

**STATEMENT OF MAUREEN ELIAS
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BEFORE THE
HOUSE COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY
ON PENDING LEGISLATION
APRIL 14, 2021**

Chairman Levin, Ranking Member Moore, and members of the Subcommittee, Paralyzed Veterans of America (PVA) would like to thank you for the opportunity to submit our views on pending legislation impacting the Department of Veterans Affairs (VA) that is before the Subcommittee. No group of veterans understand the full scope of benefits and care provided by VA better than PVA members—veterans who have incurred a spinal cord injury or disorder. Several of these bills will help to ensure veterans receive much needed aid and support. PVA provides comment on the following bills included in today's hearing.

H.R. 2195, the “Protecting the Employment Rights of Servicemembers Act”

PVA supports this legislation which would ensure military servicemembers can enforce their rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA). USERRA prohibits discrimination based on service in one of the military's Reserve Components and states they are entitled to the reemployment rights and benefits of their civilian job after serving in the military. Returning servicemembers must be promptly reemployed as if they had they not been absent for military service. If an employer does not offer the same pay, benefits, or status when a servicemember returns from duty, USERRA allows the servicemember to hold the employer accountable for these violations in court.

Recently, some servicemembers have been unable to exercise their USERRA rights due to increased use of forced arbitration clauses in employment contracts and personnel policies. Usually presented on a “take-it-or-leave-it” basis, these clauses preclude access to the judicial system. Instead of an unbiased review of their case, servicemembers are forced into private arbitration systems set up by the very employer they are bringing charges against. The Protecting the Employment Rights of Servicemembers Act would give servicemembers the ability to pursue USERRA claims in court while preserving the option to enter into an arbitration agreement after a dispute arises.

Discussion Draft, “to eliminate the time period for eligibility under Survivors' and Dependents' Educational Assistance Program of Department of Veterans Affairs”

Taking care of the survivors of those killed in service to our country, who have died from conditions related to their service, or who have been rated totally and permanently disabled due to service-related conditions is one of our most sacred responsibilities. Generally, those eligible for educational benefits under the Dependents' Educational

Assistance (DEA) program have 10 years to use this benefit which begins on the date VA establishes DEA eligibility. Spouses and surviving spouses remain eligible for 20 years if VA rates the veteran permanently and totally disabled with an effective date of three years from discharge. Surviving spouses of servicemembers who died while on active duty also have 20 years from the date of the servicemember's death to use the benefit.

These men and women are often left to raise children alone, support their spouse as a caregiver, or are forced to return to the workforce to supplement the loss of their loved one's income. By the time they are ready to use this benefit, they have missed the established timeframe, leaving these men and women without the ability to further their education and improve their living circumstances. PVA supports this draft legislation which would remove time restrictions on the use of VA's DEA education benefits to allow spouses, dependents, and survivors to use the benefit when the timing is right for them.

Discussion Draft, "to direct the Secretary of Veterans Affairs to implement a modern information technology service to process claims for educational assistance under chapters 30, 33, 35, and 36 of title 38, United States Code"

PVA supports this draft legislation which directs VA to update the education system software by August 1, 2024. It is no secret that VA has had shortcomings in its Information Technology (IT) for years. There have been minor delays in processing claims and benefits, and there have been catastrophic failures such as the Forever GI Bill housing payment issue in the fall of 2018. Limited IT funding has caused delays in developing and deploying VA's critical IT systems and programming each year. Critical IT systems are rarely fully developed before business process changes are implemented. Instead, they are phased in over several years, forcing the Veterans Benefits Administration (VBA) to rely on an inconsistent mix of old and new IT systems, as well as an endless stream of suboptimal workaround solutions. While it may be understandable from a budgetary perspective, it is a failure from a functional perspective. Providing only partial IT solutions inevitably results in a loss of productivity and often leads to lower quality and less accurate decisions on veterans' claims and appeals.

Currently, there are multiple IT platforms within VA's Education Services (VA ES) in dire need of upgrades—programs that process original and supplemental claims; VA ES' interaction with the State Approving Agencies (SAA); VA-ONCE; and its Business Decision Network, which is a legacy system long overdue for replacement. These are just some of the platforms within VA ES that should be upgraded and streamlined into single programs to make customer service more efficient and cut costs.

Earlier this year, PVA and its Independent Budget partners, DAV (Disabled American Veterans) and the Veterans of Foreign Wars of the United States (VFW) identified the "Digital GI Bill " upgrade as the best, most cost-efficient upgrade to bring VA ES into the 21st century. A one-time fully funded infusion of resources for VA's IT programs, specifically aimed at VA ES, would overhaul many of the long-needed platforms that the office is struggling to maintain. It would also allow VA ES to function properly, instead of consistently requiring workarounds and patchwork solutions to maintain functionality.

