and ZeroMils respectfully request this letter be submitted to the hearing record for Wednesday's, March 20, 2024 House Veterans Affairs Subcommittee on Economic Opportunity Legislative Hearing on Pending Legislation.

Our comments are specific to HR XXXX, "Enhancing Servicemember Transition," which would amend titles 10 and 38, United States Code, to make improvements to certain programs for a member nearing separation, or for a veteran who recently separated, from the Armed Forces, and for other purposes, and one of the bills listed for consideration at the hearing.

Helping to create a meaningful and impactful transition experience for our service men and women is of paramount to importance to all of our organizations. We each play instrumental roles in the transition process, in partnership with the government, and would welcome the opportunity to join in a collaborative discussion to identify efficiencies of programs all with the mission of always providing the absolute best for our service members. The bill, as currently drafted, raises concerns of exclusivity, and potential diminishment of quality of services, including restriction of opportunities, provided to our service members.

For background, RecruitMilitary is an inaugural partner of the Department of Labor's ENPP, inaugural and annual recipient of the DOL HireVets Gold Medallion, collaborative partner with all service branches and made more than 500K connections between our service members and employers just last year.

Orion Talent has been an industry leading military recruiting firm since 1991. Orion is a DOL ENPP partner, DoD SkillBridge authority, Veterans Affairs VET TEC partner, a DOL HIRE Vets Platinum Medallion recipient and a founding partner of the White House Joining Forces Initiative. In the past 10 years Orion's team of Military Recruiters - 100% Veterans and Military Spouses - have matched over 100,000 veterans with rewarding careers in over 12,000 businesses.

Military Talent Pipeline (MTP), a veteran-owned small business, is a free resource for transitioning military professionals, veterans, and military spouses. MTP provides a personalized matching process for candidates including coaching and guidance, candidate advocacy and a person-to-person introduction to companies looking to hire military talent.

Semper Forward/Mission Wisconsin are veteran owned companies that started in 2022/2020 respectively to support the military/veteran family as they transition out of service or at any point in their life, and to provide companies with military/veteran talent attraction, building authentic pipelines to the military connected community. We provide that support through connections with our partner employers and economic development partners, to make sure that no military family falls through the process and are connected to whatever resources are needed for each individual family. We have assisted 2000 military families at some point during their transition process since founding across the nation.

ZeroMils is a veteran-owned social impact consulting business that helps companies attract, recruit, retain and engage veteran employees and small business owners by working across the public, private and nonprofit sectors. ZeroMils' CEO, Kevin Schmiegel, is the Founder of the US Chamber of Commerce Hiring Our Heroes, and an inaugural member of DOL VETS' Advisory Committee on Veterans Employment, Training, and Employer Outreach (ACVETEO) that aimed to provide the widest spectrum of private sector engagement with the government to maximize opportunities for transitioning veterans.

We share in a united mission to provide the widest variety and most plentiful, meaningful employment opportunities for those who have served our country and their spouses. Combined, our companies represent over 10,000 current job openings with over 500 employers, and represent millions of successfully transitioned veterans and spouses. ALL of our services and resources are free to the military community.

Any proposal that modifies an existing program servicing our transitioning service members should be explored in depth ensuring quality of experience for our service members is maximized, key metrics and outcomes are identified and tracked, and all cost-saving options have been reviewed.

Our teams stand ready to join in the conversation and be a valued contributor to this important topic.

Thank you for your consideration of our broader conversation request.

Sincerely,

**Tim Best**  
CEO  
RecruitMilitary

**Lorin Wolfe**  
CEO  
Orion Talent

**Kevin Schmiegel**  
CEO  
ZeroMils

**Steven Janke**  
CEO  
Semper Forward

**George Bernloehr**  
President  
Military Talent Pipeline, LLC

**Prepared Statement of The American Legion**



**STATEMENT FOR THE RECORD  
OF  
MR. KEVIN O'NEIL  
SENIOR POLICY ASSOCIATE  
VETERANS EMPLOYMENT AND EDUCATION DIVISION  
THE AMERICAN LEGION**

