Reserve Organization of America

OFFICIAL STATEMENT OF
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FOR THE
HOUSE COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY

ON
PENDING LEGISLATION

MARCH 20, 2024

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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.

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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 subcontracts from the federal government in the past three 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 five 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.[1]

When it comes to reducing the amount of time taxpayers spend waiting on hold, this feature has proven highly effective. In FY 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[2] 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:

[1] In FY 2019, the IRS started its CCB pilot program on one telephone service. This expanded in FY 2020 to five, in FY 2021 to 16, in FY 2022 to 31, and in FY 2023 to 43, with plans to increase to 116 services by Aug. 2023.
[2] 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.

- 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 FY 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.[3]
- 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.

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.[4]

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

[3] 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 7:00 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).
[4] https://news.va.gov/92256/consumer-fraud-alert-tips-for-avoiding-va-home-loan-scams/

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 FY 2023, the MGIB-SR program serves 39,849 enrollees, representing approximately five percent of the total GI Bill population.[5]

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.[6]

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

[5] https://www.benefits.va.gov/REPORTS/abr/docs/2023-education.pdf
[6] https://www.forbes.com/advisor/education/student-resources/in-state-vs-out-of-state-tuition/

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.

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 competition 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.[7]

➢ 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).

[7] https://themilitarywallet.com/gray-area-retirement-benefits/

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)[8]

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.

[8] www.roa.org/resource/resmgr/legislation/rand_rc_tap_improvements.pdf

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:

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.[9]

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 presepration 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 three 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.

[9] 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)

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 presepartion 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 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.[10]

[10] https://www.gao.gov/assets/d24105400.pdf

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 façade, 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.

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 one 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 towards 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.[11]

   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 presepration counseling "checklist" (DD Form 2468) and process.

[11] 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).

SEC. 4 of ROA's *DRIVE Act* establishes additional matters to be included on the DD Form 2468 and covered by TAP presepration 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*.

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 presepration 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.[12]

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.[13]
- 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).[14]

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.[15]

ROA has long advocated that every day in uniform, including IDT and ADT, should count towards 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.[16]

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[12] https://www.congress.gov/116/plaws/publ315/PLAW-116publ315.pdf
[13] https://www.theguardian.com/us-news/2023/may/10/us-housing-market-prices-increasing
[14] https://www.jchs.harvard.edu/sites/default/files/reports/files/Harvard_JCHS_The_State_of_the_Nations_Housing_2023.pdf
[15] https://www.dami.army.pentagon.mil/g2Docs/Foundry/r350_1.pdf
[16] 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.

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 towards 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 OVERSIGHT 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 dialogue 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 towards 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 FY 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% more expensive than TRICARE Prime and close to 4,000% 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.[17]

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.

[17] 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.

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.