The Digital GI Bill would accommodate many requests Congress and veterans service organizations (VSOs) have been making for years. After the IT overhaul, VA ES would have a cleaner platform to replace VA-ONCE for School Certifying Officials, SAAs, and VA officials, so they can all have the ability to view one screen when interacting with each other instead of different individual platforms. The GI Bill Comparison Tool could be updated regularly instead of housing years old information that is difficult to corroborate or edit once in place. It could provide a digital Certificate of Eligibility for the GI Bill using similar automated technology as the VA Home Loan. It would also allow for platforms to be introduced that can accommodate the data-sharing agreements between VA and other agencies. Finally, it would be able to track GI Bill users so easier notifications can be made to all benefits users to deliver timely information regarding updates or changes.

Discussion Draft, “to direct the Assistant Secretary of Labor for Veterans’ Employment and Training to carry out a pilot program on short-term fellowship programs for veterans”

Fellowship programs provide veterans with practical experience, professional development opportunities, financial support, research opportunities, and many opportunities for networking. These experiences can lead to better employment opportunities. This legislation would create a pilot program allowing three to five states to use grant monies to enter into agreements with nonprofit organizations to help them carry out fellowship programs.

PVA supports this draft legislation but suggests language be added that in order for a nonprofit to be eligible for a grant, it must have demonstrated capacity for serving veterans with significant service-connected and non-service-connected disabilities. We also suggest language be added to the reporting requirement to measure the employment outcomes of disabled veterans that participate in the fellowship program or in the alternative, devise other metrics to measure the efficacy of the program as well as determine best practices.

Furthermore, the most recent Bureau of Labor statistics report found that among veterans who served after 9/11, labor force participation rates are impacted by the presence and severity of disability and that those with disabilities have higher rates of unemployment. Thus, we also recommend that the legislation prioritize veterans with disabilities as well as those in other underserved communities.

Discussion Draft, “to authorize the Secretary of Veterans Affairs to provide or assist in providing an additional vehicle adapted for operation by disabled individuals to certain eligible persons, and for other purposes”

For an individual living with a disability, having freedom and independence boosts mental health. Relying on others for everything, especially transportation, can be frustrating, leaving veterans feeling helpless and lowering their self-worth. Having access to an adapted vehicle allows veterans to feel stronger; build inner confidence and pride in their ability to maintain their health, meet work and family obligations; and attend community engagements.

Recognizing this, VA's Automobile Allowance was originally established in August 1946 to assist severely disabled World War II veterans with the purchase of an automobile or other conveyance. Changes have been made in subsequent years to expand eligibility or allow modest increases to the value of the payment. But little has been done to ensure the program still meets the needs of disabled veterans— particularly those with catastrophic disabilities. Vehicles that meet the dimensions for adaptation are larger in size; thus, they tend to be more expensive, running anywhere from \$30,000 to \$60,000 and higher. The allowance does not cover the whole cost of the vehicle, but it does contribute towards the purchase of one.

Currently, eligible veterans or servicemembers who have a disability related to their service may receive a one-time payment (\$21,795.57) to help them purchase an adapted vehicle. Qualifying conditions include loss, or permanent loss of use, of one or both feet; loss, or permanent loss of use, of one or both hands; permanent decreased vision in both eyes: 20/200 vision or less in your better eye with glasses, or greater than 20/200 vision but with a visual field defect that has reduced your peripheral vision to 20 degrees or less in your better eye; a severe burn injury; or amyotrophic lateral sclerosis (ALS).

As a result of medical advancements, veterans with spinal cord injuries and disorders are living decades longer than they had following World War II. They are also living through complex injuries that might previously have resulted in death. Top that with the fact that the average vehicle's useful life is approximately 11 years. This means the current benefit does not match the lifespan of our veterans. Due to the high cost of adapted or adaptable vehicles, veterans are driving vehicles well past their lifespan. For example, one of our members received his automobile allowance 42 years ago and his vehicle now has over a half a million miles. Repairs are costly, but he cannot afford to purchase a new vehicle, and spends a good amount on expensive repairs due to the age of his vehicle. But since the repairs are cheaper than buying a new vehicle, it is what he can afford. Providing additional automobile allowances would give veterans access to reliable, safe transportation as well as allow veterans to take advantage of innovative automobile design and mobility equipment advancements.

The draft legislation that is the subject of today's hearing would allow veterans who have not received an automobile allowance in ten or more years to receive another one. This would allow veterans the freedom to purchase new, safe vehicles when the lifespan of their transportation has ended. The draft language would also allow veterans whose qualifying injuries occurred after their service to receive a smaller amount of assistance towards the purchase of a vehicle as well. Extending help to these veterans would ensure that they are better able to meet their transportation needs, including improving their ability to access medical care.