**TO THE**

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

**ON**

**"PENDING AND DRAFT LEGISLATION"**

**MARCH 20, 2024**



**EXECUTIVE SUMMARY**

LEGISLATION	POSITION
H.R. 7323 – Disapproval of Courses	<b>Support</b>
H.R. XXXX - Fair Access to Co-op for Veterans Act of 2024	<b>Support</b>
H.R. XXXX - Misrepresentation	<b>Support</b>
H.R. 7732 - TAP Reform Act of 2024	<b>Support</b>
H.R. XXXX - Work Study Act of 2024	<b>Support</b>

**STATEMENT FOR THE RECORD OF  
THE AMERICAN LEGION  
TO THE  
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY  
COMMITTEE ON VETERANS' AFFAIRS,  
UNITED STATES HOUSE OF REPRESENTATIVES  
ON  
"PENDING AND DRAFT LEGISLATION"**

**March 20, 2024**

Chairman Van Orden, Ranking Member Levin, and distinguished members of this committee, on behalf of National Commander Daniel J. Seehafer and more than 1.5 million dues-paying members of The American Legion, we thank you for the opportunity to offer this statement for the record on pending and draft legislation.

The American Legion is directed by active Legionnaires who dedicate their time and resources to serve veterans, servicemembers, their families, and caregivers. As a resolution-based organization, our positions are guided by more than 105 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. 7323**

*To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to disapprove courses of education offered by a public institution of higher learning that does not charge the in-state tuition rate to a veteran using certain educational assistance under title 10 of such Code.*

The Department of Veterans Affairs (VA) currently has the prerogative to disapprove courses at higher education institutions that do not offer in-state tuition rates for veterans using certain benefits as defined in 38 U.S. Code § 3679(c). Furthermore, under the Veterans' Access to Care through Choice, Accountability, and Transparency Act of 2014, the VA has confirmed its support for universities by granting veterans and active-duty members in-state tuition regardless of residency.

Under current law, however, selected reservists are not guaranteed the benefit of in-state tuition. The Montgomery GI Bill-Selected Reserves Tuition Fairness Act aims to correct this discrepancy and give students using Montgomery GI Bill-Selected Reserves education benefits the same tuition rates as their active-duty peers.

This bill seeks to allow the VA to disapprove higher education courses that do not offer in-state tuition rates for selected reservists by amending section 3679, Disapproval of Courses.<sup>1</sup> This would extend the financial safeguards to these students attending universities in states where they do not reside.

Through Resolution No 335: Support Major Enhancements for the Montgomery GI Bill, The American Legion believes Congress should move the Montgomery GI Bill–Selected Reserve from Title 10 to Title 38.<sup>2</sup>

Through Resolution No 24: GI Bill Fairness for Activated National Guard and Reserve Servicemembers, The American Legion seeks and supports any legislative or administrative proposal proving Post 9/11 GI Bill eligibility for National Guard and reserve service.<sup>3</sup>

**The American Legion supports H.R. 7323 as currently written.**

#### **Draft Legislation - Fair Access to Co-op for Veterans Act of 2024**

*To amend title 38, United States Code, to provide for the improvement of the Department of Veterans Affairs loan guarantee for purchase of residential cooperative housing units, and for other purposes.*

This draft bill seeks to improve the Department of Veterans Affairs (VA) loan guarantee for the purchase of residential cooperative housing units through enhanced loan advertising and loan regulation standards. Usage of the VA Home Loan Program is limited for cooperative housing units due to funding fees, stricter appraisal requirements, and the lack of equity in homes without a down payment. This bill will help restore loan guarantees for residential cooperative housing units and make the VA home loan application process more seamless.<sup>4</sup>

Specifically, the bill amends 38 U.S. Code § 3710 by adding: “A loan may not be guaranteed under subsection (a)(12) before the date on which the Secretary prescribes regulations, setting forth requirements for underwriting, loan processing, project standards, share eligibility,

<sup>1</sup> “38 USC 3679: Disapproval of Courses,” n.d. [https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title38section3679&num=0&edition=prelim#:~:text=\(c\)\(1\)%20Notwithstanding%20any,who%20are%20pursuing%20the%20course](https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title38section3679&num=0&edition=prelim#:~:text=(c)(1)%20Notwithstanding%20any,who%20are%20pursuing%20the%20course).

