



STATEMENT FOR THE RECORD

**TRAGEDY ASSISTANCE PROGRAM FOR SURVIVORS (TAPS)
BEFORE THE
COMMITTEE ON VETERANS AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES**

July 29, 2019

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

TAPS was founded in 1994 by Bonnie Carroll following the death of her husband in a military plane crash in Alaska in 1992. Since then, TAPS has offered comfort and care to more than 80,000 bereaved surviving family members. For more information, please visit TAPS.org.

TAPS receives no government grants or funding.

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

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

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

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

Draft legislation, to amend title 38, United States code, to authorize State Approving Agencies to carry out outreach activities

This legislation clarifies language in title 38 to allow State Approving Agencies (SAAs) to conduct outreach programs.

The SAAs maintain a crucial role in safeguarding the GI Bill at the state level and ensuring that only quality programs have access to GI Bill funds. TAPS supports this provision as long as approving programs and surveys remain their primary goals. TAPS recommends conducting a smaller pilot program in a few states to determine if it is successful before allocating larger funds to outreach conducted by the SAAs.

Draft Legislation, to amend title 38 United States code to require proprietary for-profit educational institutions to comply with Federal revenue limits to participate in educational assistance programs of the Department of Veterans Affairs

With the massive improvements made to educational benefits under the GI Bill over the last 15 years between the Post 9/11 GI Bill and Forever GI Bill, there

has been an even larger target added to the backs of veterans, survivors, and service members due to the 90/10 loophole.

While closing the 90/10 loophole is a top education priority for TAPS, we have a lot of concerns with the draft text as written. Mostly, it only applies to For-Profit schools. While the bulk of the problem lies within the for-profit industry, there are also bad actors in other sectors of education. There has also been an uptick in for-profit to not-for-profit conversions. Most of these schools are not any better as not-for-profits but are converting to get around the tightened regulations on the for-profit industry. Schools like Grand Canyon University have managed to convert to a not-for-profit while still having their physical campus owned by a for-profit entity. Ashford University, dealing with extensive legal issues related to SAAs and approval, has applied to convert to a not-for-profit while still heavily targeting military-connected students to gain access to their GI Bill benefits. TAPS is concerned that just closing the 90/10 loophole for the for-profit sector will only cause us to be back here in a few years to close it for all, after many of these schools convert to not-for-profits to get around the regulation.

In addition, TAPS is concerned about the VA committee having jurisdiction over this issue. The closure of the 90/10 loophole should reside with the Education & Workforce and HELP Committees, as it is not just the GI Bill that's impacted but also Tuition Assistance for active duty service members. TAPS would prefer to see the 90/10 loophole closed in the Higher Education Act (HEA) reauthorization or as a stand alone from one of those committees.

TAPS recognizes making some progress on this issue is better than none and would support the passage of the bill if no other compromise on 90/10 can be made in other committees. However, our preference would be a closed 90/10 loophole for all included in the HEA reauthorization.

H.R. 2227, To amend the Servicemembers Civil Relief Act (SCRA) to authorize spouses of servicemembers who incur a catastrophic injury or illness or die while in military service to terminate leases of premises and motor vehicles, and for other purposes.

TAPS keeps an extensive database to track the care and support we provide to surviving families. In researching information for this testimony we discovered only one case where a surviving spouse was not allowed to be released from a lease upon the death of her servicemember husband. TAPS casework assistance connected her with our pro bono legal partner and they were able to get her released from her lease.

We also queried several of our government partners to see if they had encountered any problems with surviving spouses being held to their leases after the active duty death of their servicemember. They had not encountered any spouses who had this problem.

That said, there may be many surviving spouses, including the spouse in Representative Busto's district, who encounter a reluctance on the part of their landlord to release them from their lease after the active duty death of their servicemember and may be forced to pay extra rent or termination fees. We applaud Representative Busto for providing a remedy for this undue burden during a time of grief.

We believe that the language to amend the SCRA included in this proposed legislation, "The spouse of the lessee on a lease may terminate the lease during the one-year period beginning on the date of the death of the lessee, if the lessee dies while in military service" serves to codify what should already be an act of kindness and civility towards a recently bereaved military surviving spouse. The history of the Servicemembers Civil Relief Act dates back to the Civil War, when a moratorium was passed to suspend certain actions against Union soldiers and sailors. This included contract enforcement, bankruptcy, foreclosure and divorce proceedings. This was codified in the Soldiers' and Sailors' Civil Relief Act of 1918. That act expired after World War I, but it came back as the Soldiers' and Sailors' Civil Relief Act (SSCRA) of 1940.

The Servicemembers Civil Relief Act of 2003 (SCRA), 50 USC App §§501-596, signed into law on December 19, 2003 and amended December 10, 2004, completely rewrote and replaced the Soldiers' and Sailors' Civil Relief Act (SSCRA) of 1940. The SCRA (and previously the SSCRA) protects those persons who serve on active duty for the nation's defense, from adverse consequences to their legal rights that may result because of such service, so that such persons may devote their full attention and all their energies to the nation's defense. The SCRA strengthens the protections originally granted by the SSCRA, **extends certain protection for dependents of the member on active duty**, and creates new protections for members. The SCRA provides protection for members in civil court and administrative actions. It also provides protections for issues involving taxation, house/apartment leases, car leases, interest rates and insurance.