We are also pleased to see language that would provide veterans whose injuries are not service connected access to VA's Automobile Adaptive Equipment (AAE) program, which provides necessary modification to a vehicle that would allow veterans with qualifying conditions to enter, exit, and/or operate a motor vehicle or other conveyance. As part of the provision of AAE, veterans are trained through VA Driver's Rehabilitation Program on

how to safely operate their vehicle on our nation's roadways. Then VA provides necessary equipment such as platform wheelchair lifts, UVLs (under vehicle lifts), power door openers, lowered floors/raised roofs, raised doors, hand controls, left foot gas pedals, reduced effort and zero effort steering and braking, and digital driving systems. Additionally, the program provides reimbursements for standard equipment including, but not limited to, power steering, power brakes, power windows, power seats, and other special equipment necessary for the safe operation of an approved vehicle. This type of equipment greatly improves a veterans' freedom and mobility.

Although VA has provided vehicle modifications in the form of medically necessary van lifts, raised doors, raised roofs, air-conditioning, and wheelchair tiedowns for over 30 years, it does not help with adaptations for driving the vehicle. Unfortunately, this equipment can be costly, and veterans are sometimes forced to make unsafe modifications to their vehicles because they want the flexibility and independence of being able to operate their own vehicle. We are pleased that this bill would both codify VA's provision of ingress/egress to the vehicle and recognize the importance of providing driver modifications to all eligible veterans.

The needs of a veteran with an injury that occurred after service are the same as those who were injured during service. We do not provide veterans whose injuries occurred after their service with subpar medical care. We do not give them manual wheelchairs when they need power chairs. We should ensure we are providing these men and women who served honorably every chance for a long and healthy life with as much freedom as possible. We urge the House to introduce and quickly pass this legislation and encourage the Senate to bring this to the floor and vote with urgency.

Discussion Draft, "to establish in the Department the Veterans Economic Opportunity and Transition Administration, and for other purposes"

PVA strongly supports this draft bill which would create a new administration within VA to oversee the agency's education, training, employment, and other programs focused on helping veterans as they transition to civilian life. The new Veterans Economic Opportunity and Transition Administration would be headed by an Under Secretary for Veterans Economic Opportunity and Transition.

Two of the programs that would transition to the new administration include VA's Veterans Readiness and Employment (VR&E) program and the Specially Adapted Housing (SAH) program. These programs are relatively small in terms of budget and numbers of veterans served. However, they are vital to veterans who have catastrophic disabilities as a result of their military service. Without them, these veterans would not be able to access independent living services or adapt their homes to meet their disability-related access needs.

Unfortunately, these programs, along with other VA economic opportunity programs, simply are not able to receive the staffing, IT, and other supports needed due to their position within VBA. This administration plays the crucial role of providing needed disability compensation and pension benefits to veterans. Removing programs like VR&E

from VBA's list of responsibilities will not only allow for more attention to be placed on those programs but it will also allow them to better focus on processing claims for compensation and pension benefits.

Under an Economic Opportunity and Transition Administration, programs like VR&E and SAH will receive a higher level of visibility. This increased visibility will foster stronger oversight and accountability for the delivery of services and benefits. We believe that such oversight and accountability will help to foster the innovation needed to ensure that the delivery of these benefits and services are modernized. It will also allow for focused collaboration with other agencies and programs, including the Department of Labor's Veterans' Employment and Training Service, that also serve veterans, increasing program efficiencies.

Discussion Draft, the “Homeless Veterans Credit Repair, Enhancement, and Debt Improvement for Tomorrow Act” or the “Homeless Veterans CREDIT Act”

Income that is inconsistent or lacking altogether often results in someone becoming homeless and it is important to understand how financial and credit support could play a role in reducing the overall number of homeless veterans. PVA supports this draft bill which directs VA to evaluate the effectiveness of credit and financial counseling services offered to homeless and housing unstable veterans. The study will explore these services and the barriers to them, including the impact of the COVID-19 pandemic and other health challenges. It also requires VA to provide an interim and final report to Congress on the findings of the study to include ways to improve credit counseling services.

Discussion Draft, the “Native VetSuccess at Tribal Colleges and Universities Pilot Program Act.”

PVA supports this draft bill which seeks to establish a pilot program at Tribal Colleges and Universities to connect Native veterans to VA services and vocational support. Native veterans typically have the lowest utilization rates of VA services among veterans. The pilot would mirror the VetSuccess on Campus program which places VA counselors on campus to help veterans, servicemembers, and their qualified dependents complete their education and prepare them to enter the labor market. Its goal of raising awareness and providing greater assistance should cause “take rates” for these veterans to rise.