<sup>2</sup> “Resolution No. 335: Support Major Enhancements for the Montgomery GI Bill | Digital Archive,” n.d. <https://archive.legion.org/node/483>

<sup>3</sup> “Resolution No. 24: GI Bill Fairness for Activated National Guard and Reserve Servicemembers | Digital Archive,” n.d. <https://archive.legion.org/node/14062>

<sup>4</sup> Team, Paddio. “VA Loan Pros and Cons.” Paddio, March 4, 2022. <https://www.paddio.com/learn/va-loan-pros-and-cons/>

valuation, and other criteria the Secretary determines necessary. The Secretary shall ensure that such regulations are consistent, to the extent that the Secretary determines suitable, with the requirements of the Federal National Mortgage Association for the purchase or securitization of cooperative housing loans.”

The Access to Co-op for Veterans Act of 2024 will improve the Department of VA Home Loan Program by expanding choices for veterans by improving loan regulation standards, ensuring that loans for cooperative housing can be approved, and increasing the advertisement of these loans.

Through Resolution No. 8: Home Loan Guaranty Program Eligibility, The American Legion supports any administrative and/or legislative efforts that will improve and strengthen the VA's Home Loan Guaranty Program for America's veterans and their children and dependents.<sup>5</sup>

**The American Legion supports H.R. 7223 as currently written.**

#### **Draft Legislation – Misrepresentation**

*To amend title 38, United States Code, to provide for the restoration of entitlement of individuals entitled to educational assistance under the laws administered by the Secretary of Veterans Affairs who use such entitlement to pursue a course or program of education at an educational institution found to have violated certain prohibitions on advertising, sales, and enrollment practices, and for other purposes.*

This draft bill seeks to restore veterans’ eligibility for educational benefits, if their eligibility is revoked due to violations committed by the educational institution which they are attending. Under this bill, the violations and misrepresentations committed by an institution will not affect the eligibility for assistance of an individual who attended one of these institutions.

Furthermore, the violating institutions will be required to repay funds to the Secretary of Veterans’ Affairs (VA) on behalf of the individual. VA approval of violating institutions will be revoked until the repayment occurs.

38 U.S. Code § 3696 refers to the prohibition on certain advertising, sales, and enrollment practices. The draft bill will permit the restoration of eligibility, the repayment of funds, disapproval of courses, reinstatement of benefits, and violation applicability. This will restore benefits to eligible veterans who, through no fault of their own, lost education opportunities by

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<sup>5</sup> “Resolution No. 8: Home Loan Guaranty Program Eligibility | Digital Archive,” n.d.  
<https://archive.legion.org/node/15012>.

attending a school that violated the agreement to provide educational programs, marketing, advertising, recruiting, or admissions services.

Through Resolution No. 327: Support Further Assessment and Evaluation of Institutions of Higher Learning to Enable Veterans to Make Informed Education Choices, The American Legion supports opportunities to educate service members and student-veterans on selection and attendance at post-secondary education institutions.<sup>6</sup>

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

#### **H.R. 7732 - TAP Reform Act of 2024**

*To amend titles 10 and 38, United States Code, to make improvements to certain programs for a member nearing separation, or for a veteran who recently separated from the Armed Forces, and for other purposes.*

The Transition Assistance Program (TAP) is designed to assist the 200,000 men and women leaving military service and entering civilian life every year. The TAP Reform Act of 2024 improves the current program by further assisting veterans with pre-separation counseling with aid from Veterans Service Organizations (VSOs) and the Department of Labor to present the various resources and opportunities available to transitioning servicemembers. A program for spouses of veterans will also be introduced.<sup>7</sup>

This bill will ensure that a member receives pre-separation counseling even if they have secured full-time employment or enrolled in a full-time education or vocational training program. Counseling shall commence after the member separates, retires, or is discharged, not fewer than three days prior to separation. In the case of a member, other than described in 10 U.S. Code, counseling shall commence not fewer than five days prior to separation.<sup>8</sup> To continue, “A member described in this subsection may elect to receive pre-separation counseling regardless of whether such member reenlists or agrees to a new period of obligated service.” Spouses of the members may be included in the counseling process if they wish.

<sup>6</sup> “Resolution No. 327: Support Further Assessment and Evaluation of Institutions of Higher Learning to Enable Veterans to Make Informed Education Choices | Digital Archive,” n.d. <https://archive.legion.org/node/475>.

<sup>7</sup> DOL. “Transition Assistance Program,” n.d. <https://www.dol.gov/agencies/vets/programs/tap>.