The SCRA applies to all military members on federal active duty. -This includes the regular forces, ~~Reserves the reserve forces,~~ and ~~National Guard the guard forces~~ in Title 10 active duty. The SCRA also applies to the Coast Guard and officers in the Public Health Service and National Oceanic and Atmospheric Administration (NOAA) in support of the Armed Forces. **In limited circumstances (i.e., evictions, joint leases), the SCRA may apply to dependents of the military member.** In November 2009, President Obama signed into law the Military Spouses Residency Relief Act (MSRRA) which amends the SCRA to provide additional protections to spouses of servicemembers relating to residency, taxes, and voting rights.- The SCRA applies to all 50 states of the United States and to all territories (i.e., Puerto Rico, U.S. Virgin Islands, Guam and the Marianas Islands) subject to U.S. jurisdiction.

Under the terms of the SCRA, a servicemember may terminate a lease earlier than the date named in the lease, if the servicemember gives proper notice and is terminating the lease due to a permanent change of station (PCS) move or a deployment. The lease must be signed by the servicemember, or on behalf of the servicemember (by the use of a power of attorney). The protection is extended to the dependent spouse if he/she needs to terminate the lease during the service member's deployment or PCS. If a spouse enters into a lease on their own name, without the servicemember, the SCRA does not apply.

TAPS supports the legislation as written.

Draft Text, To amend title 38, United States Code, to provide for a requirement relating to the timing of the payment of educational assistance under the Post 9/11 Educational Assistance Program of the Department of Veterans Affairs, and for other purposes.

Many surviving family members have been negatively impacted due to overpayments from the VA relating to educational expenses. TAPS supports the legislation to amend the payment dates and thinks this is a much needed fix to a ~~problem that has been a long-term~~ problem.

Draft text, To direct the Secretary of Veterans Affairs to study the link between certain economic factors and veteran suicides.

The largest number of survivors coming to TAPS over the last 5 years have been to suicide loss. Of the 85,000 surviving family members TAPS supports, 15,000 of them lost a loved one to suicide. With an estimated 20 veterans dying by suicide a day, it is crucial that we do research into the factors that impact suicide and fully acknowledge that economic factors could play ~~in~~ a role in it.

TAPS is hopeful that the proposed study could help identify key factors that VA and DoD could use to prevent future suicides. TAPS adamantly supports the proposed legislation. ~~because w~~we believe the more information we have, the more we can do to prevent future suicides.

Draft Text, to amend title 38, United States Code, to require that educational institutions abide by Principles of Excellence as a condition of approval for purposes of the educational assistance programs of the Department of Veterans Affairs, and for other purposes.

~~While~~ TAPS ~~supports~~ ~~does~~ the Principles of Excellence (POE) as a program, ~~but~~ we do not support the draft legislation. ~~as w~~we feel it does very little to actually provide any protection for students. We have seen top tier schools opt ~~to~~ not ~~to~~ participate in POE, ~~while mid to lower level~~ ~~and have seen some not so great~~ schools ~~chose to~~ participate in the program. There is a lot we can do to further

student protections for those using GI Bill benefits, such as closing the 90/10 loophole, monitoring for-profit to not-for-profit conversions, preventing schools from accessing GI Bill if less than a certain percentage of funds goes towards education, and taking away access to GI Bill for any school facing federal or state penalties for violating current laws, ~~but we~~ do not think forcing the Principles of Excellence on schools eligible for GI Bill benefits will be useful. We also worry that it will discourage top tier universities from wanting to participate in GI Bill programs in the future.

Draft Text, to amend title 38, United States Code, to require that certain educational institutions have letters of credit as a condition of approval for purposes of the educational assistance programs of the Department of Veterans Affairs and for other purposes.

TAPS applauds the committee for this proposal. Mandating a letter of credit could go a long way in protecting military connected students in case a school closes and ensuring that the school is held liable if it closes. TAPS also thinks this will help weed out some of the schools that do not have good outcome measures and will help ensure that only quality programs have access to GI Bill funding. TAPS adamantly supports this measure.

Draft Text, to amend title 38, United States Code, to make certain improvements in the educational assistance programs of the Department of Veterans Affairs and for other purposes, Student Veteran Empowerment Act of 2019.

TAPS was grateful to the committee for the restoration of benefits included under the Forever GI Bill in order to restore benefits of those impacted by the closures of ITT Tech and Corinthian Colleges. We were dismayed that it only covered that time period, but understood it was cost prohibitive to make it permanent at that time. With several other school closures since ~~then, such as Argosy and the Art Institutes,~~ we are excited to see that the committee is reconsidering making the restoration of benefits permanent and aligning it with the Department of Education's rules for Pell Grants and federal student loans. TAPS fully supports this proposal.

TAPS thanks you for the opportunity to provide this statement for the record in support of this important legislation.