Discussion Draft, “to provide for the disapproval by the Secretary of Veterans Affairs of courses of education offered by public institutions of higher learning that do not charge veterans the in-State tuition rate for purposes of Survivors’ and Dependents’ Educational Assistance Program”

On August 2015, Public Law 113–146, the “Veterans Access, Choice, and Accountability Act of 2014,” was signed into law mandating that that all veterans and their eligible dependents must be charged the in-state tuition at public schools or the schools would lose GI Bill funding. PVA supports this draft legislation which would create parity for those using the Survivors’ and Dependents’ Educational Assistance Program.

Discussion Draft, to “Value Added Homes for Veterans Act” or the “VA Homes for Veterans Act”

The U.S. Department of Energy estimates approximately 25 percent of utility bills can be saved when energy efficient measures are taken. This can add up to as much as \$2,200 a year. The VA Homes for Veterans Act would allow financing to take into consideration energy efficiency cost savings with regard to their anticipated loan payment using cost savings to offset regular expenses for the home calculated in the debt-to-income ratio. PVA supports this draft measure but recommends a sunset date to the annual reporting requirement.

Discussion Draft, the “Brave Act”

The Brave Act would allow apprenticeships registered under the National Apprenticeship Act to be considered an employment opportunity. It also requires information about this program be put on a public facing website. The draft language also removes the term housing from the stipend, allowing it to be used for whichever purpose a service member or veterans needs to support their ability to participate in the program. PVA has strongly advocated on behalf of the value of apprenticeships and supports this draft legislation.

Discussion Draft, “to authorize the Secretary of Veterans Affairs to provide educational assistance under the educational assistance programs of the Department of Veterans Affairs to students who are rounding out during their final semester, term, or academic period, and for other purposes”

There are many requirements to help ensure users of VA educational services and the American taxpayer can get the most out these programs. This draft legislation would allow veterans who are in their final period of their program of education to enroll in classes not required toward their course of study in order to have enough credits to receive the full-time housing stipend. PVA supports this draft legislation which would be effective August 1, 2021, so that those using VA ES are not impacted with a financial burden while working to finish their program of education.

Discussion Draft, “to provide for extensions of the time limitations for use of entitlement under Department of Veterans Affairs educational assistance programs by reason of school closures due to emergency and other situations, and for other purposes”

This draft bill would codify protections allowing veterans extensions in time to use an educational benefit that VA ES put in place for those using the Montgomery GI Bill and the Post-9/11 GI Bill should their ability to participate in their program be impacted by circumstances beyond their control. PVA supports this measure and applauds this proactive step to ensure lessons learned from the pandemic are not wasted.

Discussion Draft, the “G.I. and Veterans Education Empowerment Act” or the “GIVE Act.”

This draft legislation would direct VA to make updates to information for the College Navigator website in which colleges must disclose if a campus has a religious denomination, including which one; is a minority serving institution; or is a gender-specific campus, within two years of enactment. PVA supports this effort to ensure the tool provides this information in a manner that is searchable to VA ES users.

Discussion Draft, “to increase the amount authorized to be appropriated for the high technology pilot program of the Department of Veterans Affairs”

In April 2019, VA announced the Veteran Employment Through Technology Education Course (VET TEC) pilot program as a part of Public Law 115-48, the “Harry W. Colmery Veterans Educational Assistance Act.” This program is aimed at helping veterans get into high-tech careers. It was so popular among veterans that it ran out of funds in one month. Changes were made to the VET TEC program with the passage of Public Law 116-315, the “Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020,” which allows servicemembers within 180 days of separating from the military to utilize the program.

While PVA supports the increase in amounts to allow more veterans to participate in the program, there has yet to be a report on it. We do not yet know if it is leading veterans and servicemembers to gainful, meaningful employment. We are also concerned that funds, which should be going to assisting veterans in gaining employment, instead are being used for active duty servicemembers. We recommend priority of placement be given to veterans with disabilities, then veterans without disabilities, and finally to transitioning servicemembers

PVA would once again like to thank the Subcommittee for the opportunity to submit our views on some of the legislation being considered today. We look forward to working with the Subcommittee on this legislation and would be happy to answer any questions.

Information Required by Rule XI 2(g) of the House of Representatives

Pursuant to Rule XI 2(g) of the House of Representatives, the following information is provided regarding federal grants and contracts.

Fiscal Year 2021

Department of Veterans Affairs, Office of National Veterans Sports Programs & Special Events — Grant to support rehabilitation sports activities — \$455,700.

Fiscal Year 2020

Department of Veterans Affairs, Office of National Veterans Sports Programs & Special Events — Grant to support rehabilitation sports activities — \$253,337.

Fiscal Year 2019

Department of Veterans Affairs, Office of National Veterans Sports Programs & Special Events — Grant to support rehabilitation sports activities — \$193,247.

Disclosure of Foreign Payments

Paralyzed Veterans of America is largely supported by donations from the general public. However, in some very rare cases we receive direct donations from foreign nationals. In addition, we receive funding from corporations and foundations which in some cases are U.S. subsidiaries of non-U.S. companies.