<sup>8</sup> LII / Legal Information Institute. “10 U.S. Code § 1142 - Preseparation Counseling; Transmittal of Certain Records to Department of Veterans Affairs,” n.d. <https://www.law.cornell.edu/uscode/text/10/1142>.

Additionally, a national representative of a VSO will hold a standardized presentation that has been previously reviewed by the Secretary of Veterans Affairs (VA) to promote the benefits available to veterans under laws administered VA.

The TAP Reform Act of 2024 also authorizes the Employment Navigator and Partnership Program. the Secretary of Labor will enter into public, private, and non-profit contracts under the Employment Navigator and Partnership Program to provide individualized employment counseling for members and their spouses after consulting with the Department of Defense, the Department of Homeland Security, and the VA. Such a program aims to provide both career assistance and placement for servicemembers and spouses of service members.

Through Resolution No. 70: Improve the Transition Assistance Program, The American Legion urges Congress to require that the Department of Labor thoroughly review the new TAP for maximum effectiveness in helping servicemembers transition to civilian life and find gainful employment.<sup>9</sup>

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

#### **Draft Legislation - Work Study Act of 2024**

*To amend title 38, United States Code, to authorize the use of Department of Veterans Affairs work-study allowance to carry out casework, policy making, and oversight related to the activities of the Department at certain congressional offices.*

In its current form, the Department of Veterans Affairs (VA) work-study program allows veterans who are in college to be paid to work a part-time job for VA facilities, select programs that serve veterans through other federal agencies, and certain veteran-related roles at institutions of higher education.

The Work Study Act of 2024 aims to enhance the work-study program by increasing the types of jobs that would be eligible for an allowance under the work study program. Under the bill, the Secretary of VA can authorize jobs in congressional offices and congressional committees, or jobs that entail case study work, policy making, and oversight conducted by congressional committees, the Congressional Research Service, the Government Accountability Office, or the Congressional Budget Office related to VA.

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<sup>9</sup> “Resolution No. 70: Improve Transition Assistance Program | Digital Archive,” n.d.  
<https://archive.legion.org/node/317>.

Through Resolution No. 349: Support Legislation to Improve the Post-9/11 GI Bill, The American Legion supports legislation to restore funding in the Post-9/11 GI Bill and Vocational Rehabilitation and Employment Programs for veterans attending school during this break or interval between terms.<sup>10</sup>

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

### **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 submit the positions of our more than 1.5 million members on the importance of these pieces of proposed legislation. Questions concerning this statement for the record can be directed to Katherine Ryan at 202-263-2986, or [kryan@legion.org](mailto:kryan@legion.org).

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<sup>10</sup> “Resolution No. 349: Support Legislation to Improve the Post-9/11 GI Bill | Digital Archive,” n.d. <https://archive.legion.org/node/497>.

**Prepared Statement of Ken Calvert**

Chairman Van Orden, Ranking Member Levin, and members of the Subcommittee, thank you for holding today's hearing on my legislation, H.R. 6656, the Stuck On Hold Act.

I believe all of us share a bipartisan belief that veterans, seniors, and all Americans deserve the best customer service possible when they call a federal agency looking for assistance. While most agency leaders and employees share that goal, there are occasions where they fall short.

One area that has been notoriously challenging for many federal agencies is how they handle high volumes of telephone calls. Endless hold times can often become a nightmare for callers. This is especially true for older Americans who are less likely to be able to take advantage of information or services available online.

Currently, most federal agencies have yet to develop any governmentwide customer service standard when receiving calls from the general public. Every government agency operates their call centers differently, resulting in a wide variety of customer service standards for the American people.

I introduced the Stuck On Hold Act to require both the Veterans Administration and Social Security Administration to implement a more robust, user-friendly call system. Both departments would be required to inform callers of their estimated wait times and, if the wait is estimated to be longer than 15 minutes, give the caller the option of receiving an automated call back when it is their turn in line. With the Veterans Administration and the Social Security Administration processing millions of claims a year, modernization will be the key to maintaining satisfactory call standards that Americans have become accustomed to in the private sector.

Veterans should not be left on hold praying that a federal employee answer is their call. They deserve better for the sacrifices they've made for their country. Let's give them some peace of mind.

Again, thank you for holding today's hearing. I look forward to working with the committee to advance this legislation.



**Questions for the Record Submitted by Juan Ciscomani for Melissa Cohen**

**Questions Submitted for the Record  
Submitted by the Honorable Juan Ciscomani  
Subcommittee on Economic Opportunity  
Subcommittee Legislative Hearing  
Wednesday, March 20, 2024**

**Questions for Melissa Cohen, Executive Director of Outreach, Transition, and Economic Development, Veterans Benefits Administration at the Department of Veterans Affairs.**

I have a Veterans Advisory Council, made up of veterans from almost every military branch and all walks of life. And, when first organizing this council, one of their top, almost unanimous priorities was to address the challenges our service members face when they take off the uniform. A recent collaborative effort among various agencies including the VA, DOD, IRS, and the Census Bureau, conducted by Veteran Education Success has facilitated an evaluation of veterans' student achievements and earnings resulting from the GI Bill. The report contains invaluable insights.

1. How do you perceive the significance of conducting similar research and reporting on an annual basis to enhance our understanding of TAP outcomes?
2. What adjustments can be implemented in the TAP program to enhance accountability and ensure service members adhere to the statutory timelines for attending TAP?
  - a. How does failing to meet these statutory deadlines put service members at a disadvantage?
3. How has the VA considered programming in TAP specifically tailored for the unique experiences of female service members?

**Answers to Questions for the Record Submitted to Melissa Cohen**

**Answers to Questions for the Record Submitted to  
Ms. Melissa Cohen, Executive Director,  
Outreach, Transition, and Economic Development  
Veterans Benefits Administration  
Department of Veterans Affairs  
From the Subcommittee on Economic Opportunity  
Committee on Veterans' Affairs  
U.S. House of Representatives**

**Economic Opportunity Legislative Hearing**

**March 20, 2024**

Questions for the Record from Representative Juan Ciscomani:

*I have a Veterans Advisory Council, made up of veterans from almost every military branch and all walks of life. And, when first organizing this council, one of their top, almost unanimous priorities was to address the challenges our service members face when they take off the uniform. A recent collaborative effort among various agencies including the VA, DOD [Department of Defense], IRS [Internal Revenue Service], and the Census Bureau, conducted by Veteran Education Success has facilitated an evaluation of veterans' student achievements and earnings resulting from the GI Bill. The report contains invaluable insights.*

**Question 1: How do you perceive the significance of conducting similar research and reporting on an annual basis to enhance our understanding of TAP outcomes?**

VA Response: The Department of Veterans Affairs (VA) agrees that this type of research is vital to serving our customers and continuing to improve Transition Assistance Program (TAP) services. In addition to our involvement with the Veteran outcomes study you referenced, VA is conducting two transition-focused studies: the Post-Separation Transition Assistance Program Assessment Outcome Study (PSTAP) and the longitudinal study required by P.L. 116-315, § 4306.

- The PSTAP is a multi-year study currently in its fifth year of execution to examine the relationship between TAP and transitioning Service members' long-term outcomes in the broad life domains of employment; education; health and social relationships; financial; and overall satisfaction; and well-being.
- Using a Likert scale of one to five, where one is not useful and five is extremely useful, VA's Benefits and Services (BAS) briefings have been rated as the most useful course by respondents since PSTAP began in 2019 and is still rated as useful up to 6 years post-separation by those who attended the course, as highlighted in the 2022 PSTAP report. The 2023 report is expected to be released later this fiscal year.

- VA is leveraging the surveys used for the PSTAP to accomplish the requirements of P.L. 116-315, § 4306.
- The final report for the P.L. 116-315, § 4306 longitudinal study is due to Congress in October 2029.

**Question 2: What adjustments can be implemented in the TAP program to enhance accountability and ensure service members adhere to the statutory timelines for attending TAP? How does failing to meet these statutory deadlines put service members at a disadvantage?**

VA Response: VA defers to the Department of Defense (DoD) because DoD is responsible for adhering to the statutory timelines for Service member attendance at TAP.

DoD is ultimately responsible for adhering to the statutory timelines for Service member attendance at TAP. However, in 2023 VA, DoD, DOL, SBA, DHS, OPM and the military Services collaborated in a human-centered design (HCD) initiative under the President's Management Agenda Cross-Agency Life Experience Project to identify needs, key metrics, and requirements. The Dashboard will emphasize the importance of command team tracking, early involvement, and interventions to connect transitioning Service members (TSMs) with TAP and other transition resources.

Additionally, VA HCD research findings suggest that TSMs and their families need process clarity, contextualized/personalized resources, and ample time to understand and to take action on the many changes and challenges the transition journey presents.

**Question 3: How has the VA considered programming in TAP specifically tailored for the unique experiences of female service members?**

VA Response: All Service members must obtain training relevant to their individual post-transition goals. A critical source of information for transitioning Service women is the Women's Health Transition Training (WHTT), which launched in February 2021. WHTT is an optional course designed to encourage Service women to learn about women's health care services available through VA. The course content informs participants about women-specific healthcare services available after their separation from the military and empowers them with information to enroll and use VA healthcare services. The five-module course can be taken any time, any place, through Transition Online Learning at TAPevents.mil. In 2022, 555 Service members enrolled in WHTT and 76% of those who responded to the course evaluation indicated that WHTT influenced them to enroll in VHA health care, while 90% said that they have the necessary information to start the enrollment process at VHA. In 2023, 326 Service members enrolled in WHTT, and 79% of those who responded to the course evaluation indicated that WHTT influenced them to enroll in VHA health care, while 87% said that

they have the necessary information to start the enrollment process at VHA. VA promotes WHTT in several ways, including social media, blogs, VA webpages (Outreach, Transition and Economic Development; Center for Women's Veterans), informational flyers with QR codes during the VA Benefits and Services course, and by sharing promotional materials with the TAP Interagency Working Group (DoD, DOL, DHS, OPM, ED, military Services) for dissemination to their audiences.

**Questions for the Record Submitted by Juan Ciscomani for James Rodriguez**

**Questions Submitted for the Record**

**Submitted by the Honorable Juan Ciscomani**

**Subcommittee on Economic Opportunity**

**Subcommittee Legislative Hearing**

**Wednesday, March 20, 2024**

**Questions for Mr. James Rodriguez, Assistant Secretary for Veterans' Employment and Training Services at the Department of Labor (DOL).**

We are aware TAP offers several benefits; however, shortfalls include time restraints, variation in quality, and challenges in ensuring effective transition support tailored to individual needs.

1. Specifically regarding the Off-Base Transition Training Program (OBTT), how valuable do you think it is to a transitioning servicemember to participate in all five days of TAP?
  - a. What is the downside of waiving TAP attendance for a large number of service members? As technology continues to evolve, it opens new possibilities for improving various aspects of service members' transition processes.
2. With this in mind, how do you envision harnessing technologies to continue improving the TAP program and better support transitioning veterans?

**Questions for the Record Submitted by Juan Ciscomani for Nadine Bullock-Pottinga**

**Questions Submitted for the Record**

**Submitted by the Honorable Juan Ciscomani**

**Subcommittee on Economic Opportunity**

**Subcommittee Legislative Hearing**

**Wednesday, March 20, 2024**

**Questions for Ms. Nadine Bullock-Pottinga, Chief Development Officer at Hire Heros USA.**

In your testimony, you emphasized the importance of codifying the Employment Navigator and Partnership Program (ENPP) to ensure its long-term success.

1. Could you provide examples of how ENPP has positively impacted transitioning service members and military spouses, and how codifying it could enhance its effectiveness and sustainability?
2. Given your extensive experience both as a veteran and in the realm of employment services could you elaborate on specific challenges that transitioning service members face in securing civilian employment?

**Questions for the Record Submitted by Juan Ciscomani for Kristina Keenan**

**Questions Submitted for the Record**

**Submitted by the Honorable Juan Ciscomani**

**Subcommittee on Economic Opportunity**

**Subcommittee Legislative Hearing**

**Wednesday, March 20, 2024**

**Questions for Ms. Kristina Keenan, Deputy Director of National Legislative Services at the Veterans of Foreign Wars.**

1. As someone deeply involved in supporting transitioning service members through the VFW could you elaborate on specific concerns regarding pre-separation counseling and the involvement of the private sector in TAP, and suggest potential refinements to address these concerns?
2. From your perspective, how different are female veteran's experiences transitioning out of the military compared to their male counterparts?

